

PRACTICE DIRECTION 14E

COMMUNICATION OF INFORMATION RELATING TO PROCEEDINGS

This Practice Direction supplements Part 14, rule 14.14(b) of the Family Procedure Rules 2010

Communication of information relating to proceedings

- 1.1** Rule 14.14 deals with the communication of information (whether or not it is recorded in any form) relating to proceedings.
- 1.2** Subject to any direction of the court, information may be communicated for the purposes of the law relating to contempt in accordance with paragraphs 1.3 or 1.4.
- 1.3** A person specified in the first column of the following table may communicate to a person listed in the second column such information as is specified in the third column for the purpose or purposes specified in the fourth column.

Communication of information without permission of the court

<i>Communicated by</i>	<i>To</i>	<i>Information</i>	<i>Purpose</i>
A party	A lay adviser or a McKenzie Friend	Any information relating to the proceedings	To enable the party to obtain advice or assistance in relation to the proceedings.
A party	The party's spouse, civil partner, cohabitant or close family member		For the purpose of confidential discussions enabling the party to receive support from his spouse, civil partner, cohabitant or close family member.
A party	A health care professional or a person or body providing counselling services for children or families		To enable the party or any child of the party to obtain health care or counselling.

Communication of information without permission of the court

<i>Communicated by</i>	<i>To</i>	<i>Information</i>	<i>Purpose</i>
A party	The Secretary of State, a McKenzie Friend, a lay adviser or an appeal tribunal dealing with an appeal made under section 20 of the Child Support Act 1991 ¹		For the purposes of making or responding to an appeal under section 20 of the Child Support Act 1991 or the determination of such an appeal.
A party	An adoption panel		To enable the adoption panel to discharge its functions as appropriate.
A party or any person lawfully in receipt of information	The Children's Commissioner or the Children's Commissioner for Wales		To refer an issue affecting the interests of children to the Children's Commissioner or the Children's Commissioner for Wales.
A party or a legal representative	A mediator		For the purpose of mediation in relation to the proceedings.
A party, any person lawfully in receipt of information or a proper officer	A person or body conducting an approved research project		For the purpose of an approved research project.
A party, a legal representative or a professional legal adviser	A person or body responsible for investigating or determining complaints in relation to legal representatives or professional legal advisers		For the purposes of making a complaint or the investigation or determination of a complaint in relation to a legal representative or a professional legal adviser.
A legal representative or a professional legal adviser	A person or body assessing quality assurance systems		To enable the legal representative or professional legal adviser to obtain a quality assurance assessment.
A legal representative or a professional legal adviser	An accreditation body	Any information relating to the proceedings providing that it does not, or is not likely to, identify any person involved in the proceedings	To enable the legal representative or professional legal adviser to obtain accreditation.

¹ 1991 c.48; section 20 as originally enacted was substituted by the Social Security Act 1998 (c.14); and was further substituted by the Child Support, Pensions and Social Security Act 2000 (c.19); and modified by the Family Proceedings Appeals (Jurisdiction of Courts) Order 1993 S.I. 1993/961.

Communication of information without permission of the court

<i>Communicated by</i>	<i>To</i>	<i>Information</i>	<i>Purpose</i>
A party	An elected representative or peer	The text or summary of the whole or part of a judgment given in the proceedings	To enable the elected representative or peer to give advice, investigate any complaint or raise any question of policy or procedure.
A party	The General Medical Council		For the purpose of making a complaint to the General Medical Council.
A party	A police officer		For the purpose of a criminal investigation.
A party or any person lawfully in receipt of information	A member of the Crown Prosecution Service		To enable the Crown Prosecution Service to discharge its functions under any enactment.

1.4 A person in the second column of the table in paragraph 1.3 may only communicate information relating to the proceedings received from a person in the first column for the purpose or purposes –

- (a) for which he received that information, or
- (b) of professional development or training, providing that any communication does not, or is not likely to, identify any person involved in the proceedings without that person's consent.

1.5 In this Practice Direction –

(1) 'accreditation body' means –

- (a) The Law Society,
- (b) Resolution, or
- (c) The Legal Services Commission;

(1A) 'adoption panel' means a panel established in accordance with regulation 3 of the Adoption Agencies Regulations 2005¹ or regulation 3 of the Adoption Agencies (Wales) Regulations 2005²;

(2) 'approved research project' means a project of research –

- (a) approved in writing by a Secretary of State after consultation with the President of the Family Division,
- (b) approved in writing by the President of the Family Division, or
- (c) conducted under section 83 of the Act of 1989 or section 13 of the Criminal Justice and Court Services Act 2000;

(3) 'body assessing quality assurance systems' includes –

- (a) The Law Society,
- (b) The Legal Services Commission, or
- (c) The General Council of the Bar;

¹ S.I. 2005/389.

² S.I. 2005/1313.

- (4)** ‘body or person responsible for investigating or determining complaints in relation to legal representatives or professional legal advisers’ means –
- (a) The Law Society,
 - (b) The General Council of the Bar,
 - (c) The Institute of Legal Executives, or
 - (d) The Legal Services Ombudsman;
- (5)** ‘cohabitant’ means one of two persons who are neither married to each other nor civil partners of each other but are living together as husband and wife or as if they were civil partners;
- (6)** ‘criminal investigation’ means an investigation conducted by police officers with a view to it being ascertained –
- (a) whether a person should be charged with an offence, or
 - (b) whether a person charged with an offence is guilty of it;
- (7)** ‘elected representative’ means –
- (a) a member of the House of Commons,
 - (b) a member of the National Assembly for Wales, or
 - (c) a member of the European Parliament elected in England and Wales;
- (8)** ‘health care professional’ means –
- (a) a registered medical practitioner,
 - (b) a registered nurse or midwife,
 - (c) a clinical psychologist, or
 - (d) a child psychotherapist;
- (9)** ‘lay adviser’ means a non-professional person who gives lay advice on behalf of an organisation in the lay advice sector;
- (10)** ‘McKenzie Friend’ means any person permitted by the court to sit beside an unrepresented litigant in court to assist that litigant by prompting, taking notes and giving him advice;
- (11)** ‘mediator’ means a family mediator who is –
- (a) undertaking, or has successfully completed, a family mediation training course approved by the United Kingdom College of Family Mediators, or
 - (b) a member of the Law Society’s Family Mediation Panel;
- (12)** ‘peer’ means a member of the House of Lords as defined by the House of Lords Act 1999.