

NEW PRACTICE DIRECTIONS AND PRACTICE DIRECTION AMENDMENTS

The new Practice Directions, and the amendments to the existing Practice Directions, supplementing the Family Procedure Rules 2010 are made by Mrs Justice Theis under the powers delegated to her by the Lord Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Alex Chalk MP, Parliamentary Under-Secretary of State, Ministry of Justice.

The new Practice Directions and the amendments to the existing Practice Directions come into force as follows:

Provision	Coming into force date
Amendment to PD36J	29 th June 2020
Amendments to PD36K	1 st July 2020
Amendments to PD36O	The day after the date on which this document is approved
New Practice Direction 36S	The day after the date on which this document is approved
New Practice Direction 36T	24 th August 2020
Amendments to PD41A	30 th June 2020

Signed:

_____ Date: 19 June 2020

Mrs Justice Theis

Signed:

_____ Date: 25 June 2020

Alex Chalk MP

Parliamentary Under-Secretary of State

Ministry of Justice

PRACTICE DIRECTION 36J – PILOT SCHEME: TRANSPARENCY (ATTENDANCE AT HEARINGS IN PRIVATE)

(1) In paragraph 1.3, for “30 June 2020” substitute “31 December 2020”.

PRACTICE DIRECTION 36K – PILOT SCHEME: PROCEDURE FOR THE BULK SCANNING OF CERTAIN PRIVATE LAW APPLICATIONS

- (1) In paragraph 1.2-
 - (a) in sub-paragraph (a) for “under section 8 of the 1989 Act” substitute “in private law proceedings, as defined in rule 12.2 FPR”; and
 - (b) for sub-paragraph (c) substitute-
 - “(c) any application fee will be paid by means other than postal order or cash;”.
- (2) Omit paragraphs 4.2A and 4.2B and the modifications they make to Practice Direction 5B.
- (3) In paragraph 4.3, in the inserted paragraph 3A.1(a) of Practice Direction 5B, for “Neopost” substitute “Quadient”.
- (4) Omit paragraph 5.1 and the modifications it makes to Practice Direction 12B.
- (5) After paragraph 5.2 insert-
 - “**5.2A** After paragraph 8.10 insert-
 - “*8A. Modifications where the pilot scheme in Practice Direction 36K applies*
 - 8A.1** Where the pilot scheme described in Practice Direction 36K applies and the application is to be made on Form C100, the applicant must send the Form C100, Form C1A and any supporting documents (“the C100 application pack”) plus any documents relating to fee payment to Quadient at the address specified in paragraph 3A.1(a) of Practice Direction 5B.
 - 8A.2** Where the pilot scheme described in Practice Direction 36K applies and the application is to be made on a form other than Form C100, the applicant must send the relevant application form and any supporting documents plus any documents relating to fee payment to Quadient at the address specified in paragraph 3A.1(a) of Practice Direction 5B.
 - 8A.3** If the applicant fails to comply with paragraph 8A.1 or 8A.2 and instead sends the application form and any supporting documents plus any documents relating to fee payment to the court (rather than to Quadient), the court may send the application form and any supporting documents, plus any documents relating to fee payment, to Quadient.
 - 8A.4** Subject to paragraphs 8A.6 and 8A.8, where paragraph 8A.1 or 8A.3 applies and Quadient receives a C100 application pack, Quadient will email-
 - (a) the C100 application pack plus any documents relating to fee payment to the court; and
 - (b) the C100 application pack only to Cafcass,within 24 hours of receipt at the specified address.
 - 8A.5** Where-
 - (a) either –
 - (i) paragraph 8A.2 applies; or

(ii) paragraph 8A.3 applies in respect of an application on a form other than Form C100; and

(b) Quadiant receives an application form and any supporting documents, plus any documents relating to fee payment,

Quadiant will email the application form and any supporting documents, plus any documents relating to fee payment, to the court, within 24 hours of receipt at the specified address.

8A.6 If Quadiant identifies relevant errors in a C100 application pack or accompanying documents relating to fee payment, the C100 application pack and documents relating to fee payment will be emailed to the court but not to Cafcass, noting the errors that have been identified. The court will review the documents and, if satisfied that the application may be accepted for issue, will email the C100 application pack to Cafcass within 2 working days after the date of issue.

8A.7 For the purposes of paragraph 8A.6 the documents submitted will contain relevant errors if-

(a) Quadiant is unable to comply with its obligations under paragraph 3A.2 of Practice Direction 5B;

(b) they are not accompanied by –

(i) a cheque for the application fee;

(ii) a completed Form EX160; or

(iii) confirmation on Form C100 that the fee will be paid by debit card or credit card or via a legal representative's fee account held with Her Majesty's Courts and Tribunals Service;

(c) the correct court to whom the C100 application pack and supporting documents should be sent cannot be identified;

(d) Form C100 is omitted in its entirety or there are pages missing;

(e) there is no address given for the respondent(s);

(f) the applicant has not confirmed attendance at a MIAM or claimed an exemption from attendance; or

(g) the statement of truth is not signed on Form C100 and/or Form C1A, if supplied.

8A.8 Paragraph 8A.4(b) (Quadiant emailing to Cafcass) does not apply where the application is to be filed at a family court location which has been specified to Quadiant by Her Majesty's Courts and Tribunals Service as one where C100 application packs should not be emailed to Cafcass.

8A.9 The email from Quadiant to the court to which the C100 application pack or other application form is attached will record the date of receipt at the specified address.

8A.10 Subject to paragraph 8A.11, for the purposes of Article 16(1)(a) of Council Regulation (EC) 2201/2003, the date of receipt recorded in accordance

with paragraph 8A.9 is to be treated as the date that the application was 'lodged' with the court.

8A.11 If the applicant fails to comply with paragraph 8A.1 or 8A.2 and instead sends the C100 application pack or other application form and any supporting documents, plus any documents relating to fee payment, to the court (rather than to Quadient), paragraph 8A.10 does not apply.

8A.12 After 30 days have passed from the date of receipt of any application form and accompanying documents, the application form and those documents must be destroyed by Quadient.

8A.13 A scan of a document received by the court by email from Quadient shall be treated by the court as a true copy of the original document.”.”.

PRACTICE DIRECTION 36O – PILOT SCHEME: PROCEDURE FOR BULK SCANNING OF CERTAIN DOCUMENTS

- (1) In paragraph 1.3(c) for “30 September 2020” substitute “30 September 2021”.
- (2) After paragraph 4.3 insert-
“**4.3A** The court may also send a document to the specified third-party company where the court considers it appropriate to do so.”
- (3) In paragraph 4.4 for after “4.3” insert “or 4.3A”.

NEW PRACTICE DIRECTION 36S – PILOT PROVISION: ANNOUNCEMENTS IN OPEN COURT (SUSPENSION OF CERTAIN REQUIREMENTS)

- (1) After Practice Direction 36R, insert new Practice Direction 36S set out in Annex 1 to this document.

NEW PRACTICE DIRECTION 36T – PILOT PROVISION – PROCEEDING BY ELECTRONIC MEANS: PROCEDURE FOR AN APPLICATION FOR A CONSENT ORDER FOR A FINANCIAL REMEDY IN CONNECTION WITH DIVORCE PROCEEDINGS

- (1) After Practice Direction 36S, insert new Practice Direction 36T set out in Annex 2 to this document.

PRACTICE DIRECTION 41A – PROCEEDING BY ELECTRONIC MEANS: CERTAIN PROCEEDINGS FOR A MATRIMONIAL ORDER

- (1) For paragraph 2.1(c) substitute-
“(c) the applicant chooses to proceed with the application by electronic means;”.
- (2) In paragraph 10.4, for the second and third sentence substitute-

“If the respondent or co-respondent then files that paper form, this Practice Direction no longer applies to that party. The applicant can continue to use the online system to take further steps in the proceedings.”

ANNEX 1

New Practice Direction 36S to be inserted after Practice Direction 36R:

PRACTICE DIRECTION 36S – PILOT PROVISION: ANNOUNCEMENTS IN OPEN COURT (SUSPENSION OF CERTAIN REQUIREMENTS)

This practice direction supplements rule 36.2 FPR (transitional arrangements and pilot schemes)

- 1.1** This practice direction is made under rule 36.2 FPR. It is intended to assess modifications to Practice Directions 10A and 12K to remove current requirements to make specified announcements in open court.
 - 1.2** This practice direction ceases to have effect on 31 March 2021.
 - 1.3** Practice Direction 10A (Part 4 of the Family Law Act 1996) is modified by omitting paragraphs 3.1 and 3.2.
 - 1.4** Practice Direction 12K (Children Act: Exclusion Requirement) is modified by omitting paragraph (1).
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ANNEX 2

New Practice Direction 36T to be inserted after Practice Direction 36S:

PRACTICE DIRECTION 36T – PILOT PROVISION – PROCEEDING BY ELECTRONIC MEANS: PROCEDURE FOR AN APPLICATION FOR A CONSENT ORDER FOR A FINANCIAL REMEDY IN CONNECTION WITH DIVORCE PROCEEDINGS

This practice direction supplements rule 36.2 FPR (transitional arrangements and pilot schemes)

1.1 This practice direction is made under rule 36.2 FPR. It is intended to assess modifications to Practice Direction 41B to make the use of electronic means via the online system referred to in Practice Direction 41B mandatory for an applicant who is legally represented.

1.2 This practice direction comes into force on 24 August 2020 and ceases to have effect on 31 May 2021.

1.3 While this Practice Direction is in force, Practice Direction 41B is modified as follows—

(a) in paragraph 2.1—

(i) in the heading and in the opening words of the paragraph, for “may” substitute “must”; and

(ii) omit sub-paragraph (e); and

(b) in paragraph 6.1—

(i) for “can” substitute “must”; and

(ii) after “outcome” insert “can be”.