

NEW PRACTICE DIRECTION AND PRACTICE DIRECTION AMENDMENTS

The new Practice Direction 36P and amendments to the existing Practice Direction 36M supplementing the Family Procedure Rules 2010 are made by the President of the Family Division under the powers delegated to him 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 Direction 36P and the amendments to the existing Practice Direction 36M come into force on 9th March 2020.

Signed:

_____ Date: _____

Sir Andrew McFarlane

The President of the Family Division

Signed:

_____ Date: _____

Alex Chalk MP

Parliamentary Under-Secretary of State

Ministry of Justice

PRACTICE DIRECTION 36M – PILOT SCHEME: PROCEDURE FOR USING AN ONLINE SYSTEM TO GENERATE, FILE AND CONTINUE APPLICATIONS IN CERTAIN PUBLIC LAW PROCEEDINGS RELATING TO CHILDREN

(1) After paragraph 6A.1 insert-

“**6B.1** In paragraph 4.2(b)-

- (a) in paragraph (iii) for “; or” substitute “;”;
- (b) in paragraph (iv) for the full-stop substitute “; or”; and
- (c) after paragraph (iv) insert-

“(v) confirmation given, by the party to be served, within the online system referred to in Practice Direction 36M that that party is willing to accept service by email and stating the email address for such service.”.

**NEW PRACTICE DIRECTION 36P – PILOT SCHEME: PLACEMENT PROCEEDINGS:
PROCEDURE FOR SPECIFIED STEPS TO BE TAKEN VIA THE ONLINE SYSTEM**

(1) After Practice Direction 36O insert the new Practice Direction set out in the Annex to this document.

ANNEX

New Practice Direction 36P to be inserted after Practice Direction 36O:

practice direction 36p – pilot scheme: placement proceedings: procedure for specified steps to be taken via the online system

This Practice Direction supplements rule 36.2 FPR (transitional arrangements and pilot schemes)

Scope and interpretation

- 1.1** This Practice Direction is made under rule 36.2 and sets up a Pilot Scheme to allow-
- (a) for applications in placement proceedings, and all required accompanying documents, to be filed with the court via uploading them to the online system; and
 - (b) for applications, judgments and orders in such proceedings to be served by the court via the online system.
- 1.2** This Practice Direction comes into force on 9th March 2020.
- 1.3** The Pilot Scheme applies where all of the following conditions are met:
- (a) the application is in placement proceedings (as defined in rule 2.3(1) FPR);
 - (b) access to the online system for filing via uploading such applications and all required accompanying documents is permitted;
 - (c) the application is started in the family court; and
 - (d) the application and all required accompanying documents are filed in the period commencing 9th March 2020 and ending 31st January 2021.
- 1.4** In this Practice Direction, “the online system” means Her Majesty’s Courts and Tribunals Service’s online system to allow for applications for placement proceedings to be filed with the court by being uploaded, and for applications, judgments and orders in those proceedings to be served via that system.

Purpose of the Pilot Scheme

2.1 The purpose of this Pilot Scheme is to assess the use of new practices and procedures to allow for certain stages in applications specified in paragraph 1.3(a) of this Practice Direction to be completed using the online system.

Modification of the FPR and Practice Directions during the operation of the Pilot Scheme

3.1 During the operation of the Pilot Scheme, the Family Procedure Rules 2010 and the Practice Directions supporting the rules will apply to cases falling within the Pilot Scheme as modified by paragraphs 4.1 to 6.3.

Modification of rule 2.3(1) of the FPR

4.1 In cases to which this Pilot Scheme applies, in rule 2.3(1) of the FPR, the definition of “filed” is modified by inserting after “office”-

“or, where the Pilot Scheme referred to in Practice Direction 36P applies, by uploading the document to the online system referred to in that Practice Direction”.

Modification of Part 29 FPR

5.1 After rule 29.13(1) insert-

“(1A) Where the pilot scheme referred to in Practice Direction 36P applies, service under paragraph (1) or otherwise may be effected by the court sending to a party an email, to the address given for service in accordance with Practice Direction 6A, containing a weblink from which the judgment or order may be accessed and downloaded.”.

Modification of Practice Direction 6A

6.1 After paragraph 4.1 insert-

“**4.1A** Paragraphs 4.2 to 4.6 also apply where-

- (a) the pilot scheme referred to in Practice Direction 36P applies;
and
- (b) service by the court-
 - (i) of an application is to be effected in accordance with paragraph 4.7; or
 - (ii) of a judgment or order is to be effected in accordance with rule 29.13(1A) FPR.

4.1B Where paragraph 4.1A applies, references in paragraphs 4.2 to 4.5 to service of a document by email include service of an application, judgment or order by the court sending by email a weblink from which the application, judgment or order may be accessed and downloaded.”.

6.2 In paragraph 4.2(b)-

- (a) in paragraph (iii) for “; or” substitute “;”;
- (b) in paragraph (iv) for the full-stop substitute “; or”; and
- (c) after paragraph (iv) insert-

“(v) confirmation given, by the party to be served, within the online system referred to in Practice Direction 36M or 36P that that party is willing to accept service by email and stating the email address for such service.”.

6.3 After paragraph 4.6 insert-

“**4.7** Where the pilot scheme referred to in Practice Direction 36P applies, service of an application to which that pilot scheme applies may be effected by the court sending to a party an email, to the address given for service in accordance with paragraph 4.2, containing a weblink from which the application may be accessed and downloaded.”.
