

PRACTICE DIRECTION AMENDMENTS AND NEW PRACTICE DIRECTION

The Practice Direction amendments and the new Practice Direction 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 Practice Direction amendments and the new Practice Direction come into force as follows:

Amendment/ new Practice Direction	Coming into force date
Amendment to Practice Direction 12G	30 th April 2020
Amendment to Practice Direction 14E	30 th April 2020
Amendment to Practice Direction 17A	On the day after the date on which this document is approved
New Practice Direction 36Q	On the day after the date on which this document is approved

Signed:

_____ Date: 17 April 2020

Sir Andrew McFarlane

The President of the Family Division

Signed:

_____ Date: 23 April 2020

Alex Chalk MP

Parliamentary Under-Secretary of State,

Ministry of Justice

AMENDMENT OF PRACTICE DIRECTION 12G – COMMUNICATION OF INFORMATION

(1) In the table at paragraph 2.1, after the row where the second column reads “The Children’s Commissioner or the Children’s Commissioner for Wales” insert a new row-

“A party or any person lawfully in	The Welsh Language Commissioner		To refer an issue so that the Welsh Language
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receipt of information			Commissioner can consider whether to institute or intervene in legal proceedings or to assist a party or prospective party to legal proceedings.”
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AMENDMENT OF PRACTICE DIRECTION 14E – COMMUNICATION OF INFORMATION RELATING TO PROCEEDINGS

(1) In the table at paragraph 1.3, after the row where the second column reads “The Children’s Commissioner or the Children’s Commissioner for Wales” insert a new row-

“A party or any person lawfully in receipt of information	The Welsh Language Commissioner		To refer an issue so that the Welsh Language Commissioner can consider whether to institute or intervene in legal proceedings or to assist a party or prospective party to legal proceedings.”
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AMENDMENT OF PRACTICE DIRECTION 17A – STATEMENTS OF TRUTH

(1) After paragraph 4.4 insert-

“Electronic signatures

4A.1 Where

- (a) a form referred to in Practice Direction 5A; or
- (b) a form completed or generated by electronic means in accordance with Part 41 FPR,

makes provision for an electronic signature of a statement of truth, references in this Practice Direction to “sign”, “signs”, “signed” and “signing” are to be read as including an electronic signature. An electronic signature could, for example, be in the form of the following being included next to a statement of truth: a tick box, a printed name, an image of a signature or a digital signature generated by commercial software. (Section 7 of the Electronic Communications Act 2000 provides for the use of an electronic signature in an electronic communication.)”.

NEW PRACTICE DIRECTION 36Q – PILOT PROVISION: MODIFICATION OF PRACTICE DIRECTION 12B - CORONAVIRUS

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

ANNEX

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

PRACTICE DIRECTION 36Q – PILOT PROVISION: MODIFICATION OF PRACTICE DIRECTION 12B – CORONAVIRUS

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

1.1 This practice direction is made under rule 36.2 of the Family Procedure Rules. It is intended to assess modifications to Practice Direction 12B that may be necessary during the coronavirus pandemic and the need to ensure that the administration of justice is carried out so as not to endanger public health and so as to take account of available resources.

1.2 This Practice Direction ceases to have effect on 30 October 2020.

1.3 Practice Direction 12B (child arrangements programme) is modified by inserting after paragraph 7.2-

“7.3 Local practices and initiatives can be operated differently to the framework where such practices or initiatives are:

- a) operated during the coronavirus pandemic to ensure that the administration of justice is carried out so as not to endanger public health and to take account of available resources; and
 - b) approved by the local Designated Family Judge, after consultation with Her Majesty’s Courts and Tribunals Service and with Cafcass or Cafcass Cymru.”.
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