

PRACTICE DIRECTION 36K – PILOT SCHEME

PILOT SCHEME: PROCEDURE FOR THE BULK SCANNING OF CERTAIN PRIVATE LAW APPLICATIONS

This Practice Direction supplementing the Family Procedure Rules 2010 is 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 is approved by Lucy Frazer QC MP, Parliamentary Under-Secretary of State, Ministry of Justice.

This Practice Direction comes into force on 29 October 2018.

Signed:

_____ Date:
Sir Andrew McFarlane
The President of the Family Division

Signed:

_____ Date:
Lucy Frazer QC MP
Parliamentary Under-Secretary of State, Ministry of Justice

This Practice Direction supplements FPR Part 36, rule 36.2 (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 for the bulk scanning of certain private law applications and supporting documents.
- 1.2. The Pilot Scheme applies in relation to an application where all of the following conditions are met:
 - a) the application is for an order under section 8 of the 1989 Act;
 - b) the application does not state that it should be considered within 48 hours;

- c) the application fee will be paid by credit or debit card or cheque;
- d) the application is to be filed at either the Bournemouth and Poole County Court and Family Court, the Brighton County and Family Court or the Coventry Combined Court Centre; and
- e) the application is filed in the period commencing 29 October 2018 and ending 25 March 2019.

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 applications and supporting documents to be scanned by a third-party company and sent to court and to Cafcass by email within 24 hours, with the aim of reducing the administrative burden on court staff and improving efficiency.

Modification of the FPR and Practice Directions during 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 5.3.

Modification of Practice Direction 5B

- 4.1. In paragraph 1.3, at end insert “, but not to those companies specified in Rule 3A.1”

- 4.2. After paragraph 1.3 insert-

“1.3A

Chapter 3A applies to the companies specified in Rule 3A.1.”

- 4.3. After paragraph 3.4 insert-

“Chapter 3A: Bulk scanning of court documents

3A.1 Where the pilot scheme described in Practice Direction 36K applies, the following third-party companies may e-mail the court or attach a specified document to an e-mail to the court:

- (a) Neopost, C100 Applications, PO Box 4936, 69 Buckingham Avenue, Slough, SL1 0JR

3A.2 If the application fee is paid by cheque, the third-party company will be responsible for accounting for the fee in accordance with its contractual obligations. The court will retain responsibility for collecting credit/debit card payments.

3A.3 Chapter 6 of Practice Direction 5B does not apply to a document which has been scanned by a third-party company and sent to court in accordance with this chapter.

4.4. Omit paragraph 5.1.

4.5. In paragraph 5.2(a) for “or chapter 3” substitute “, chapter 3 or chapter 3A”.

4.6. Omit paragraphs 5.3 and 5.4.

Modification of Practice Direction 12B

5.1. After paragraph 8.6 insert-

“8.6A

Where the pilot scheme described in Practice Direction 36K applies, 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 Neopost at the address specified in paragraph 3A.1(a) of Practice Direction 5B.

8.6B

Subject to paragraph 8.6C, Neopost will email-

(1) the C100 application pack plus any documents relating to fee payment to the court; and

(2) the C100 application pack only to Cafcass,

within 24 hours of receipt at the specified address.

8.6C

If Neopost identifies relevant errors in the documents submitted, the C100 application pack and documents relating to fee payment will be emailed to the court but not to Cafcass. 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.

8.6D

For the purposes of paragraph 8.6C the documents submitted will contain relevant errors if-

- a) Neopost is unable to comply with its obligations under paragraph 3A.2;
- b) They are not accompanied by the full application fee, a completed Form EX160 or confirmation on Form C100 that the fee will be paid by debit or credit card;
- 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.

8.6E

The email to which the C100 application pack is attached will record the date of receipt at the specified address.

8.6F

For the purposes of Article 16(1)(a) of Council Regulation (EC) 2201/2003, the date of receipt recorded in accordance with paragraph 8.6E is to be treated as the date that the application was ‘lodged’ with the court.”

- 5.2. In paragraph 8.9, omit the words “a copy of the Form C100 (and the form C1A, if supplied), and”.
- 5.3. In paragraph 13.3-
 - (a) after “enquiries” insert “on receipt of a valid C100 application.”; and

(b) in the third sentence omit “from the court”.
