

PRACTICE DIRECTION UPDATE No. 6 of 2024

The amendments to existing Practice Directions, 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 Lady Chief Justice under Schedule 2, Part 1, paragraph 2(2) of the Constitutional Reform Act 2005, and are approved by Lord Ponsonby, Parliamentary Under-Secretary of State, Ministry of Justice.

The provisions in this Practice Direction Update come into force as follows:

Provision	Coming into force date
Amendment to Practice Direction 5B	On the day after the date on which this Practice Direction Update is signed
New Practice Direction 6D	13th January 2025
Amendments to Practice Direction 30A	11th November 2024

Signed:

_____ Date: _____

Sir Andrew McFarlane, The President of the Family Division

Signed:

_____ Date: _____

Lord Ponsonby, Parliamentary Under-Secretary of State, Ministry of Justice

PRACTICE DIRECTION 5B – COMMUNICATION AND FILING OF DOCUMENTS BY EMAIL

- (1) In paragraph 3.3(c) for “10.0” substitute “25.0”.

NEW PRACTICE DIRECTION 6D – SERVICE ON A PERSON WHERE THERE ARE REASONABLE GROUNDS TO BELIEVE THAT PERSON IS RESIDING IN A REFUGE

- (1) After Practice Direction 6C insert new Practice Direction 6D as set out in the Annex to this Practice Direction Update.

PRACTICE DIRECTION 30A- APPEALS

- (1) In paragraph 4.12A-
 - (a) in sub-paragraph (b) omit “or”;
 - (b) in sub-paragraph (c) after “Judge;” insert “or”;
 - (c) after sub-paragraph (c) insert-
 - “(d) a Nominated Circuit Judge”; and
 - (e) at the end of the paragraph insert-
 - “A Nominated Circuit Judge is a circuit judge nominated by a Designated Family Judge in consultation with a Family Presiding Judge.”.
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ANNEX: NEW PRACTICE DIRECTION 6D TO BE INSERTED AFTER PRACTICE DIRECTION 6C

PRACTICE DIRECTION 6D – SERVICE ON A PERSON WHERE THERE ARE REASONABLE GROUNDS TO BELIEVE THAT PERSON IS RESIDING IN A REFUGE

This Practice Direction supplements FPR Part 6, rule 6.23A (Service on a person where there are reasonable grounds to believe that person is residing in a refuge).

Scope of this Practice Direction

1.1 This Practice Direction supplements rule 6.23A and sets out requirements in the application of provisions in the FPR and other Practice Directions in relation to service of documents on a person where there are reasonable grounds to believe that person is residing in a refuge.

1.2 Where service of documents is to be effected on a person where there are reasonable grounds to believe that person is residing in a refuge, the FPR and other Practice Directions apply subject to the provisions of rule 6.23A and this Practice Direction.

Rule 6.23A(4): where service is to be effected in accordance with rule 6.23(a)

2.1 Where the court directs that personal service is to be effected –

(a) the documents must be served by a bailiff; and

(b) where possible, the bailiff should be –

(i) in plain clothing; and

(ii) where there are reasonable grounds to believe that the person to be served is residing in a refuge for women, a female officer; or

(iii) where there are reasonable grounds to believe that the person to be served is residing in a refuge for men, a male officer.

2.2 Under no circumstances should the party seeking to effect service, or that party's solicitor, personally serve any documents on a person where there are reasonable grounds to believe that person is residing in a refuge.

2.3 Personal service must be effected on the person to be served—

(a) at the Head Office of the organisation managing the refuge where there are reasonable grounds to believe the person to be served is residing;

(b) at another address pre-arranged with the CEO or manager of the refuge for that purpose; or

(c) where the court considers it necessary, at the refuge where there are reasonable grounds to believe the person is residing.

2.4 The court should consider directing that a court officer contacts the organisation managing the refuge where there are reasonable grounds to believe the person to be served is residing, to make appropriate arrangements in advance of any personal service under rule 6.23A(4).

2.5 Any contact which a court officer makes with a refuge organisation should only be with the CEO or director of a refuge organisation or an accountable person designated for that purpose by the refuge organisation.

2.6 Where personal service is to be effected in a case to which rule 6.23A(4) applies, the court must ensure that the address, name or other identifying details of the refuge where there are reasonable grounds to believe the person to be served is residing, is under no circumstances disclosed to the party seeking to serve the document or that party's solicitor.

Rule 6.23A(6)(a): where service is to be effected in accordance with rule 6.23(d)

3.1 Where the court directs that service is effected in accordance with rule 6.23(d) (service by fax or email in accordance with Practice Direction 6A), the court may not direct that service is effected by fax.

3.2 Reference to 'email' in rule 6.23(d) and Practice Direction 6A includes an electronic messaging service that the person to be served is known to use.

3.3 The email address which may be used for service includes email addresses designated for the purpose of service of documents by the organisation which manages the refuge where there are reasonable grounds to believe the person to be served is residing in.

Rule 6.23A(6)(b): where service is to be effected in accordance with rule 6.23(b)

4.1 Where the court directs that service is effected in accordance with rule 6.23(b) (service by first class post etc in accordance with Practice Direction 6A), the address at which a person may be served must be –

(a) the business address within the United Kingdom of a solicitor acting for the person to be served; or

(b) where there is no solicitor acting for the person to be served-

(i) a PO Box; or

(ii) the address of the Head Office,

provided for this purpose by the organisation managing the refuge where there are reasonable grounds to believe the person is residing.

4.2 Where paragraph 4.1(b) applies, the court may direct –

(a) subject to paragraph 4.3, that a court officer must contact the organisation managing the refuge where there are reasonable grounds to believe the person to be served is residing seeking confirmation that the documents have been promptly brought to the attention of that person; or

(b) that –

(i) a court officer must contact the organisation managing the refuge where there are reasonable grounds to believe the person to be served is residing, seeking consent for the documents to be served to be addressed to the CEO, director or an accountable person designated for this purpose by the organisation managing the refuge where there are reasonable grounds to believe the person to be served is residing;

(ii) the CEO, director or accountable person to whom the documents are addressed in accordance with paragraph (i) must then use their best endeavours to provide the documents to the person to be served; and

(iii) where the documents are provided to the person to be served by the person to whom the documents are addressed, the person to whom the documents are addressed must send a notice to the court officer confirming such service which includes the following details –

(aa) the role that person holds in the organisation managing the refuge where there are reasonable grounds to believe the person to be served is residing; and

(bb) the date of the notice and the date and time when the documents were provided to the person to be served;

(iv) where the documents are not provided to the person to be served by the person to whom the documents are addressed, the person to whom they were addressed must send a notice to the court officer stating the reasons for not providing the documents to the person to be served.

4.3 A notice filed in accordance with a court direction referred to in paragraph 4.2(b)(ii) or (iii) must not include the name of the person to whom the documents were addressed.

4.4 Where paragraph 4.3 applies, the court may direct that the name of the person to whom the documents were addressed be disclosed by that person to the court. That person's name must not be disclosed to the party seeking to serve the documents or to that party's solicitor.

4.5 A notice filed with the court in accordance with a court direction referred to in paragraph 4.2(b)(ii) must not include the details of the location where the documents were provided to the person to be served.

4.6 If service is to be effected under paragraph 4.1(b)(i), the PO Box details must never be disclosed to the party seeking to serve the document, or that party's solicitor.

4.7 Any contact which the court officer makes with a refuge organisation should only be with the CEO or director of the refuge organisation or an accountable person designated for that purpose by the refuge.
