

### **PRACTICE DIRECTION UPDATE: No. 1 of 2023**

The amendments to the existing Practice Direction, and the new or substituted Practice Directions, 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 Lord Bellamy KC, Parliamentary Under-Secretary of State, Ministry of Justice.

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

<b>Provision</b>	<b>Coming into force date</b>
Amendment to Practice Direction 3AA	6 April 2023
Amendments to Practice Direction 5A	6 April 2023
Substituted Practice Direction 6C	On the day after the date on which this Practice Direction Update is signed
Amendment to Practice Direction 12B	6 April 2023
Amendment to Practice Direction 12B (Pilot), annexed to Practice Direction 36Z	6 April 2023
Amendment to Practice Direction 12G	6 April 2023
Amendment to Practice Direction 12J	6 April 2023
Amendment to Practice Direction 14E	6 April 2023
New Practice Direction 27C	6 April 2023
Amendments to Practice Direction 30A	6 April 2023
Amendment to Practice Direction 36ZA	On the day after the date on which this Practice Direction Update is signed
Amendments to Practice Direction 36ZC, except those in the Table in Annex 3 to this Practice Direction Update	On the day after the date on which this Practice Direction Update is signed
Amendments to Practice Direction 41B, except those in the Table in Annex 3 to this Practice Direction Update	On the day after the date on which this Practice Direction Update is signed
Amendments to Practice Directions as set out in the Table in Annex 3 to this Update	On the day after the date on which this Practice Direction Update is signed

Signed:

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Date: 10 January 2023

Sir Andrew McFarlane

The President of the Family Division

Signed:

\_\_\_\_\_ Date: 17 January 2023

Lord Bellamy KC

Parliamentary Under-Secretary of State, Ministry of Justice

### **PRACTICE DIRECTION 3AA – VULNERABLE PERSONS: PARTICIPATION IN PROCEEDINGS AND GIVING EVIDENCE**

- (1) In the Annex, after the row beginning “Rule 27.6 FPR” insert-  
“ . Practice Direction 27C (Attendance of IDVAs and ISVAs);”.

### **PRACTICE DIRECTION 5A – FORMS**

- (1) In Table 1, in the row relating to Part 33 Enforcement, in the second column after “D62” insert “Form E1”.

- (2) In Table 2, in the row relating to Form E1, in the second column after “high court” insert-

“(Note: this form is also used for a debtor to provide financial information to the court where an order is issued under rule 33.3(3) FPR pursuant to an application for enforcement made under rule 33.3(2)(b) FPR.)”

### **PRACTICE DIRECTION 6C- DISCLOSURE OF ADDRESSES BY GOVERNMENT DEPARTMENTS**

- (1) For the current Practice Direction 6C substitute the new Practice Direction 6C as set out in Annex 1 to this Practice Direction Update.

### **PRACTICE DIRECTION 12B – CHILD ARRANGEMENTS PROGRAMME**

- (1) After paragraph 14.5 insert-

“(Practice Direction 27C makes provision for the attendance at hearings of Independent Domestic Violence Advisers and Independent Sexual Violence Advisers.)”.

### **PRACTICE DIRECTION 12B (PILOT), ANNEXED TO PRACTICE DIRECTION 36Z – PILOT SCHEME: PRIVATE LAW REFORM: INVESTIGATIVE APPROACH**

- (1) After paragraph 23.2 insert-

“(Practice Direction 27C makes provision for the attendance at hearings of Independent Domestic Violence Advisers and Independent Sexual Violence Advisers.)”.

#### **PRACTICE DIRECTION 12G – COMMUNICATION OF INFORMATION**

(1) In paragraph 2.1, in the table, in the first row, second column, after “McKenzie Friend,” insert “an Independent Domestic Violence Adviser or Independent Sexual Violence Adviser,”.

#### **PRACTICE DIRECTION 12J – CHILD ARRANGEMENTS AND CONTACT ORDERS: DOMESTIC ABUSE AND HARM**

(1) After paragraph 10 insert-

“(Practice Direction 27C makes provision for the attendance at hearings of Independent Domestic Violence Advisers and Independent Sexual Violence Advisers.)”.

#### **PRACTICE DIRECTION 14E – COMMUNICATION OF INFORMATION RELATING TO PROCEEDINGS**

(1) In paragraph 1.3, in the table, in the row in which the second column begins “A lay adviser”, after “adviser” insert “, an Independent Domestic Violence Adviser or Independent Sexual Violence Adviser,”.

#### **NEW PRACTICE DIRECTION 27C- ATTENDANCE OF IDVAs AND ISVAs**

(1) After Practice Direction 27B insert new Practice Direction 27C as set out in Annex 2 to this Practice Direction Update.

#### **PRACTICE DIRECTION 30A – APPEALS**

(1) In paragraph 4.12, for the last sentence (which begins “However”) substitute-

“This is subject to the exceptions set out in paragraph 4.12A.

4.12A The exceptions are that the appellant has no right to have the application considered at an oral hearing where-

(a) a High Court Judge;

(b) a Designated Family Judge; or

(c) where the application relates to financial remedy proceedings, a Nominated FRC Circuit Judge,

refused permission to appeal without a hearing and made an order under rule 30.3(5A) that the appellant may not request the decision to be reconsidered at a hearing because he or she considered the application for permission to be totally

without merit. (A Nominated FRC Circuit Judge is a Circuit Judge nominated by the National Lead Judge of the Financial Remedies Court.)”.

**PRACTICE DIRECTION 36ZA – PILOT SCHEME: PROCEDURE FOR NOTIFICATION TO THE POLICE BY EMAIL OF CERTAIN ORDERS MADE UNDER PART 4 OF THE FAMILY LAW ACT 1996**

- (1) In paragraph 1.3(c) for “2023” substitute “2024”.

**PRACTICE DIRECTION 36ZC- PILOT SCHEME: PROCEDURE FOR USING AN ONLINE SYSTEM TO COMPLETE CERTAIN PROCEEDINGS FOR A MATRIMONIAL ORDER OR CIVIL PARTNERSHIP ORDER (NEW LAW)**

- (1) In paragraph 11.1-
- (a) for paragraph (b) substitute-  
“(b) in paragraph (iv) for the full-stop substitute “;”; and
  - (b) for paragraph (c) substitute-  
“after paragraph (iv) insert-  
“(v) confirmation given, by the party to be served, within the online system referred to in Practice Direction 36ZC that that party is willing to accept service by email and stating the email address for such service; or  
(vi) a legal representative for the party to be served having registered on MyHMCTS (being the online case management tool managed by HM Courts and Tribunals Service).” ”.

**PRACTICE DIRECTION 41B – PROCEEDING BY ELECTRONIC MEANS: PROCEDURE FOR AN APPLICATION FOR A CONSENT ORDER FOR A FINANCIAL REMEDY IN CONNECTION WITH MATRIMONIAL OR CIVIL PARTNERSHIP PROCEEDINGS**

- (1) For paragraph 8.2 substitute-

**“8.2** The following are also to be taken as sufficient written indication of willingness to be served by email for the purposes of paragraph 4.2(a) of Practice Direction 6A-

- (a) confirmation given on or via the online system that a party is willing to accept service by email and stating the email address for such service; and
- (b) the fact of a legal representative for a party having registered on MyHMCTS (being the online case management tool managed by HM Courts and Tribunals Service).”.

**VARIOUS PRACTICE DIRECTIONS: AMENDMENTS CONSEQUENTIAL ON THE ACCESSION OF KING CHARLES III**

- (1) The provisions of the Practice Directions referred to in the first column of the Table in Annex 3 to this Update are amended as specified in that Table.
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## ANNEX 1

### NEW PRACTICE DIRECTION 6C TO BE SUBSTITUTED IN PLACE OF THE CURRENT PRACTICE DIRECTION 6C

#### **PRACTICE DIRECTION 6C: DISCLOSURE OF ADDRESSES BY GOVERNMENT DEPARTMENTS**

*This Practice Direction supplements Part 6 of the Family Procedure Rules 2010*

#### **When this Practice Direction applies**

1.1 This Practice Direction applies when the court makes an order, having the power to do so, or makes a request, for the purposes of-

- a) tracing the address of a party, or a prospective party, to family proceedings, or
- b) tracing the whereabouts of a child, or the person with whom a child is said to be.

#### **Information to include in an order or request**

2.1 Where an order or a request to which this Practice Direction applies is made by the court, it must contain as much as possible of the following information about the person sought-

- (a) National Insurance number;
- (b) surname;
- (c) forenames in full;
- (d) date of birth (or, if not known, approximate age);
- (e) last known address, with date when living there;
- (f) any other known address(es) with respective dates; and
- (g) where the proceedings or prospective proceedings relate to an application for a financial remedy, the exact date of any relevant marriage and the name of the spouse or former spouse.

#### **Addresses to which orders or requests should be sent**

3.1 Where an order or request to which this Practice Direction applies is directed at the Department for Work and Pensions, it must be sent by email by the court to:

[rightofaccess.requests@dwp.gov.uk](mailto:rightofaccess.requests@dwp.gov.uk).

3.2 Where an order or request to which this Practice Direction applies is directed at His Majesty's Revenue and Customs (HMRC), it must be sent by the court-

- (a) by email to [customer.relations.unit.cbo@hmrc.gov.uk](mailto:customer.relations.unit.cbo@hmrc.gov.uk); or
- (b) in hard copy to:

HMRC Child Benefit Office

Waterview Park

Washington

NE38 8QG

**Points to be noted**

4.1 Standard forms of order to be used to make an order or request for disclosure of an address are available on the Judiciary website (<https://www.judiciary.uk>).

4.2 It is understood that HMRC will require an order or request for disclosure of an address to be made in the High Court. Practice Direction 29C refers to the possibility of transferring proceedings from the family court to the High Court for this purpose.

4.3 This Practice Direction may be amended from time to time to alter the contact details set out above, or to add in contact details for other Government Departments.

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## ANNEX 2

### NEW PRACTICE DIRECTION 27C TO BE INSERTED AFTER PRACTICE DIRECTION 27B

#### **PRACTICE DIRECTION 27C – ATTENDANCE OF IDVAs AND ISVAs**

*This practice direction supplements Part 27 of the Family Procedure Rules 2010*

##### Introduction

**1.1** This practice direction makes provision for the attendance at hearings of Independent Domestic Abuse Advisers (IDVAs) and Independent Sexual Violence Advisers (ISVAs).

**1.2** An IDVA or ISVA is an independent adviser, however described, who works with people (whether adults or children) who have experienced domestic abuse (in the case of an IDVA) or rape and sexual assault (in the case of an ISVA) by providing them with support, advice and help.

**1.3** This may take the form of (but is not limited to) providing information, practical support and emotional or moral support, help in dealing with authorities or other support services, and may include explaining the court process and what to expect; but an IDVA or ISVA is not a legal representative or McKenzie friend.

**1.4** Any party to family proceedings who is receiving support from an ISVA or IDVA has the right to receive that support at any hearing, subject to the court's power as set out in paragraph 3.1 to direct otherwise

##### Requirement to attend

**2.1** An IDVA or ISVA who is providing support to a party is required to attend any hearing which the party attends, for the purpose of providing that support during the hearing, if—

- (a) the party wishes the IDVA or IDVA to be present at the hearing; and
- (b) the IDVA or ISVA has been appropriately identified to the court.

##### Court's power to direct otherwise

**3.1** The court may direct that the IDVA or ISVA—

- (a) should not be present, if the court is satisfied that it is not in the interests of justice for the IDVA or ISVA to be present, or continue to be present, at the hearing; or
- (b) need not be present, if the court is satisfied that it is not necessary in the interests of justice for the IDVA or ISVA to be present, or continue to be present, at the hearing.

##### Notification to the court

**4.1** Where possible, an IDVA or ISVA should identify themselves to the court in advance by—

(a) providing their name and details of the organisation for which they work together with an assurance that they understand the confidential nature of the proceedings; and

(b) indicating the party to whom they are providing support and confirming that the party wishes them to be present.

**4.2** Where this is not possible in advance, the court will require the IDVA or ISVA to provide the information referred to in paragraph 4.1 before the hearing begins.

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ANNEX 3

In each row of the Table below, in each place listed in column 1, for the words in column 2 substitute the words in column 3.

LOCATION	FOR	SUBSTITUTE
<b>Practice Direction 5B:</b> paragraph 1.5(a)(ii) and paragraph 4.5	Her Majesty's	His Majesty's
<b>Practice Direction 5D:</b> paragraph 1.3(b), paragraph 3.1 (in both places where the words occur), and paragraph 7.1(c) (in the inserted paragraph 7.2A of Practice Direction 27A)	Her Majesty's	His Majesty's
<b>Practice Direction 12F:</b> paragraph 4.10	Her Majesty's	His Majesty's
<b>Practice Direction 22A:</b> paragraph 17.1	Her Majesty's	His Majesty's
<b>Practice Direction 24A:</b> paragraph 5.5, paragraph 1 of Annex A [Draft Letter of Request] and paragraph 9 of Annex A [Draft Letter of Request].	Queen's Bench	King's Bench
<b>Practice Direction 28A:</b> paragraph 2.8 (in the substituted paragraph 4.1 of CPR Practice Direction 47)	Her Majesty's	His Majesty's
<b>Practice Direction 30A:</b> paragraph 1.2, in the definition of "judge of High Court judge level"	Queen's Bench	King's Bench
<b>Practice Direction 34E:</b> paragraph 1.1	Her Majesty's	His Majesty's
<b>Practice Direction 36G:</b> paragraph 1.3	Her Majesty's	His Majesty's
<b>Practice Direction 36N</b> paragraph 1.5, and paragraph 2.3(a) (in both places where the words occur)	Her Majesty's	His Majesty's
<b>Practice Direction 36P:</b> paragraph 1.4	Her Majesty's	His Majesty's

LOCATION	FOR	SUBSTITUTE
<b>Practice Direction 36Y:</b> paragraph 6.1 (in both places the words occur in the inserted paragraphs 7.3 and 7.4 of Practice Direction 12B)	Her Majesty's	His Majesty's
<b>Practice Direction 36ZB:</b> paragraph 1.4, and paragraph 2.4(a) (in both places where the words occur)	Her Majesty's	His Majesty's
<b>Practice Direction 36ZC:</b> paragraph 1.8 (in both places the words occur), paragraph 1.9, and paragraph 7.3(b) (in the inserted rule 7.7(2B))	Her Majesty's	His Majesty's
<b>Practice Direction 36ZD:</b> paragraph 1.3	Her Majesty's	His Majesty's
<b>Practice Direction 41A:</b> paragraph 1.2, paragraph 2.2 (in both places where the words occur), paragraph 5.1 and paragraph 10.4	Her Majesty's	His Majesty's
<b>Practice Direction 41B:</b> paragraph 1.2 and paragraph 5.1	Her Majesty's	His Majesty's
<b>Practice Direction 41C:</b> paragraph 1.3	Her Majesty's	His Majesty's
<b>Practice Direction 41D:</b> paragraph 1.4 and paragraph 2.5	Her Majesty's	His Majesty's

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