

### **PRACTICE DIRECTION UPDATE: No. 3 of 2022**

The amendments to existing Practice Directions, and the new 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 Wolfson QC, 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>
New Practice Direction 5D	3 April 2022
Amendments to Practice Direction 30B	On the day after the date on which this Practice Direction Update is signed
Practice Direction 36G (a) amendment to paragraph 1.2(d)  (b) all other amendments	(a) 2 April 2022  (b) 20 April 2022
Practice Direction 36N (a) amendment to renumbered paragraph 1.3(f)  (b) all other amendments	(a) 30 March 2022  (b) On the day on which section 1 of the Divorce, Dissolution and Separation Act 2020 comes fully into force
Amendment to Practice Direction 36Y	On the day after the date on which this Practice Direction Update is signed
New Practice Direction 36ZB	6 April 2022
New Practice Direction 36ZC	On the day on which section 1 of the Divorce, Dissolution and Separation Act 2020 comes fully into force
New Practice Direction 36ZD	20 April 2022
Amendments to Practice Direction 41B	On the day on which section 1 of the Divorce, Dissolution and Separation Act 2020 comes fully into force

Signed:

\_\_\_\_\_ Date: \_\_\_\_\_  
Sir Andrew McFarlane  
The President of the Family Division

Signed:

\_\_\_\_\_ Date: \_\_\_\_\_  
Lord Wolfson QC  
Parliamentary Under-Secretary of State, Ministry of Justice

### **NEW PRACTICE DIRECTION 5D – PROCEDURE FOR BULK SCANNING OF CERTAIN DOCUMENTS**

(1) After Practice Direction 5C insert new Practice Direction 5D as set out in Annex 1 to this Practice Direction Update.

### **PRACTICE DIRECTION 30B – APPEALS - TRANSPARENCY**

(1) After paragraph 3.7 insert-

“3.8 Paragraphs 3.1 to 3.7 apply to duly authorised lawyers who are attending court for journalistic, research or public legal educational purposes, in the same way as those paragraphs apply to accredited law reporters and accredited media reporters.

3.9 For the purposes of paragraph 3.4, a duly authorised lawyer is only to be provided with copies of the documents referred to in that paragraph upon production to the usher or other court official of a form of identification specified in paragraph 5A.2 of Practice Direction 27B.

3.10 In this Practice Direction, “duly authorised lawyer” has the same meaning as in rule 27.11.”.

### **PRACTICE DIRECTION 36G – PILOT SCHEME, PROCEDURE FOR USING AN ONLINE SYSTEM TO GENERATE APPLICATIONS IN CERTAIN PRIVATE LAW PROCEEDINGS RELATING TO CHILDREN**

(1) In paragraph 1.2-  
(a) for sub-paragraph (a) substitute-

- “(a) the application is for-
  - (i) an order under section 8 of the Children Act 1989 (“section 8 order”); or
  - (ii) permission to apply for a section 8 order (“permission application”);” and

(b) in sub-paragraph (d) for “3 April 2022” substitute “31 December 2022”.

- (2) In paragraph 1.3 after “orders” insert “and for permission applications”.
- (3) In paragraph 2.1-
  - (a) after “orders” insert “, and certain permission applications,”; and
  - (b) at the end of the paragraph insert “Alternatively, the applicant may file the application by an email generated by the online system.”
- (4) In paragraph 2.2 after “orders” insert “or permission applications”.
- (5) For paragraph 4.2 substitute-  
“**4.2** In Rule 3.8(2) for “has provided signed confirmation” substitute “confirms in the relevant form.”.
- (6) In paragraph 5.1, in the substituted rule 5.1 FPR-
  - (a) omit sub-paragraph (b); and
  - (b) for sub-paragraph (c) substitute-
    - “(c) file the application generated by the online system at court-
      - (i) in accordance with the procedure currently provided for in the FPR and Practice Directions; or
      - (ii) by an email generated by the online system.”.
- (7) In paragraph 7.3 for “and 15” substitute “, 15 and 16”.
- (8) In paragraphs 10.1 and 10.2 and in the Practice Direction 17A Annex text as substituted by paragraph 10.4 omit “for a section 8 order” each time those words occur.

**PRACTICE DIRECTION 36N – PILOT SCHEME: PROCEDURE FOR ONLINE FILING AND PROGRESSION OF CERTAIN APPLICATIONS FOR A FINANCIAL REMEDY IN CONNECTION WITH CERTAIN PROCEEDINGS FOR A MATRIMONIAL ORDER**

- (1) In the title to the Practice Direction for “CERTAIN PROCEEDINGS FOR A MATRIMONIAL ORDER” substitute “PROCEEDINGS FOR A MATRIMONIAL ORDER OR FOR A CIVIL PARTNERSHIP ORDER”.
- (2) In paragraph 1.1-
  - (a) for “certain proceedings for a matrimonial order” substitute “proceedings for a matrimonial order or for a civil partnership order”; and

- (b) at the end of the paragraph insert-  
“(It should be noted that, while a presumption of death order under the 2004 Act is a form of “civil partnership order” as defined in rule 2.3 FPR, no application for a financial remedy may be made under the 2004 Act in connection with an application for such a presumption of death order.)”.
- (2) In paragraph 1.3-  
(a) in sub-paragraph (a)(i) and (a)(ii) for “which is a decree of divorce made under section 1 of the 1973 Act”, both times those words appear, substitute “or for a civil partnership order”;  
  
(b) renumber the second sub-paragraph numbered (e) as sub-paragraph (f); and  
  
(c) in that sub-paragraph (f) for “31 March 2022” substitute “31 December 2022”.
- (3) For paragraph 1.4(a) substitute-  
“(a) an order for payment in respect of legal services; or”.
- (4) In paragraph 1.5 after “stages in” insert “specified”.
- (5) In paragraph 2.1 for “certain applications for a matrimonial order” substitute “certain proceedings for a matrimonial order or for a civil partnership order”.
- (6) For paragraph 3A.1 substitute-  
“**3A.1** In rule 2.3(1), for the definition of “filing” substitute-  
““filing” in relation to supplying a document or information means-  
(a) delivering it, by post or otherwise, to the court office; or  
(b) where Practice Direction 36N applies, by-  
(i) uploading the document to the online system referred to in that Practice Direction; or  
(ii) submitting the information via that online system.”.
- (7) In paragraph 6.1, in the heading to the inserted rule 9.9C, omit “by the Applicant”.
- (8) In paragraph 11.1, in the heading to the inserted paragraph 2B.1 of Practice Direction 9A, omit “by the applicant”.

**PRACTICE DIRECTION 36Y – PILOT PROVISION: TEMPORARY MODIFICATION OF PRACTICE DIRECTIONS 2C, 5B, 12A AND 12B – POST-CORONAVIRUS**

- (1) In the title for “POST-CORONAVIRUS” substitute “IN LIGHT OF AND FOLLOWING CORONAVIRUS”.
- (2) In paragraph 1.1 after “12B” insert “in light of and”.

**NEW PRACTICE DIRECTION 36ZB – PILOT SCHEME: PILOT SCHEME: PROCEDURE FOR USING AN ONLINE SYSTEM TO COMPLETE AND FILE CERTAIN APPLICATIONS FOR AN ADOPTION ORDER**

(1) After Practice Direction 36ZA, insert new Practice Direction 36ZB as set out in Annex 2 to this Practice Direction Update.

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

(1) After Practice Direction 36ZB insert new Practice Direction 36ZC as set out in Annex 3 to this Practice Direction Update.

**NEW PRACTICE DIRECTION 36ZD – PILOT SCHEME: PILOT SCHEME: ONLINE SYSTEM FOR CERTAIN PRIVATE LAW PROCEEDINGS RELATING TO CHILDREN AND FOR CERTAIN PROTECTIVE ORDERS**

(1) After Practice Direction 36ZC insert new Practice Direction 36ZD as set out in Annex 4 to this Practice Direction Update.

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

(1) In the title to the Practice Direction for “DIVORCE” substitute “MATRIMONIAL OR CIVIL PARTNERSHIP”.

(2) In paragraph 1.1-

(a) for “certain proceedings for a matrimonial order” substitute “proceedings for a matrimonial order or for a civil partnership order”; and

(b) at the end of the paragraph insert-

“(It should be noted that, while a presumption of death order under the 2004 Act is a form of “civil partnership order” as defined in rule 2.3 FPR, no application for a financial remedy may be made under the 2004 Act in connection with an application for such a presumption of death order.)”.

(3) In paragraph 1.3 for “decree of divorce”, both times those words occur, substitute “matrimonial or civil partnership order”.

(4) In paragraph 2.1-

(a) for sub-paragraph (a) substitute-

“(a) subject to the exceptions in paragraph 2A.1, the application is for a financial remedy in connection with proceedings for a matrimonial or civil partnership order”; and

(b) in sub-paragraph (b)-

(i) after “decree nisi” substitute “or a conditional order (as applicable)”; and

(ii) after “matrimonial” insert “or civil partnership”.

(5) After paragraph 2.1 insert-

**“2A.1** The exceptions referred to in paragraph 2.1 are where the application is for-

(a) an order for payment in respect of legal services; or

(b) a variation order in respect of a financial remedy order that was not made as a result of an application made via the online system.”.

(6) In paragraph 3.1(b) after paragraph (iv) insert-

“(v) give notice of a change of solicitor to the court;” and.

(7) After paragraph 9.3 insert-

**“Change of solicitor**

**10.1** When an application for a consent order is proceeding on the online system, rule 26.2(2)(b) FPR does not apply. Instead, notice of a change of solicitor must be given to the court by a party or a party’s solicitor (where one is acting) submitting information in relation to that change on the online system.”.

ANNEX 1: NEW PRACTICE DIRECTION 5D TO BE INSERTED AFTER PRACTICE DIRECTION 5C:

## **PRACTICE DIRECTION 5D: PROCEDURE FOR BULK SCANNING OF CERTAIN DOCUMENTS**

*This Practice Direction supplements rule 5.8 of the Family Procedure Rules 2010*

### **Scope and interpretation**

**1.1** This Practice Direction makes provision for the bulk scanning by a specified third-party company of certain documents which are required to be filed with or otherwise sent to the court.

**1.2** This Practice Direction comes into force on 3 April 2022.

**1.3** This Practice Direction applies where all of the following conditions are met-

(a) a document is to be filed with or otherwise sent to the family court;

(b) Her Majesty's Courts and Tribunals Service indicates (whether via information given online, in correspondence or otherwise) that the document must be filed with or sent to the court by sending it to a specified third-party company; and

(c) the document is filed or sent on or after 3 April 2022.

**1.4** In this Practice Direction-

“document” means anything in which information of any description is recorded and includes (but is not limited to) an application, a notice, a statement or a letter; and

“specified third-party company” means-

(a) Exela Technologies Limited.

### **Modification or disapplication of the FPR and Practice Directions, and application of this Practice Direction**

**2.1** Where this Practice Direction applies, the FPR and the Practice Directions supporting the FPR apply-

(a) subject to the provisions of this Practice Direction; and

(b) as modified by paragraphs 5.1 to 7.1.

### **Sending documents to a specified-third party company**

**3.1** Where this Practice Direction applies, subject to paragraph 3.7, any document to be filed with, or otherwise sent to, the court must be sent by post to the address for a specified third-party company to which Her Majesty's Courts and Tribunals Service has indicated that the document should be sent.

(The indication from Her Majesty's Courts and Tribunals Service of the address to which a document should be sent may be via information provided online, in correspondence, or otherwise.)

**3.2** An application sent to a specified third-party company in accordance with paragraph 3.1 is treated as lodged with the court on the date of receipt recorded by the specified third-party company, provided that the application is subsequently issued by the court.

**3.3** A document other than an application sent to a specified third-party company in accordance with paragraph 3.1 is treated as filed with or otherwise received by the court on the date of receipt recorded by the specified third-party company.

**3.4** If a person fails to send a document to a specified third-party company in accordance with paragraph 3.1 and instead sends a document to the court (other than by way of email in accordance with rule 5.5 FPR and Practice Direction 5B), the court may send the document to the specified third-party company.

**3.5** The court may also send a document to the specified third-party company where the court considers it appropriate to do so.

**3.6** Where paragraph 3.4 or 3.5 applies and the court sends a document to the specified third-party company, paragraphs 3.2 and 3.3 do not apply.

**3.7** Nothing in this Practice Direction precludes a document being sent to the court by email, where that is permitted under rule 5.5 FPR and Practice Direction 5B.

**3.8** When a document is sent to a specified third-party company in accordance with paragraph 3.1, only one copy of the document should be sent, even if provision in the FPR or another PD requires more than one copy to be sent.

### **Documents scanned by a specified third-party company**

**4.1** A scan of a document from a specified third-party company shall be treated by the court as a true copy of the original document.

### **Modification of rule 2.3(1) of the FPR**

**5.1** Where this Practice Direction applies, in rule 2.3(1) of the FPR, the definition of "filing" is modified by inserting after "office"-

"(or, where Practice Direction 5D applies, to the address to which HMCTS indicates that a document should be sent)".

### **Modification of rule 9.26 of the FPR**

**6.1** Where this Practice Direction applies, for rule 9.26(1)(a) of the FPR substitute-

"(a) the applicant must file a copy of a draft of the order in the terms sought, endorsed with a statement signed by the respondent to the application signifying agreement; and".



**Modification of Practice Direction 27A – Family Proceedings: Court Bundles  
(Universal Practice to be applied in the High Court and Family Court)**

**7.1** Where this Practice Direction applies, Practice Direction 27A is modified as follows-

(a) in paragraph 7.1, for “The bundle” substitute “Subject to paragraph 7.2A, the bundle”;

(b) in paragraph 7.2(b), for “Unless” substitute “Subject to paragraph 7.2A, unless”;

(c) after paragraph 7.2, insert-

**“7.2A** Where Practice Direction 5D applies, if Her Majesty’s Courts and Tribunals Service has indicated to a litigant in person that the bundle should be sent to an address for a specified third-party company, the bundle shall be lodged with the court by sending it to that address.”; and

(d) after paragraph 7.3 insert-

**“7.3A** Any bundle lodged in accordance with paragraph 7.2 shall show the date and place of the hearing on the bundle.”.

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ANNEX 2: NEW PRACTICE DIRECTION 36ZB TO BE INSERTED AFTER PRACTICE DIRECTION 36ZA:

**PRACTICE DIRECTION 36ZB – PILOT SCHEME: PROCEDURE FOR USING AN ONLINE SYSTEM TO COMPLETE AND FILE CERTAIN APPLICATIONS FOR AN ADOPTION ORDER**

*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 certain applications and stages in proceedings for an adoption order to be completed using the online system.

**1.2** This Practice Direction comes into force on 6 April 2022.

**1.3** The Pilot Scheme applies where all of the following conditions are met-

(a) the application is for an adoption order under the Adoption and Children Act 2002 made in relation to a child who is habitually resident in the British Islands;

(b) the application is not for a 'Convention adoption order' as defined in Rule 14.1(2);

(c) one of the following applies –

(i) the child to whom the application for an adoption order relates is made has been placed for adoption under section 19 of the 2002 Act;

(ii) a placement order under the 2002 Act is in force in respect of the child to whom the application for an adoption order relates;

(iii) the child is the subject of a Scottish permanence order (which term has the meaning given in section 47(10) of the 2002 Act) which includes provision granting authority for the child to be adopted; or

(iv) the child is free for adoption by virtue of an order made under Article 17(1) or 18(1) of the Adoption (Northern Ireland) Order 1987;

(d) access to the online system for making and continuing such applications is permitted;

(e) the process provided for in the online system can be completed;

(f) the application is started in the family court sitting at-

(i) Chelmsford;

- (ii) Leeds;
- (iii) Medway;
- (iv) Newport (Gwent);
- (v) Northampton;
- (vi) Oxford;
- (vii) Portsmouth; or
- (viii) Worcester;

(g) the application is filed in the period commencing 6 April 2022 and ending 31 October 2022.

**1.4** In this Practice Direction the “online system” means Her Majesty’s Courts and Tribunals Service’s online system to allow for certain stages in applications specified in paragraph 1.3 of this Practice Direction to be dealt with online.

### **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 the applications specified in paragraph 1.3 of this Practice Direction to be completed using the online system.

**2.2** Where the conditions in paragraph 1.3 are met, this Pilot Scheme enables-

- (a) prospective adopters;
- (b) local authorities; and
- (c) adoption agencies;

to engage in proceedings via the online system, to include taking the steps specified in paragraph 2.3.

**2.3** The specified steps are-

- (a) to create and file an application referred to in paragraph 1.3 to commence proceedings;
- (b) in respect of an application referred to in sub-paragraph (a), to-
  - (i) file documents, including draft orders, further applications and reports at the same time as filing the application;
  - (ii) amend the application;

(iii) indicate willingness to accept service by the court of documents relating to the application via email; and

(iv) accept service by the court by email of any documents relating to the application; and

(c) to view an electronic record of the progress of the application that is progressing using the online system.

#### **2.4 For the avoidance of doubt-**

(a) it should not be assumed that an application of a type specified in paragraph 1.3, or any or all stages of such an application, will always be dealt with on the online system. For example, Her Majesty's Courts and Tribunals Service may gradually roll-out provision for the online service. Her Majesty's Courts and Tribunals Service will indicate via the online system which applications and stages in proceedings can be dealt with on the online system at any point in time;

(b) parties to proceedings may not effect service of applications or other documents on other parties via the online service; and

(c) the online service cannot be accessed by those referred to at paragraph 2.2, but they will be able to view an electronic record of the progress of an application that is progressing using the online system;

(d) parents (even if parties to the proceedings) and any other parties not referred to in paragraph 2.2 will not have access to the online system and nor will they be able to view the electronic record referred to in sub-paragraph (c): they will be kept informed in accordance with the provisions of the FPR.

### **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 11.5.

#### **Modification of rule 2.3(1) FPR**

**4.1** In rule 2.3(1) FPR, the definition of "filing" is modified by inserting after "office" -

"or, where the Pilot Scheme referred to in Practice Direction 36ZB applies, by creating and submitting, or by uploading, the document on the online system referred to in that Practice Direction."

#### **Modification of Part 5 FPR**

**5.1** For 5.1, substitute-

**5.1** Where the Pilot Scheme referred to in Practice Direction 36ZB applies, the applicant must-

- (a) complete all sections of the application process to apply for an adoption order in a manner set out in the online system referred to in that Practice Direction;
- (b) provide all the information, including any additional documents, that the online application system referred to in that Practice Direction requires, or that the court requires, in a manner specified by the online application system, or required by the court.”.

**5.2** In rule 5.2, for “Subject” substitute “Where rule 5.1(a)(ii) applies and a form is uploaded to the online system, subject”.

**5.3** After rule 5.2 FPR insert-

**“Timing and receipt of applications**

**5.3** An application that is submitted via the online system in accordance with rule 5.1 is lodged with the court on the date and at the time that HMCTS software records the application as received, provided that the application is subsequently issued by the court.

**Timing of receipt of documents other than applications**

**5.3A** A document, other than an application, that is submitted via the online system is filed with or otherwise received by the court on the date and at the time that HMCTS software records the document as received.”.

**Modification of Part 14 FPR**

**6.1** In rule 14.5 after paragraph (3) insert-

“(4) In a case where-

- (a) the Pilot Scheme referred to in Practice Direction 36ZB applies; and
- (b) the court officer is to serve a document by email,

the court may either attach the document to be served to the email or include within the email a link to the document.”.

**6.2** In rule 14.17 after paragraph (2) insert-

“(2A) In a case where-

- (a) the Pilot Scheme referred to in Practice Direction 36ZB applies; and
- (b) any document referred to in paragraph (2) has been provided to the court by being uploaded to the online system,

the court may require that the document also be provided in hard copy by a date specified by the court.”.

**6.3** In rule 14.23 after “special security.” insert “Where any information or document is held electronically by the court, such as on the online system referred to in Practice Direction 36ZB, special security arrangements must be in place, in particular in relation to restrictions on access to any such information or document by the court, court staff or others.”

### **Modification of Part 17 FPR**

**7.1** In rule 17.2(6), for “The statement of truth” substitute “Subject to paragraph (6A), the statement of truth”.

**7.2** After rule 17.2(6) insert-

“(6A) Where a statement of truth is included in an application completed using the online system referred to in Practice Direction 36ZB the party must file with the court an application which includes the name of the person who the online system requires to sign a statement of truth recorded against the statement of truth.”.

### **Modification of rule 29.13(1) FPR**

**8.1** After rule 29.13(1) insert-

“(1A) Where-

(a) the Pilot Scheme referred to in Practice Direction 369ZB applies; and

(b) the court is to serve order or judgment on a party by email,

service under paragraph (1) or otherwise may be effected by the court sending the party an email, to the address given for service in accordance with Practice Direction 6A, with the judgment or order attached to the email or with a link to the judgment or order included within the email.”.

### **Disapplication of Practice Direction 5B as modified by Practice Direction 36R or by Practice Direction 36Y**

**9.1** (1) Subject to paragraph (2), where the Pilot Scheme referred to in Practice Direction 36ZB applies, the modifications to Practice Direction 5B made by Practice Direction 36R or by Practice Direction 36Y do not apply.

(2) Paragraph (1) does not apply if it is not possible to upload a given document to the online system referred to in Practice Direction 36ZB, for example because the online system is not accessible because of planned system maintenance or unplanned circumstances.

## **Modification of Practice Direction 6A**

**10.1** 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 36ZB applies; and

(b) service of a judgment or order by the court is to be effected in accordance with rule 29.13(1A), as inserted by Practice Direction 36ZB.

**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 a judgment or order by the court sending an email with the judgment or order attached to the email or with a link to the judgment or order included within the email.”.

**10.2** 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 36ZB that that party is willing to accept service by email and stating the email address for such service.”.

## **Modification of Practice Direction 17A**

**11.1** Omit paragraphs 1.5 and 2.3.

**11.2** In the heading to paragraph 3.1 and in paragraphs 3.1, 3.7, 3.8 and 3.10 references to “sign”, “signs”, “signed” and “signing” are to be read as references to the name of the person being, or having been, recorded against the statement of truth included in an application for an adoption order to which the Pilot Scheme referred to in Practice Direction 36ZB applies.

**11.3** For paragraph 4.1 substitute-

**“4.1** Where an application completed using the online system referred to in Practice Direction 36ZB contains a statement of truth with the name of a person who is unable to read or sign the document recorded against it, the application must be accompanied by a certificate made by an authorised person.”.

**11.4** In paragraph 4.3-

(a) for sub-paragraph (a) substitute-

“(a) that the content of the online application has been read to the person before completion of the statement of truth required by the online system;”

(b) for sub-paragraph (e) substitute-

“(e) that that person confirmed in the presence of the authorised person that it was their belief that the contents of the online application were true.”.

**11.5** For the Annex substitute-

**“Certificate to be used where a person is unable to read or sign an online application for an adoption order to which the Pilot Scheme in Practice Direction 36ZB applies.**

I certify that I [name and address of authorised person] have read the contents of the online application and the statement of truth to the person whose name is recorded against the statement of truth, who appeared to understand (a) the application and approved its contents as accurate and (b) the statement of truth and the consequences of making a false statement, and orally confirmed that this was the case in my presence.”.

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ANNEX 3: NEW PRACTICE DIRECTION 36ZC TO BE INSERTED AFTER PRACTICE DIRECTION 36ZB:

**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)**

*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 an application for a matrimonial order or civil partnership order to proceed by electronic means via the online system.

**1.2.** This Practice Direction comes into force on 6 April 2022.

**1.3.** Subject to paragraph 1.4, this Practice Direction applies to all applications made on the online system from 6 April 2022.

**1.4.** Practice Direction 41A will remain in force in relation to any applications commenced under that Practice Direction, and this Practice Direction (and any that supersede it) will not apply in relation to such applications.

**1.5.** Subject to paragraph 1.6, the Pilot Scheme applies where the following conditions are met:

- a) the application is for a matrimonial order which is an order of divorce made under section 1 of the 1973 Act;
- b) the application is for a civil partnership order which is an order of dissolution made under section 1 of the 2004 Act;
- c) the application is not unsuitable for the online system (as explained in paragraph 1.8);
- d) in a sole application, either party chooses to proceed with the application by electronic means;
- e) in a joint application, the parties each choose to proceed with the application by electronic means;
- f) the application is started in the family court; and
- g) the application is filed in the period commencing 6 April 2022 and ending 5 April 2023.

**1.6.** Subject to paragraph 1.7, an application must proceed by electronic means where-

- (a) all of the conditions in paragraph 1.5(a), (b), (c), (f) and (g) are met; and
- (b) the applicant is legally represented.

**1.7.** Paragraph 1.6 does not apply when the online system is not available for use because of-

- (a) planned “down time” for system maintenance or upgrades;

- (b) unplanned “down-time” because of, for example, a system failure or power outage or some other unplanned circumstance.”; or
- (c) in a joint application, the same legal representative is acting for both applicants.

**1.8.** Her Majesty’s Courts and Tribunals Service may conclude that certain individual or categories of applications are not suitable for the online system, and such categories are to be specified in guidance issued by Her Majesty’s Courts and Tribunals Service and published on GOV.UK.

**1.9.** In this Practice Direction the “online system” means Her Majesty’s Courts and Tribunals Service’s online system to allow for specified applications in matrimonial and civil partnership proceedings to be completed online. The online system is accessible at <https://www.gov.uk/apply-for-divorce>.

### **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 an application for a matrimonial order or civil partnership order to proceed by electronic means via the online system.

### **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 13.5. This Practice Direction contains provisions that apply generally to applications in the Pilot Scheme.

**3.2** There are certain steps that cannot be taken by electronic means via the online system and which must be taken offline and in accordance with the FPR and supporting practice directions. (In turn, rule 5.5 and PD5B will apply to determine whether any of the steps can be taken via email.)

**3.3** The Pilot Scheme does not make provision in relation to steps that can already be undertaken by email (via rule 5.5 FPR and PD5B) or in relation to procedures to enable documents to be held electronically by HMCTS via bulk scanning (PD5D).

### **Modification of Part 2 FPR**

**4.1** In rule 2.3(1) FPR, for the definition of “filing” substitute-

“ “filing” in relation to supplying a document or information, means-

- (a) delivering it, by post or otherwise, to the court office; or
- (b) where Practice Direction 36ZC applies, by-
  - (i) uploading the document on the online system referred in that Practice Direction; or

- (ii) submitting the information via that online system;”.

## **Modification of Part 5 FPR**

### **5.1. For rule 5.1, substitute-**

#### **“5.1**

(1) Where the Pilot Scheme referred to in Practice Direction 36ZC applies, and subject to that Practice Direction, the following stages in matrimonial or civil partnership proceedings shall be completed online by the applicant, or applicants jointly, in the manner specified by the online system-

- (a) create and start certain types of application for a matrimonial order or civil partnership order;
- (b) in respect of such an application-
  - (i) file documents;
  - (ii) in the case of joint applicants, file an acknowledgement of receipt;
  - (iii) indicate willingness to accept service of any documents relating to the application by email;
  - (iv) accept service of any documents relating to the application;
  - (v) serve any documents relating to the application (but not serve the application itself);
  - (vi) make an application for a conditional order; and
  - (vii) make an application for a final order (and give notice of such application where required);
- (c) view an electronic record of the progress of the application.

(2) Where the Pilot Scheme referred to in Practice Direction 36ZC applies, and subject to that Practice Direction, the respondent may take the following steps by electronic means via the online system in respect of an application for a matrimonial order or civil partnership order which is progressing via the online system-

- (a) file an acknowledgement of service;
- (b) indicate willingness to accept service of any documents relating to the application (but not the application itself) by email;
- (c) accept service of any documents relating to the application;
- (d) make an application for a final order (where applicable); and

(d) view an electronic record of the progress of the application.

(3) Each party must at each stage provide all the information requested, including any documents that the online system or court requires, in a manner specified by the online system or by the court.”.

**5.2.** Omit rule 5.2.

### **Modification of Part 6 FPR**

**6.1.** In rule 6.15 for paragraph (1) substitute-

“(1) An application is deemed to be served if-

(a) subject to paragraph (2), a paper acknowledgment of service, signed by the party served or the solicitor acting on that party’s behalf, is returned to the court office; or

(b) the respondent completes the acknowledgment of service using the online system referred to in Practice Direction 36ZC.”

### **Modification of Part 7 FPR**

**7.1.** For rule 7.3(1) substitute-

**“7.3**

(1) Where an applicant is legally represented, the legal representative must complete and provide with the application, in a manner specified in the online system referred to in Practice Direction 36ZC, a statement certifying whether the legal representative has discussed with the applicant the possibility of reconciliation and given the applicant the names and addresses of persons qualified to help effect a reconciliation.”.

**7.2.** For rule 7.5(2)(a) substitute-

“(a) details of how to respond to the application; and”.

**7.3.** In rule 7.7-

(a) in paragraph (1) for “The” substitute “Subject to paragraphs (2A) to (2C), the”;

(b) after paragraph (2) insert-

“(2A) A respondent may choose whether or not to use the online system to complete and file an acknowledgment of service. Details of how to respond online will be sent to them in accordance with 7.5(2)(a).

(2B) If a respondent chooses not to use the online system then they must contact Her Majesty’s Courts and Tribunals Service (using the details sent to them in accordance with 7.5(2)(a)) to request a paper form for acknowledging service.

(2C) Where paragraph (2B) applies, the acknowledgment of service must be filed within 14 days beginning with the date on which the respondent received the paper form for acknowledging service. The amended deadline for filing the acknowledgment will be notified to all parties.”;

(c) in paragraph (3)(a) reference to “signed” is to be read as reference to the name of the individual being, or having been, recorded against the statement of truth included in an acknowledgment of service which has been completed online in accordance with paragraph (2A);

(d) in paragraph (4) after “proceedings”, the second time it appears, insert “using the online system described in Practice Direction 36ZC”.

#### **7.4. In rule 7.9-**

(a) in paragraph (1) after “court” insert “using the online system described in Practice Direction 36ZC”;

(b) after paragraph (3) insert—

“(3A) An application made under paragraph (3)(c) may be made offline and in accordance with Part 7 of the FPR or using the online system described in Practice Direction 36ZC.”;

(c) in paragraph (4)-

(i) for “be accompanied by” substitute “include”;

(ii) in subparagraph (c) for “the”, the first time it appears, substitute “a paper”;

(d) in paragraph (6) for “must be served on the other party to the marriage or civil partnership” substitute “using the online system described in Practice Direction 36ZC will be automatically sent to the other party to the marriage or civil partnership”.

#### **7.5. In rule 7.19 -**

(a) in paragraph (1) after “court”, each time it appears, insert “, using the online system described in Practice Direction 36ZC”;

(b) in paragraph (2)-

(i) after “(1)(c)” insert “using the online system described in Practice Direction 36ZC”;

(ii) after “notice”, the second time it appears, insert “using the online system described in Practice Direction 36ZC”;

(c) after paragraph (2) insert—

“(2A) An application made under (1)(c) may be made offline and in accordance with Part 7 of the FPR or using the online system described in Practice Direction 36ZC.”;

(d) omit paragraph (3).

### **Modification of Part 17 FPR**

**8.1.** In rule 17.2(6), for “The statement of truth” substitute “Subject to paragraph (6A), the statement of truth”.

**8.2.** After rule 17.2(6) insert-

**“(6A)** Where a statement of truth is included in an application or acknowledgment of service completed using the online system referred to in Practice Direction 36ZC-

- (a) the party must file with the court an application or acknowledgment of service which includes the name of the person who the online system requires to sign a statement of truth recorded against the statement of truth; and
- (b) the court may require the party to produce a copy of the application or acknowledgment of service containing the signature of the person referred to in sub-paragraph (a) at a later date.”.

**Modification of Part 29 FPR**

**9.1.** After rule 29.13(1) insert-

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

**Disapplication of Practice Direction 5B**

**10.1.** Practice Direction 5B does not apply in relation to an application made online under the Pilot Scheme referred to in Practice Direction 36ZC.

**Modification of Practice Direction 6A**

**11.1.** 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 36ZC that that party is willing to accept service by email and stating the email address for such service.”

**11.2.** In paragraph 10.1-

- (a) for “send” substitute “provide”; and
- (b) omit “photographic or scanned”.

**Modification of Practice Direction 7A**

**12.1.** For paragraph 1.1 substitute-

“1.1 Where the Pilot Scheme referred to in Practice Direction 36ZC applies, an application for a matrimonial order or civil partnership order must be made as required by the online system referred to in that Practice Direction and in accordance with rule 5.1.”.

**12.2.** For paragraph 1.2 substitute-

“1.2 The application must be completed according to the detailed guidance contained in the online system.”.

**12.3.** After paragraph 1.2 insert-

**“Applications for matrimonial or civil partnership orders received via the online system: timing**

“1A.1 An application for a matrimonial or civil partnership order that is submitted via the online system is lodged with the court on the date and at the time that HMCTS software records the application as received, provided that the application is subsequently issued by the court.

1A.2 A document, other than an application for a matrimonial or civil partnership order, that is submitted via the online system is filed with or otherwise received by the court on the date and at the time that HMCTS software records the document as received.

1A.3 When an application is received via the online system referred to in Practice Direction 36ZC, an acknowledgement of receipt will automatically be sent to the applicant or applicants. This acknowledgement of receipt does not constitute a notice that the application has been issued.”.

**12.4.** In paragraph 3.1-

(a) for the heading of, and first sentence of, paragraph 3.1, substitute-

**“Proof of marriage**

**3.1** The online system referred to in Practice Direction 36ZC sets out the documents which must accompany an application for a matrimonial order or civil partnership order and the way in which those documents may be provided (for example, the online system may allow for documents to be posted, or to be uploaded and submitted online with the application).”.

**Modification of Practice Direction 17A**

**13.1.** Omit paragraphs 1.5 and 2.3.

**13.2.** In the heading to paragraph 3.1 and in paragraphs 3.1, 3.7, 3.8 and 3.10 references to “sign”, “signs”, “signed” and “signing” are to be read as references to the name of the person being, or having been, recorded against the statement of truth included in an application or acknowledgment of service filed in matrimonial or civil partnership proceedings to which the pilot scheme referred to in Practice Direction 36ZC applies.

**13.3.** For paragraph 4.1 substitute-

“4.1 Where an application or acknowledgment of service completed using the online system referred to in Practice Direction 36ZC contains a statement of truth, with the name of a person who is unable to read or sign the document recorded against it, the application or acknowledgment of service must be accompanied by a certificate made by an authorised person.”.

13.4. In paragraph 4.3-

(a) for sub-paragraph (a) substitute-

“(a) that the content of the online application or acknowledgment of service has been read to the person before completion of the statement of truth required by the online system;”; and

(b) for sub-paragraph (e) substitute-

“(e) that that person confirmed in the presence of the authorised person that it was their belief that the contents of the online application or acknowledgment of service were true.”

13.5. For the Annex substitute-

**“Certificate to be used where a person is unable to read or sign an online application or acknowledgment of service filed in matrimonial or civil partnership proceedings to which the pilot scheme in Practice Direction 36ZC applies.**

I certify that I [name and address of authorised person] have read the contents of the online [application][acknowledgment of service] and the statement of truth to the person whose name is recorded against the statement of truth, who appeared to understand (a) the [application][acknowledgment of service] and approved its contents as accurate and (b) the statement of truth and the consequences of making a false statement, and orally confirmed that this was the case in my presence.”.

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ANNEX 4: NEW PRACTICE DIRECTION 36ZD TO BE INSERTED AFTER PRACTICE DIRECTION 36ZC:

**PRACTICE DIRECTION 36ZD – PILOT SCHEME: ONLINE SYSTEM FOR CERTAIN PRIVATE LAW PROCEEDINGS RELATING TO CHILDREN AND FOR CERTAIN PROTECTIVE ORDERS**

*This Practice Direction supplements FPR Part 36, rule 36.2 (Transitional Arrangements and Pilot Schemes).*

**CHAPTER 1: INTRODUCTORY PROVISIONS**

**Scope and interpretation**

**1.1** This Practice Direction is made under rule 36.2 FPR and sets up a Pilot Scheme to allow for certain applications and certain stages in the proceedings relating to those applications to proceed via an online system.

**1.2** The Pilot Scheme applies to applications where all of the following conditions are met:

(a) the application is for-

- (i) an order under section 8 of the 1989 Act;
- (ii) permission to apply for an order under section 8 of the 1989 Act; or
- (iii) an order under Part 4 of the 1996 Act;

(b) the applicant is legally represented;

(c) access by the applicant's legal representative to the online system for making such applications is permitted;

(d) the application is to be started in the family court; and

(e) the application is filed in the period commencing 20 April 2022 and ending at the end of the day on 19 April 2023.

**1.3** In this Practice Direction-

“HMCTS” means Her Majesty’s Courts and Tribunals Service; and

“online system” means the HMCTS’s online system to allow for certain applications and certain stages in the proceedings relating to those applications to proceed online.

**Purpose of the Pilot Scheme**

**2.1** The initial purpose of this Pilot Scheme is to assess the use of new practices and procedures to allow, where the conditions specified in paragraph 1.2 are met, for applications be created and submitted via an online system.

**2.2** It is intended that this Practice Direction will be amended in future to allow for later stages in those applications to be completed via the online system.

**2.3** For the avoidance of doubt-

(a) HMCTS will determine who may have access to the online system (as per paragraph 1.2(c)). For example, it may be that initially access is only permitted to selected legal representatives or that, in time, access is permitted to a party's legal representative who is registered in accordance with requirements specified by HMCTS;

(b) it should not be assumed that an application of a type specified in paragraph 1.2(a), or any or all stages of such an application, will always be able to be dealt with on the online system. This is because HMCTS will be gradually rolling out the types of application that can be dealt with via the online system. There may also be times when the online system is not available, for example because of planned or unplanned down-time. HMCTS will indicate via the online system which applications can be dealt with on the online system at any point in time;

(c) it should be noted that Practice Direction 36G makes provision for a Pilot Scheme for generating an application for a section 8 order online (with the application then usually being filed by email). If a party or their legal representative does not have access to the online system referred to in this Practice Direction 36ZD, then they can instead access the online system referred to in Practice Direction 36G.

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

**3.1** During the operation of the Pilot Scheme the FPR and the Practice Directions supporting the FPR will apply-

(a) as modified by Chapter 2, to all cases falling within the Pilot Scheme;

(b) as modified by Chapter 3, to applications for an order under section 8 of the 1989 Act; and

(c) as modified by Chapter 4, to applications for an order under Part 4 of the 1996 Act.

## **CHAPTER 2: MODIFICATIONS APPLICABLE TO ALL CASES WITHIN THE PILOT SCHEME**

### **Modification of Part 2 FPR**

**4.1** In rule 2.3(1) FPR, for the definition of "filing" substitute-

"filing" in relation to supplying a document or information, means-

(a) delivering it, by post or otherwise, to the court office; or

(b) where Practice Direction 36ZD applies, by-

(i) uploading the document on the online system referred in that Practice Direction; or

(ii) submitting the information via that online system;”

### **Modification of Part 5 FPR**

**5.1** For rule 5.1 FPR substitute:

“5.1 Where the Pilot Scheme referred to in Practice Direction 36ZD applies, the applicant must:

- (a) complete all relevant sections of the application process set out in the online system;
- (b) submit the completed application via the online system;
- (c) provide all the information, including any additional documents, that the online system or the court requires, in the manner specified by the online system or required by the court.”.

**5.2** Omit rule 5.2 FPR.

**5.3** After rule 5.2 FPR insert-

#### **“Timing of receipt of applications**

**5.3** An application that is submitted via the online system in accordance with rule 5.1 is lodged with the court on the date and at the time that HMCTS software records the application as received, provided that the application is subsequently issued by the court.

#### **Timing of receipt of documents other than applications**

**5.3A** A document, other than an application, that is submitted via the online system is filed with or otherwise received by the court on the date and at the time that HMCTS software records the document as received.”.

### **Modification of Part 17 FPR**

**6.1** In rule 17.2(6) FPR for “The statement of truth” substitute “Subject to paragraph (6A), the statement of truth”.

**6.2** After rule 17.2(6) FPR insert:

“(6A) Where a statement of truth is included in an application to which the Pilot Scheme referred to in Practice Direction 36ZD applies –

- (a) the applicant must file with the court an application which includes the name of the person who the online system requires to sign a statement of truth printed underneath the statement of truth; and
- (b) the court may require the applicant to produce a copy of the application containing the signature of the person referred to in sub-paragraph (a) at a later date.”

### **Modification of FPR Practice Direction 17A**

**7.1** In the heading to paragraph 3.1 and in paragraphs 3.1, 3.7, 3.8 and 3.10 references to “sign”, “signs”, “signing” and “signed” are to be read as references to the name of the person being, or having been, printed under the statement of truth included in an application to which the Pilot Scheme referred to in Practice Direction 36ZD applies.

**7.2** For paragraph 4.1 substitute-

“4.1 Where an application (being an application to which the Pilot Scheme referred to in Practice Direction 36ZD applies) contains a statement of truth with the printed name of a person who is unable to read or sign the document, the application must be accompanied by a certificate made by an authorised person.”

**7.3** In paragraph 4.3-

(a) for sub-paragraph (a) substitute-

“(a) that the content of the application generated by the online system has been read to the person before completion of the statement of truth required by the online system;” and

(b) for sub-paragraph (e) substitute-

“(e) that that person confirmed in the presence of the authorised person that it was their belief that the contents of the application were true.”.

**7.4** For the Annex substitute-

“Certificate to be used where a person is unable to read or sign an application to which the Pilot Scheme referred to in Practice Direction 36ZD applies.

I certify that I [name and address of authorised person] have read the contents of the application and the statement of truth to the person whose name is printed under the statement of truth in the application, who appeared to understand (a) the application and approved its contents as accurate and (b) the statement of truth and the consequences of making a false statement, and orally confirmed that this was the case in my presence.”.

## **CHAPTER 3: MODIFICATIONS APPLICABLE TO APPLICATIONS FOR AN ORDER UNDER SECTION 8 OF THE 1989 ACT**

### **Modification of Part 3 FPR**

**8.1** For rule 3.7 substitute-

“3.7 An application to initiate any of the proceedings specified in Rule 3.8 must either-

(a) be accompanied by a form (uploaded to the online system) which includes confirmation from an authorised family mediator that –

- (i) the prospective applicant has attended a MIAM; or
- (ii) a mediator’s exemption applies; or

(b) contain a claim by the prospective applicant that one of the MIAM exemptions applies.

(A list of MIAM exemptions is set out in Rule 3.8(1) below. A list of mediator's exemptions is set out in Rule 3.8(2) below.)”.

### **Modification of FPR Practice Direction 3A**

**9.1** For paragraph 6 substitute-

“6 When making certain kinds of applications (see paragraphs 12 and 13 below), an applicant must therefore either-

(a) provide on a separate form uploaded to the online system confirmation from a mediator that-

(i) the applicant has attended a MIAM; or

(ii) a 'mediator's exemption' applies; or

(b) include in the application a claim that a MIAM exemption applies.

An applicant who claims an exemption from the MIAM requirement is not required to attach any supporting evidence with their application, but should bring any supporting evidence to the first hearing.”.

**9.2** Omit paragraphs 14 to 16.

**9.3** In paragraph 18, for “on the relevant form” substitute “in the relevant section of the online system.”

**9.4** In paragraph 34, omit the words after “MIAM exemption” and substitute “and signed confirmation should then be returned to the applicant.”

### **Modification of FPR Practice Direction 12B**

**10.1** For paragraph 8.2 substitute-

“8.2 Where the pilot scheme referred to in Practice Direction 36ZD applies, the application for a section 8 order must be created and submitted on the online system referred to in Practice Direction 36ZD. For the purposes of that pilot scheme, references in this Practice Direction to “form C100” and “form C1A” are to be read as including those versions of the forms generated by the online system.”

**10.2** In paragraph 8.3 for “on the form C100” substitute “on the application submitted on the online system referred to in Practice Direction 36ZD”.

**10.3** In paragraph 8.4-

(a) for “the form C100” substitute “application”; and

(b) in sub-paragraph (3) for “in the form” substitute “on a form uploaded to the online system by the applicant”.

**10.4** Omit paragraph 8.5.

**10.5** In paragraph 8.6 for “attached to the Form C100” substitute “filed with the court by email”.

## **Modification of FPR Practice Direction 12B (Pilot), annexed to Practice Direction 36Z**

**11.1** Omit paragraph 8.2.

**11.2** In paragraph 8.3 for “on the form C100” substitute “in the application created and submitted on the online system referred to in Practice Direction 36ZD”.

**11.3** In paragraph 8.4 for “form C100” substitute “the application”.

**11.4** Omit paragraph 8.5.

**11.5** In paragraph 8.6 for “attached to the Form C100” substitute “filed with the court by email”.

**11.6** In paragraph 8.7 for “form C100” both times those words appear substitute “the application”.

**11.7** In paragraph 8.8-

(a) in sub-paragraph (a) for “being made on a form C100” substitute “for an order under section 8 of the 1989 Act which is created and submitted on the online system referred to in Practice Direction 36ZD”; and

(b) in sub-paragraph (a)(i) after “Form C1A)” insert “as generated by the online system”.

**11.8** In paragraph 8.9-

(a) in sub-paragraph (a) for “being made on a form C100” substitute “for an order under section 8 of the 1989 Act which is created and submitted on the online system referred to in Practice Direction 36ZD”; and

(b) in sub-paragraph (a)(i) for “(together with Supplemental Information Form C1A, if provided)” substitute “(together with any Supplemental Information Form C1A) as generated by the online system”.

**11.9** In paragraph 8.11-

(a) in sub-paragraph (a) for “(and the form C1A, if supplied)” substitute “(and any Form C1A) as generated by the online system”; and

(b) in sub-paragraph (b) after “Form C8” insert “(as generated by the online system)”.

## **CHAPTER 4: MODIFICATIONS APPLICABLE TO APPLICATIONS FOR AN ORDER UNDER PART 4 OF THE 1996 ACT**

**12.1** In rule 10.2(1) after “statement” inserted “which must be uploaded to the online system referred to in Practice Direction 36ZD”.

