

## PRACTICE DIRECTION UPDATE No. 1 of 2024

The amendments to existing 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 Lady 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>
Amendments to Practice Direction 3A	29 April 2024
Amendment to Practice Direction 5B	19 February 2024
Amendments to Practice Direction 12J	19 February 2024
Amendment to Practice Direction 36G	On the day after the date on which this Practice Direction Update is signed
Amendments to Practice Direction 36Z and the annexed Practice Direction 12B (Pilot)	19 February 2024
Amendment to Practice Direction 36ZA	On the day after the date on which this Practice Direction Update is signed
Amendments to Practice Direction 36ZD	On the day after the date on which this Practice Direction Update is signed
Amendments to Practice Direction 36ZF	1 March 2024

Signed:

\_\_\_\_\_ Date: \_\_\_\_\_

Sir Andrew McFarlane, The President of the Family Division

Signed:

\_\_\_\_\_ Date: \_\_\_\_\_

Lord Bellamy KC, Parliamentary Under-Secretary of State, Ministry of Justice

### **PRACTICE DIRECTION 3A – FAMILY MEDIATION INFORMATION AND ASSESSMENT MEETINGS (MIAMS)**

- (1) In paragraph 10C (inserted by Practice Direction Update No.6 of 2023)-
  - (a) the second sub-paragraph numbered (a) is renumbered as sub-paragraph (b); and
  - (b) at the end of the paragraph insert-

“The form referred to in this paragraph must be verified by a statement of truth.”.

### **PRACTICE DIRECTION 5B – COMMUNICATION AND FILING OF DOCUMENTS BY E-MAIL**

- (1) In paragraph 1.5(a) for the words in brackets at the end of the provision substitute-

“(The email guidance can be found at: <https://www.justice.gov.uk/courts/procedure-rules/family/hmcts-email-guidance-family-proceedings>.)”.

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

- (1) For paragraph 16(d) substitute-

“(d) before it considers the need for a domestic abuse intervention.”.
- (2) In paragraph 34 for “DVPP” both times that term occurs substitute “domestic abuse intervention”.

### **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(d) for “31 March 2024” substitute “31 March 2025”.

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

- (1) In Practice Direction 36Z-
  - (a) in paragraph 1.3-
    - (i) in sub-paragraph (b) after “1.4” insert “, 1.4A or 1.4B”; and
    - (ii) for sub-paragraph (c) substitute-

“(c) in the case of-
      - (i) an application started in a location of the family court specified in paragraph 1.4, the application is filed in the period

commencing 21 February 2022 and ending at the end of 28 February 2025;

(ii) an application started in a location of the family court specified in paragraph 1.4A, the application is filed in the period commencing 29 April 2024 and ending at the end of 29 April 2025;

(iii) an application started in a location of the family court specified in paragraph 1.4B, the application is filed in the period commencing 28 May 2024 and ending at the end of 28 May 2025.”;

(b) in paragraph 1.4 after “1.3(b)” insert “and (c)(i)”;

(c) after paragraph 1.4 insert-

**“1.4A** The locations of the family court referred to in paragraph 1.3(b) and (c)(ii) are-

- (a) Blackwood;
- (b) Cardiff;
- (c) Merthyr Tydfil;
- (d) Newport;
- (e) Pontypridd.

**1.4B** The location of the family court referred to in paragraph 1.3(b) and (c)(iii) is-

- (a) Birmingham.”; and

(d) in paragraph 5.2-

- (i) omit sub-paragraph (k)(iii)(bb);
- (ii) at the end of sub-paragraph (v) insert “and”; and
- (iii) omit sub-paragraph (w).

(2) In Practice Direction 12B (Pilot) annexed to Practice Direction 36Z-

(a) after paragraph 9.4 insert-

**“9.5** In a returning case, the judge may direct that a Child Impact Report should not be prepared. In deciding whether to make such a direction, the judge should take into account-

- a) the period of time which has elapsed since the most recent order made on the last application, particularly if that period is less than three months;
- b) whether a Child Impact Report is necessary to facilitate the progression of the case;
- c) whether delays in preparing a Child Impact Report may be to the detriment of the child;

- d) any indication that there has been local authority or police involvement with the parties or the child since the last Child Impact Report was submitted; and
- e) any other circumstances the court considers relevant on the facts of the case.”;

(b) in paragraph 13.4-

- (i) after “paragraph 13.6 below.” insert “In a returning case, the judge may decide that a Child Impact Report is not needed: see paragraph 9.5.”;
- (ii) omit sub-paragraph (a); and
- (iii) in sub-paragraph (i)(ii) for “DAPP” substitute “domestic abuse interventions”; and

(c) in paragraph 13.18 for “the relevant Cafcass service manager; for cases in Wales the “hotline” protocol agreed with Cafcass Cymru will ensure that such a discussion can take place” substitute “the relevant Cafcass/ Cafcass Cymru service manager”.

#### **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 “2024” substitute “2025”.

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

- (1) In paragraph 1.2(e) for “31 March 2024” substitute “31 March 2025”.

- (2) After paragraph 8.1 insert-

##### **“Modification of Part 12 FPR**

**8.2** After rule 12.6 insert-

##### **“Provision of information to an officer of the service or a Welsh family proceedings officer**

**12.6A** Where-

(a) an officer of the Service or Welsh family proceedings officer is involved in proceedings to which this Part applies; and

(b) the online system holds information (including any document) which has been-

(i) filed with the court; or

(ii) served on one or more of the parties to the proceedings,

the court shall make that information available to the officer.”.

- (3) After paragraph 13.1 insert-

**“13.1A** After rule 13.9 insert-

**“Provision of information to a parental order reporter**

**13.9A** Where-

- (a) a parental order reporter has been appointed; and
- (b) the online system holds information (including any document) which has been-

- (i) filed with the court; or

- (ii) served on one or more of the parties to the proceedings,

the court shall make that information available to the parental order reporter.”.”.

**PRACTICE DIRECTION 36ZF – PILOT SCHEME: PUBLIC LAW OUTLINE: CHECKLISTS**

- (1) In paragraph 3.2, after “(e)” insert “, (g)”.
- (2) In paragraph 3.4, for “, (c) and (g)” substitute “and (c)”.

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