

PRACTICE DIRECTION UPDATE: No. 5 of 2023

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 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 on the day after the date on which this Practice Direction Update is signed.

Signed:

_____ Date: ____18 October 2023_____

Sir Andrew McFarlane

The President of the Family Division

Signed:

_____ Date: __30 October 2023 _____

Lord Bellamy KC

Parliamentary Under-Secretary of State, Ministry of Justice

PRACTICE DIRECTION 6A – SERVICE WITHIN THE JURISDICTION

(1) In paragraph 12.2 for “7.19(4)” substitute “7.9(4)”.

PRACTICE DIRECTION 36P – PILOT SCHEME: PLACEMENT PROCEEDINGS: PROCEDURE FOR SPECIFIED STEPS TO BE TAKEN VIA THE ONLINE SYSTEM

(1) In paragraph 1.3(d) for “31 October 2023” substitute “31 March 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 1.5(g) for “30 November 2023” substitute “31 May 2024”.

(2) In paragraph 7.4, for sub-paragraph (d) substitute—

“(d) for paragraph (6) substitute-

'(6) The online system referred to in Practice Direction 36ZC must notify the other party to the marriage where an application is made under paragraph (3)(c).'"

(3) For paragraph 12.4, substitute —

"12.4. For 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). Where the existence and validity of a marriage or civil partnership is not disputed, its validity will be proved by the application being accompanied, or verified, by —

(a) one of the following —

(i) a certificate of the marriage or civil partnership to which the application relates; issued under the law in force in the country where the marriage or civil partnership registration took place;

(ii) a similar document issued under the law in force in the country where the marriage or civil partnership registration took place; or

(iii) a certified copy of such a certificate or document obtained from the appropriate register office; or

(iv) HM Passport Office's "Life Event Service" (for marriages that have been registered in England and Wales since 1 January 2011); and

(b) where the certificate, document or certified copy is not in English (or, where the court is in Wales, in Welsh), a translation of that document certified by a notary public or authenticated by a statement of truth."
