

## **PRACTICE DIRECTION UPDATE No. 1 of 2025**

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:

<b>Provision</b>	<b>Coming into force date</b>
Amendment to Practice Direction 12Q	On the day after the date on which this Practice Direction Update is signed by the Minister
Amendment to Practice Direction 36G	On the day after the date on which this Practice Direction Update is signed by the Minister
Amendment to Practice Direction 36V	On the day after the date on which this Practice Direction Update is signed by the Minister
Amendment to Practice Direction 36Z	On the day after the date on which this Practice Direction Update is signed by the Minister
Amendment to Practice Direction 36ZD	On the day after the date on which this Practice Direction Update is signed by the Minister
New Practice Direction 36ZH	7 April 2025

Signed:

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Date: 25 February 2025

Sir Andrew McFarlane, The President of the Family Division

Signed:

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Date: 4 March 2025

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

## **PRACTICE DIRECTION 12Q – ORDERS UNDER SECTION 91(14) OF THE CHILDREN ACT 1989**

- (1) For paragraph 6.2 substitute-

“6.2 The application for permission (leave) must be made within Form C100, which must also set out the application it is sought to make if permission is granted. The application for leave should include details setting out the grounds on which permission is sought, including whether there has been a material change of circumstances since the court made the section 91(14) order.”

## **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 “2025” substitute “2026”.

## **PRACTICE DIRECTION 36V – PILOT SCHEME: FAMILY MEDIATION VOUCHER SCHEME**

- (1) In paragraph 1.2(b) for “2025” substitute “2026”.

## **PRACTICE DIRECTION 36Z – PILOT SCHEME: PRIVATE LAW REFORM: INVESTIGATIVE APPROACH**

- (1) In paragraph 1.3-

(a) in sub-paragraph (b) for “or 1.4C” substitute “, 1.4C or 1.4D”; and

(b) after paragraph (c)(iv) insert-

“(v) an application started in a location of the family court specified in paragraph 1.4D, the application is filed in the period commencing 3 June 2025 and ending at the end of 31 March 2026.”

- (2) After paragraph 1.4C insert-

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

(a) Bradford;

(b) Huddersfield;

(c) Leeds;

(d) Wakefield.”

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

- (1) In paragraph 1.2(e) for “2025” substitute “2026”.

**NEW PRACTICE DIRECTION 36ZH – PILOT SCHEME: EXPRESS FINANCIAL REMEDY PROCEDURE**

- (1) After Practice Direction 36ZG insert new Practice Direction 36ZH as set out in the Annex to this Practice Direction Update.
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ANNEX: NEW PRACTICE DIRECTION 36ZH TO BE INSERTED AFTER  
PRACTICE DIRECTION 36ZG

**PRACTICE DIRECTION 36ZH – PILOT SCHEME: EXPRESS FINANCIAL  
REMEDY PROCEDURE**

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 FPR and sets up a Pilot Scheme to require certain applications for a financial remedy and stages in proceedings relating to such applications to follow an express financial remedy procedure.
- 1.2 This Practice Direction comes into force on 7 April 2025.
- 1.3 The Pilot Scheme applies to applications to which the standard procedure would otherwise apply where all of the following conditions are met:
  - (a) subject to the exceptions in paragraph 1.4, the application is either-
    - (i) for a financial remedy in connection with an application for a matrimonial order or for a civil partnership order; or
    - (ii) a notice of intention to proceed with an application for a financial remedy that was made in an application for a matrimonial order or for a civil partnership order;
  - (b) the application is not for a consent order;
  - (c) the total combined net assets (as defined in paragraph 1.6) of the applicant and respondent are, or are considered by the applicant in the application as likely to be, less than £250,000.
  - (d) the application is started in a location of the family court specified in paragraph 1.5; and
  - (e) the application is filed in the period commencing 7 April 2025 and ending at the end of 3 April 2026.
- 1.4 The exceptions referred to in paragraph 1.3(a) are where the application is for a variation order under-
  - (a) section 31 of the Matrimonial Causes Act 1973; or
  - (b) Part 11 of Schedule 5 to the Civil Partnership Act 2004.

1.5 The locations of the family court referred to in paragraph 1.3(d) are-

- (a) Barrow in Furness
- (b) Birkenhead
- (c) Birmingham
- (d) Blackburn
- (e) Blackpool
- (f) Bradford
- (g) Carlisle
- (h) Chester
- (i) Crewe
- (j) Darlington
- (k) Durham
- (l) Gateshead
- (m) Harrogate
- (n) Huddersfield
- (o) Lancaster
- (p) Leeds
- (q) Leyland
- (r) Liverpool
- (s) Manchester
- (t) Middlesbrough
- (u) Newcastle Upon Tyne
- (v) North Shields
- (w) Preston
- (x) Reedley
- (y) Scarborough
- (z) Skipton
- (za) South Shields
- (zb) St Helens
- (zc) Sunderland
- (zd) Wakefield
- (ze) West Cumbria
- (zf) Wigan
- (zg) York

1.6 In this Practice Direction, “total combined net assets” means the combined value of the assets of the applicant and respondent (excluding pension rights or Pension Protection Fund compensation entitlement) after the deduction of liabilities and mortgages.

### **Purpose of the Pilot Scheme**

2.1 The purpose of this Pilot Scheme is to assess the use of new practices and procedures in connection with certain proceedings for a financial remedy

where the total combined net assets of the parties are not expected to exceed £250,000. Applications falling within the Pilot Scheme will follow a new express financial remedy procedure with a view to further enhancing efficiency in the disposal of financial remedy cases.

### **Modification of the FPR, Practice Directions and Efficiency Statement**

- 3.1 During the operation of the Pilot Scheme, the FPR and the Practice Directions supporting the FPR will apply in respect of the applications falling within the Pilot Scheme, as modified or disapplied by paragraphs 4.1 to 5.3.

### **Modifications to the FPR**

- 4.1 In rule 9.3(1) before the definition of ‘fast-track procedure’ insert—

“‘express financial remedy procedure’ means the procedure set out in Chapter 5B inserted by Practice Direction 36Z[H];”

- 4.2 For the heading to rule 9.9B substitute—

“Standard, fast-track and express financial remedy procedures for financial remedy proceedings”

- 4.3 In rule 9.9B—

(a) in paragraph (2) for ‘paragraph (3)’ substitute ‘paragraphs (3) and (3A)’;

(b) after paragraph (3) insert—

“(3A) The express financial remedy procedure applies to—

(a) any application for a financial remedy described in Practice Direction 36Z[H] in which the total combined net assets of the applicant and respondent are, or are considered by the applicant in the application as likely to be, less than £250,000.

(b) for the purposes of paragraph (a), the total combined net assets means the combined value of the assets of the applicant and respondent (excluding pension rights or Pension Protection Fund compensation entitlement) after the deduction of liabilities and mortgages.

(c) in paragraph (4)—

(i) after “fast-track” insert “or express financial remedy”; and

(ii) for “Rule 9.18A” substitute “Rules 9.18A and 9.21C”.

4.4 After Chapter 5A insert—

*“Chapter 5B Express Financial Remedy Procedure”*

**9.21B Procedure**

(1) This Chapter applies where, in accordance with rule 9.9B(3A), the express financial remedy procedure applies to an application for a financial remedy.

(2) Where an application is issued the court will—

(a) fix—

(i) a first hearing date not less than 16 weeks and not more than 20 weeks after the date of the issue of the application with a time estimate of not less than one hour; and

(ii) a final hearing date not less than 26 weeks and not more than 30 weeks after the date of the issue of the application with a time estimate of one day.

(b) subject to paragraph (3), within 7 days beginning with the date on which the application was issued, a court officer will—

(i) serve a copy of the application on the respondent; and

(ii) give notice of the date of the first hearing and final hearing to the applicant and the respondent.

(3) Where the applicant wishes to serve a copy of the application on the respondent and, on filing the application, so notifies the court—

(a) sub-paragraph 2(b) does not apply;

(b) a court officer will return to the applicant the copy of the application and the notice of the date of the first hearing and final hearing; and;

(c) the applicant must—

(i) within 4 days beginning with the date on which the copy of the application is received from the court, serve the copy of the application and notice of the date of the first hearing and final hearing on the respondent; and

(ii) file a certificate of service at or before the first hearing.

(4) The dates fixed under paragraph (2), or for any other subsequent hearing or appointment, must not be cancelled except with the court's permission and, if cancelled, the court must immediately fix a new date.

### **9.21 C Request for change of procedure**

(1) Paragraph (2) applies where either party wishes to seek a direction from the court that the standard procedure should apply to an application to which the express financial remedy procedure would otherwise apply.

(2) Where this paragraph applies, an application for a direction must—

(a) state that party's reasons for seeking a direction; and

(b) be filed at court and served on the other party as soon as possible and generally no later than 7 days from the date of exchange of financial statements.

(3) Where an application referred to in this rule has been made, the court must—

(a) determine where possible before the first hearing whether the standard procedure or the express financial remedy procedure should apply to the application; and

(b) notify the parties of its determination and any directions made in consequence of that determination.

(4) When considering an application referred to in this rule, the court must consider all the circumstances including whether there are—

(a) complex asset or income structures;

(b) other potentially complex issues in the case; or

(c) other circumstances such that it appears to the court that it will not be viable to use the first hearing as an effective FDR or the case is likely to require a listing longer than 1 day at final hearing.



## **9.21D Procedure before the first hearing**

(1) Not more than 28 days after the date of the issue of the application both parties must simultaneously exchange with each other and file with the court a financial statement referred to in Practice Direction 5A.

(2) The financial statement must—

(a) be verified by a statement of truth; and

(b) contain the following documents only—

(i) any documents required by the financial statement; and

(ii) any other documents necessary to explain or clarify any of the information contained in the financial statement.

(3) Where a party was unavoidably delayed from sending any document required by the financial statement, that party must at the earliest opportunity—

(a) serve a copy of that document on the other party; and

(b) file a copy of that document with the court, together with a statement explaining the failure to send it with the financial statement.

(4) No disclosure or inspection of documents may be requested or given between the filing of the application for a financial remedy and the first hearing except copies sent with the financial statement or in accordance with paragraph (3) and as requested in the questionnaire and given in the response in accordance with paragraphs (5)(c) and (9)(a).

(Rule 21.1 explains what is meant by disclosure and inspection).

(5) Not more than 14 days after mutual exchange of the financial statements in accordance with paragraph (1), the parties must—

(a) use their best endeavours to agree the property and other valuations contained in the financial statement;

(b) use their best endeavours to agree mortgage capacities; and

(c) file with the court and serve on the other a questionnaire, limited to 4 pages, setting out any other information and documents requested

from the other party, or a statement that no further information and documents are required.

(6) Where the parties are unable to agree valuations or mortgage capacities in accordance with sub-paragraphs (5)(a) and (b), they must—

(a) as regards property valuations—

(i) jointly obtain market appraisals from three estate agents and adopt the average of those appraisals; or

(ii) instruct an appropriate single joint expert to provide a report.

(b) as regards valuations of other assets, instruct an appropriate single joint expert to provide a report; and

(c) as regards mortgage capacities, each obtain a statement from a financial adviser setting out—

(i) the maximum amount that party could borrow by way of mortgage;

(ii) details of the terms on which such mortgage could be obtained;

(iii) the monthly cost of such mortgage; and

(iv) the information on which the above are based.

(7) If the parties are unable to jointly obtain the market appraisals referred to in paragraph (6), they must obtain a minimum of three appraisals between them and adopt the average of those appraisals.

(8) Where evidence from any expert is obtained in accordance with paragraph (6), rules 25.4, 25.6(d), 25.7 and 25.8(1) do not apply.

(9) Not more than 28 days following receipt of the questionnaire or statement as referred to in sub-paragraph (5)(c), each party must file with the court and serve on the other party—

(a) their responses to the questionnaire (if a questionnaire was raised);

(b) any expert report obtained in accordance with paragraph (6); and

(c) no more than 3 sets of property particulars in support of the likely housing needs of each party.

(10) Rule 25.10 applies with the following modifications—

(a) in sub-paragraph (1)(b) for “rule 25.11” substitute “rule 9.21D(6)”;

(b) in sub-paragraph (2)(c), for “10 days” substitute “7 days”; and

(c) for sub-paragraph (3)(a) substitute—

“(a) must be given within 7 days beginning with the date on which the questions were received, unless otherwise ordered by the court; and”.

(11) Not less than 21 days before the first hearing, each party must file with the court and serve on the other party a statement setting out their proposals for settlement.

(12) The proposal for settlement given under paragraph (11) may be provided on an open or without prejudice basis.

(13) Not less than 14 days before the first hearing, the parties must prepare a schedule setting out those issues on which they disagree.

(14) Not less than 7 days before the first hearing, the parties must file with the court the following documents—

(a) a composite case summary using the Case Summary Template ES1;

(b) a composite schedule of assets and income using the Template ES2; and

(c) a composite chronology.

### **9.21E Consideration of the application at the first hearing**

(1) The court must use the first hearing as a FDR appointment unless it considers that there are good reasons not to do so.

(2) Where the court uses the first hearing or part of it as a FDR appointment, rule 9.17 applies with these modifications—

(a) paragraphs (3), (4) and (7) are omitted;

(b) for paragraph (9) substitute—

“(9) If the Court does not make an appropriate consent order as mentioned in paragraph (8), the court must give directions for the future course of the proceedings including, where appropriate—

(a) the filing of further evidence, including up to date information;

(b) reducing the time estimate of the final hearing; or

(c) removing the case from the express financial remedy procedure.”.

#### **9.21F After the first hearing**

Not more than 7 days after the first hearing utilised as an FDR appointment, the parties must simultaneously exchange and file with the court their open proposals for settlement.

4.5 Rule 9.27A is omitted.

#### **Modification of Practice Direction 9A**

5.1 After paragraph 1.2 insert—

“1.2AA

The express financial remedy procedure applies to any application for a financial remedy described in Practice Direction 36Z[H] in which the total combined net assets of the applicant and respondent are, or are considered by the applicant in the application as likely to be, less than £250,000.”

5.2 For paragraph 5.2 substitute—

“5.2

Where a party is providing a reply to a questionnaire in accordance with rule 9.21D(9)(a), the reply must be verified by a statement of truth.

(Part 17 and Practice Direction 17A make further provision about statements of truth).”

5.3 Paragraph 6.5A is omitted.

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