

PRACTICE DIRECTION UPDATE No. 2 of 2025

The amendments to the existing Practice Direction, 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 Minister Sackman KC, Minister of State, Ministry of Justice.

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

Provision	Coming into force date
Amendments to Practice Direction 36ZA	14 July 2025
New Practice Direction 36ZI	14 July 2025

Signed:

Date:

2025

Sir Andrew McFarlane, The President of the Family Division

Signed:

Date:

2025

Minister Sackman KC, Minister of State, Ministry of Justice

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

(1) In paragraph 1.5-

(a) omit sub-paragraph (a); and

(b) in sub-paragraph (c) omit “(a) or”.

NEW PRACTICE DIRECTION 36ZI – PILOT SCHEME:

(1) After Practice Direction 36ZH insert new Practice Direction 36ZI as set out in the Annex to this Practice Direction Update.

TRANSITIONAL PROVISION

The amendments made to Practice Direction 36ZA apply only where all of the conditions in paragraph 1.4 of Practice Direction 36ZI are satisfied as regards a particular order.

ANNEX: NEW PRACTICE DIRECTION 36ZI TO BE INSERTED AFTER PRACTICE DIRECTION 36ZH

PRACTICE DIRECTION 36ZI – PILOT SCHEME: NOTIFICATION TO THE POLICE WHEN CERTAIN ORDERS ARE MADE UNDER PART 4 OF THE FAMILY LAW ACT 1996

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 allow for His Majesty's Courts and Tribunals Service (HMCTS) to notify the police when a notifiable order has been made by-
- (a) making the information relating to the notifiable order available automatically by electronic means to the police; or
 - (b) making the notifiable order available to the police by email.
- 1.2** This Practice Direction comes into force on 14 July 2025 and expires on 13 July 2026.
- 1.3** In this Practice Direction-
- (a) subject to sub-paragraph (b), “notifiable order” means-
 - (i) a non-molestation order; or
 - (ii) an order that varies or extends a non-molestation order.
 - (b) each of the following is not a notifiable order-
 - (i) a non-molestation order which is made in public law proceedings (as defined in rule 12.2 FPR) which is recorded on a HMCTS case management system from which information in relation to such orders cannot be made available to the police automatically by electronic means;

- (ii) an order that varies or extends a non-molestation order to which sub-paragraph (b)(i) applies; and
- (iii) an order discharging a notifiable order.

1.4 This Pilot Scheme applies where all of the following conditions are met-

- (a) there is a notifiable order made by the court;
- (b) the notifiable order was made in the period commencing on 14 July 2025 and ending at the end of the day on 13 July 2026; and
- (c) HMCTS has in place an operational system to make information relating to a notifiable order available automatically by electronic means to the police.

Purpose of this Pilot Scheme- notifying the police when a notifiable order is made

2.1 The purpose of this Pilot Scheme is to assess the use of new practices and procedures to enhance efficiency in notification by the court to the police of notifiable orders. It provides for the court to make such an order available to the police automatically by electronic means or by email, after the order has been made.

Modification of the FPR and application of this Practice Direction, during the operation of the Pilot Scheme

3.1 During the operation of the Pilot Scheme, where the Pilot Scheme applies, the FPR and the Practice Directions supporting the FPR will apply-

- (a) subject to the provisions of this Practice Direction; and
- (b) as modified by paragraphs 4.1 and 4.2.

3.2 For the avoidance of doubt, the provision in paragraph 3.1 means that, in particular, the requirements of rule 10.10 FPR (service of an order on the officer for the time being in charge of a police station) remain applicable where the Pilot Scheme applies.

Modification of Part 10 FPR

4.1 In rule 10.1-

- (a) the current wording shall form paragraph (1); and
- (b) after paragraph (1) insert-

“(2) In this Part, in cases to which the Pilot Scheme in Practice Direction 36ZI applies, “notifiable order” has the meaning given in paragraph 1.3 of that Practice Direction.”.

4.2 After rule 10.6 insert-

“The court making a notifiable order available to the police automatically by electronic means

10.6A

(1) This rule applies where a notifiable order is made by the court and is recorded on a HMCTS case management system from which the information specified in paragraph (2) can be made available automatically by electronic means to the police.

(2) The information is-

- (a) the notifiable order;
- (b) the names of each of the parties;
- (c) the address of the Applicant and, where known, the address of the Respondent, except where a party has given notice that their address not be revealed in accordance with rule 29.1(2);
- (d) the date of birth of the Respondent, where known;
- (e) the date on which the notifiable order was made; and
- (f) the date on which the notifiable order expires.

(3) The information referred to in paragraph (2) must be made available automatically by electronic means by the court to the police within one day of the notifiable order being recorded on the HMCTS case management system.

The court making a notifiable order available to the police by email

10.6B (1) This rule applies where a notifiable order is made by the court and is recorded on a HMCTS case management system from which the information specified in rule 10.6A(2) cannot be made available to the police automatically by electronic means.

(2) A copy of the notifiable order must be made available by email by the court to the police at a centralised email address provided to the court by the police within one day of whichever is the earliest of-

- (a) the order being sealed; or
 - (b) the order being approved by the judge, where the order states that it has effect despite not bearing the seal of the court.”.
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