

UPDATE - PRACTICE DIRECTION AMENDMENTS

The amendments to the 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 Lucy Frazer QC MP, Parliamentary Under-Secretary of State for Justice, by the authority of the Lord Chancellor.

The amendments to the Practice Directions come into force at the same time as the Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517).

The Right Honourable Sir Andrew McFarlane
President of the Family Division

Signed by authority of the Lord Chancellor:

Lucy Frazer QC MP
Parliamentary Under-Secretary of State for Justice
Ministry of Justice
Date: 28 March 2019

TRANSITIONAL PROVISION

- 1) Transitional provision relating to the amendments made by this Update to Practice Directions 2A, 5A, 31A, 34E, 35A and 36K is set out in paragraphs (2), (3), (4), (5), (6) and (7) below respectively, and in those paragraphs—

- (a) a reference to a regulation number alone means the regulation so numbered in the Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019 (S.I. 2019/517); and
- (b) “exit day” means the coming into force of the Family Procedure Rules 2010 and Court of Protection Rules 2017 (Amendment) (EU Exit) Regulations 2019.
- 2) Practice Direction 2A: Where the relevant saving provision referred to in regulation 23 (transitional and saving provisions – Part 9 and Part 12) applies in relation to any proceedings, Practice Direction 2A continues to apply on and after exit day for the purposes of those proceedings as if the changes made by this Update had not been made.
- 3) Practice Direction 5A: Where the relevant saving provision referred to in regulation 23 (transitional and saving provisions – Part 9 and Part 12) applies in relation to any proceedings, Practice Direction 5A continues to apply on and after exit day for the purposes of those proceedings as if the changes made by this Update had not been made.
- 4) Practice Direction 31A: Where the relevant saving provision referred to in regulation 25 (transitional and saving provisions – Part 31) applies in relation to any proceedings, Practice Direction 31A continues to apply on and after exit day for the purposes of those proceedings as if the changes made by this Update had not been made.
- 5) Practice Direction 34E: Where the relevant saving provision referred to in regulation 26 (transitional and saving provisions – Part 34) applies, Practice Direction 34A continues to apply on and after exit day for the purposes of those proceedings as if the changes made by this Update had not been made.
- 6) Practice Direction 35A: Where, by virtue of regulation 27 (transitional and saving provisions – Part 35), rule 35.2 continues to apply in relation to an application, Practice Direction 35A continues to apply on and after exit day for the purposes of that application as if the changes made by this Update had not been made.
- 7) Practice Direction 36K: Where the relevant saving provision referred to in regulation 23 (transitional and saving provisions – Part 9 and Part 12) applies in relation to any proceedings, Practice Direction 36K continues to apply on and after exit day for the purposes of those proceedings as if the changes made by this Update had not been made.

**PRACTICE DIRECTION 2A – FUNCTIONS OF THE COURT IN THE FAMILY
PROCEDURE RULES 2010 AND PRACTICE DIRECTIONS WHICH MAY BE
PERFORMED BY A SINGLE JUSTICE OF THE PEACE**

- 1) In Table 1—
 - a) in column 2 in the row beginning “12.61(1) and (2)”, for “member state” substitute “Contracting State”;
 - b) in column 2 in the row beginning “12.64(1)”, omit “Article 15 of the Council Regulation or”;
 - c) in column 2 in the row beginning “12.70(1)”, for “member state” substitute “Contracting State”;
 - d) in column 2 in the row beginning “12.70(3)”, omit “Member”;
 - e) omit the rows beginning “24.16(2) and “24.16(5)”;
 - f) omit the row beginning “PD24A”;
 - g) omit the row beginning “PD38A”.

PRACTICE DIRECTION 5A – FORMS

- 1) In Table 1—
 - a) in column 1 in the row beginning “Part 31” omit “the Council Regulation, the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 and under”;
 - b) in column 2—
 - i) in the row beginning “Part 7”, omit “C60,”;
 - ii) in the row beginning “Part 12”, omit “C61, C62”;
 - iii) in the row beginning “Part 31” omit “C60, C61, C62,” and “, D180”.
- 2) In Table 2—
 - a) omit the rows beginning “C60”, “C61” and “C62”;
 - b) in column 2 in the row beginning “C67”, omit “or Article 11 of Council Regulation (EC) 2201/2003”;
 - c) in column 2 in the row beginning “C69”, omit “Council Regulation (EC) 2201/2003 or”;
 - d) omit the row beginning “D180”.

PRACTICE DIRECTION 6B – SERVICE OUT OF THE JURISDICTION

- 1) In the table of contents, omit the entry for paragraph 2.1.
- 2) Omit paragraphs 2.1 to 2.3.
- 3) Omit the annex..

PRACTICE DIRECTION 9A – APPLICATION FOR A FINANCIAL REMEDY

- 1) Omit paragraph 1.2(b)(iii).

PRACTICE DIRECTION 12A – CARE, SUPERVISION AND OTHER PART 4 PROCEEDINGS: GUIDE TO CASE MANAGEMENT

- 1) In paragraph 1.3—
 - a) in sub-paragraph (1), in the line beginning “FPR Part 24”, for the words in brackets substitute “(Witnesses and depositions generally)”; and
 - b) in sub-paragraph (5), omit the line beginning “The Council Regulation”
- 2) In paragraph 7.1, omit the definition of “the Council Regulation (EC) No 2201/2003 (Brussels 2 revised)”.

PRACTICE DIRECTION 12B – CHILD ARRANGEMENTS PROGRAMME

- 1) Omit paragraph 11.2(8).

PRACTICE DIRECTION 12F – INTERNATIONAL CHILD ABDUCTION

- 1) In paragraph 1.7, for “Access orders made in other Member States of the European Union can be enforced under EU law, and the” substitute “The”..
- 2) In paragraph 2.6, omit—
 - a) “two other international instruments. These are”; and
 - b) the words after “the Luxembourg Convention)” to the end.
- 3) In paragraph 2.10, omit the second and third sentences.
- 4) In paragraph 2.11, omit sub-paragraph (h).
- 5) In paragraph 2.14—

- a) omit the first sentence;
 - b) in the second sentence, omit “and the Council Regulation”;
 - c) in sub-paragraph (a), omit “both” and “and in the matter of Council Regulation (EC) 2001/2003”;
 - d) omit the words after sub-paragraph (d).
- 6) In paragraph 2.20—
 - a) omit the second sentence; and
 - b) in the third sentence, omit “however”.
 - 7) In paragraph 3.5, in the first sentence omit “and in the Council Regulation”.
 - 8) Omit Part 5.

PRACTICE DIRECTION 24A – WITNESSES, DEPOSITIONS GENERALLY AND TAKING OF EVIDENCE IN MEMBER STATES OF THE EUROPEAN UNION

- 1) For the title, substitute “WITNESSES AND DEPOSITIONS GENERALLY”.
- 2) In the table of contents, omit—
 - a) in the entry for paragraph 5.1, the words “(where the Taking of Evidence Regulation does not apply)”;
 - b) the entry for the cross-heading “Taking of Evidence between EU Member States”;
 - c) the entries for paragraphs 6.1, 7.1, 8.1 and 9.1; and
 - d) the references to Annex B and Annex C.
- 3) In paragraph 1.1, omit the words in parentheses at the end of the paragraph.
- 4) In paragraph 4.1, omit the words in parentheses at the end of the paragraph.
- 5) In paragraph 5.1—
 - a) in the heading, omit “(where the Taking of Evidence Regulation does not apply)”;
 - b) omit the words in parentheses at the end of the paragraph
- 6) Omit the cross-heading “Taking of Evidence between EU Member States”.
- 7) Omit paragraphs 6.1 to 9.7.
- 8) In the heading to Annex A, omit “(where the Taking of Evidence Regulation does not apply)”.
- 9) Omit Annex B and Annex C.

PRACTICE DIRECTION 31A – REGISTRATION OF ORDERS UNDER THE COUNCIL REGULATION, THE CIVIL PARTNERSHIP (JURISDICTION AND RECOGNITION OF

**JUDGMENTS) REGULATIONS 2005, THE MARRIAGE (SAME SEX COUPLES)
(JURISDICTION AND RECOGNITION OF JUDGMENTS) REGULATIONS 2014 AND
UNDER THE 1996 HAGUE CONVENTION**

- 1) In the title, omit . “THE COUNCIL REGULATION, THE CIVIL PARTNESHIP
(JURISDICTION AND RECOGNITION OF JUDGMENTS REGULATIONS 2005, THE
MARRIAGE (SAME SEX COUPLES) (JURUSDICITION AND RECOGNITION OF
JUDGMENTS) REGULATIONS 2014 AND UNDER”.
- 2) In the table of contents—
 - a) omit the entries for paragraph 3.1, paragraph 5.1 and paragraph 6.1
- 3) .Omit paragraph 2.1.
- 4) In paragraph 2.2 in the second sentence, omit “under the Jurisdiction and Recognition of
Judgments Regulations, the 2014 Regulations or”.
- 5) Omit the heading above paragraph 3.1.
- 6) Omit paragraphs 3.1 to 3.3.
- 7) Omit the heading above paragraph 5.1.
- 8) Omit paragraph 5.1 to 5.3.
- 9) In the heading above paragraph 6.1, omit .”for a certificate under Articles 39, 41 or 42 of
the Council Regulation, or”.
- 10) Omit paragraphs 6.1 to 6.5.

**PRACTICE DIRECTION 34A – RECIPROCAL ENFORCEMENT OF MAINTENANCE
ORDERS**

- 1) Omit paragraphs 7.3 to 7.5.
- 2) In Annex 1, in the note at the beginning of the annex—
 - a) for “has been” substitute “was”;
 - b) for “since” substitute “from”;
 - c) after “18th June 2011” the first time it occurs insert “until exit day (as defined in the
European Union (Withdrawal) Act 2018), and by the 2007 Hague Convention
thereafter”;
 - d) after “that regulation”, for “are” substitute “were, and for that Convention are,”; and
 - e) omit the final paragraph of the note.

PRACTICE DIRECTION 34C – APPLICATIONS FOR RECOGNITION AND ENFORCEMENT TO OR FROM EUROPEAN UNION MEMBER STATES

- 1) .Practice Direction 34C is revoked..

PRACTICE DIRECTION 34E – RECIPROCAL ENFORCEMENT OF MAINTENANCE ORDERS – DESIGNATED FAMILY JUDGE AREAS

- 1) In the table of contents, omit the entries for paragraphs 7.1 and 8.1.
- 2) Omit paragraphs 7.1 to 8.1.

PRACTICE DIRECTION 35A – MEDIATION DIRECTIVE

- 1) Practice Direction 35A is revoked.

PRACTICE DIRECTION 36K – PILOT SCHEME: PROCEDURE FOR THE BULK SCANNING OF CERTAIN PRIVATE LAW APPLICATIONS

- 1) In paragraph 5.1, omit paragraph 8.6F in the text inserted by that paragraph.

PRACTICE DIRECTION 38A – RECOGNITION AND ENFORCEMENT OF PROTECTION MEASURES

- 1) In paragraph 1.1, at the end insert “The Protection Measures Regulation forms part of retained EU law in the United Kingdom by virtue of the European Union (Withdrawal) Act 2018, and provision is made in the Mutual Recognition of Protection Measures in Civil Matters (Amendment) (EU Exit) Regulations 2019 for its provisions in relation to “incoming” protection measures to continue to have effect so that incoming measures can be enforced in England and Wales.”.
- 2) Omit paragraphs 1.5 to 2.13..
- 3) In paragraph 3.1, in the first sentence, for “another” substitute “a”..

