

PRACTICE DIRECTION 36H – PILOT SCHEME

PROCEDURE FOR SERVICE OF CERTAIN PROTECTION ORDERS ON THE POLICE

This Practice Direction supplementing the Family Procedure Rules 2010 is 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 is approved by Lucy Frazer QC MP, Parliamentary Under-Secretary of State, Ministry of Justice.

This Practice Direction comes into force on 23 July 2018.

Signed:

_____ Date:
Sir James Munby
The President of the Family Division

Signed:

_____ Date:
Lucy Frazer QC MP
Parliamentary Under-Secretary of State, Ministry of Justice

This Practice Direction supplements FPR Part 36 (Transitional Arrangements and Pilot Schemes).

Scope and interpretation

- 1.1 This Practice Direction is made under rule 36.2 and sets up a Pilot Scheme to allow for certain protection orders to be served on the police at a centralised email address.
- 1.2 This Practice Direction comes into force on 23 July 2018.
- 1.2 The Pilot Scheme applies to orders where all of the following conditions are met—
 - a) the order is a forced marriage protection order under section 63A of the Family Law Act 1996 or a FGM protection order under paragraph 1(1) of Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003 ('protection order');

- b) the protection order was made in the High Court or Family Court; and
- c) the protection order was made in the period commencing 23 July 2018 and ending 25 January 2019.

Purpose of the Pilot Scheme

- 2.1 The purpose of this Pilot Scheme is to assess the use of new practices and procedures to allow protection orders, and any further order extending, varying or discharging those orders, to be served on the police at a centralised email address.

Modification of the FPR and Practice Directions during operation of the Pilot Scheme

- 3.1 During the operation of the Pilot Scheme the Family Procedure Rules 2010 (FPR) and the Practice Directions supporting the Rules will apply as modified by paragraphs 4.1 to 4.3 to cases falling within the Pilot Scheme.

Modification of Part 11 FPR

- 4.1 In rule 11.4—

- (1) in the heading, omit “on notice”;
- (2) in rule 11.4(6)—
 - i) omit “Where an application is served by the applicant”;
 - ii) after “applicant” insert “(or court bailiff where service is in accordance with 11.4(3))”; and
 - iii) after “must” add “within 7 days of service of the application”.

- 4.2 In rule 11.7(3), for “as soon as reasonably practical” substitute “within 2 days of an order being made (unless otherwise directed by the court)”.

- 4.3 In rule 11.12—

- (1) for the heading substitute—
“Service of an order on a centralised police email address”.

- (2) For rule 11.12(1) substitute—

“(1) Where the court makes a protection order a copy of the order must be emailed in accordance with 11.12(3) to the centralised email address created and monitored by the Vulnerability Coordination Centre namely fgm-fm-po@norfolk.pnn.police.uk”.

- (3) In rule 11.12(2), for “delivered” substitute “emailed”.
- (4) In rule 11.12(3)—
- i) for “delivered” substitute “emailed”;
 - ii) after “applicant” insert “within 2 days of the order being served in accordance with 11.7(3)”; and
 - iii) after “court officer” insert “within 1 day of receipt of a certificate of service”.
- (5) For rule 11.12(4) substitute—
- “(4) Where an order is made varying, extending or discharging a protection order in accordance with 11.10 the court officer must immediately email a copy of that order along with a statement as referred to in paragraph (2) and a copy of the original protection order to the centralised email address.”
-