

PRACTICE DIRECTION AMENDMENTS

The amendments to the 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 Caroline Dinenage, Parliamentary Under-Secretary of State.

The amendments to existing Practice Directions 3A, 4A, 5A, 12E, 12F, 12G and 30A come into force on 17th July 2015.

The amendments to existing Practice Direction 34E come into force on 31st July 2015.

Signed:

Sir James Munby

The President of the Family Division

Signed:

Caroline Dinenage

Parliamentary Under-Secretary of State

Ministry of Justice

PRACTICE DIRECTION 3A – FAMILY MEDIATION INFORMATION AND ASSESSMENT MEETINGS (MIAMS)

(1) In paragraph 20(1)-

(a) after paragraph (a), insert-

“(aa) a relevant conviction for a domestic violence offence where a prospective party was convicted of that offence within the twenty four month period immediately preceding the date of the application;”;

(b) in paragraph (k)-

(i) in the opening sentence, for “affirming” substitute “confirming”; and

(ii) for sub-paragraph (i) substitute-

“(i) that within the twenty four month period immediately preceding the date of the application, any prospective party had been accommodated in a refuge;”;
and

(c) in paragraph (l)(i), omit “established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence,”.

(2) In paragraph 38-

(a) before the definition of “care order” insert-

““accommodated” [in paragraph 20(1)(k)(i)] does not require a stay of a minimum time period;”;

(b) in the definition of “protective injunction”, before sub-paragraph (e) insert-

“(da) an injunction under section 3A of the Protection From Harassment Act 1997;”;
and

(c) before the definition of “relevant” insert-

““refuge” means a refuge established for the purpose of providing accommodation for victims of, or those at risk of, domestic violence;”.

PRACTICE DIRECTION 4A – STRIKING OUT A STATEMENT OF CASE

(1) Omit paragraph 2.4.

PRACTICE DIRECTION 5A – FORMS

(1) In Table 1-

(a) in the first column entry for Part 11, after “1996” insert “or Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003; and

(b) in the second column entry for Part 11, before “FL401A” insert “FGM001, FGM003, FGM005, FGM006, FGM007,”.

(2) In Table 2, after the row for form D259 insert-

FGM001	Application for a Female Genital Mutilation (FGM) Protection Order
FGM003	Application to vary, extend or discharge a Female Genital Mutilation (FGM) Protection Order
FGM005	Application for a warrant of arrest Female Genital Mutilation Protection Order
FGM006	Application for leave to apply for a Female Genital Mutilation (FGM) Protection Order
FGM007	Application to be joined as, or cease to be, a party to a Female Genital Mutilation (FGM) Protection Order

PRACTICE DIRECTION 12E – URGENT BUSINESS

(1) For paragraph 4.2, substitute-

“4.2 Enquiries about children cases should be directed to the High Court Team Duty Manager at Cafcass National Office, 3rd Floor, 21 Bloomsbury Street, London, WC1B 3HF. DX: Cafcass DX 310101 Bloomsbury 11. Telephone 01753 235273 (Cafcass High Court Team) or 01753 235295 (Cafcass Legal Duty Lawyer). Email HighCourtGM@Cafcass.gsi.gov.uk (office hours only). Enquiries should be marked “F.A.O. High Court Team” or “F.A.O. HCT”.”.

(2) In paragraph 4.3, for the text after “CF10 3NQ,” substitute “telephone 02920 370888, fax 0872 437 7306.”.

(3) In paragraph 4.4, for the second sentence substitute “Enquiries about adult medical and welfare cases should be addressed to the Court of Protection Healthcare and Welfare Team, Office of the Official Solicitor, Victory House, 30-34 Kingsway, London, WC2B 6EX, telephone 020 3681 2751, fax 020 3681 2762, email enquiries@offsol.gsi.gov.uk.”.

PRACTICE DIRECTION 12F – INTERNATIONAL CHILD ABDUCTION

(1) In the footnote to paragraph 1.1-

- (a) for “http://www.scotland.gov.uk/Topics/Justice/law/17867/fm-children-root_/18533” substitute “<http://www.gov.scot/Topics/Justice/law/17867/fm-children-root/18533>”; and
- (b) for “Tel: +44 (0)2890 328 594; fax + 44 (0)2890 728 944” substitute “Tel: + 44 (0)28 9072 8808 or + 44 (0) 28 9072 8819; fax +44 (0) 28 9072 8945”.

(2) In paragraph 2.7 for the text from “International Child Abduction and Contact Unit” to “Email: enquiries@offsol.gsi.gov.uk” substitute-

“International Child Abduction and Contact Unit
Office of the Official Solicitor
Victory House
30-34 Kingsway
London
WC2B 6EX
Email: ICACU@offsol.gsi.gov.uk
Tel: + 44 (20) 3681 2608 (10.00am to 4.00pm)
Fax: +44 (20) 3681 2763”.

(3) In paragraph 2.9 for “www.direct.gov.uk” substitute “www.gov.uk”.

(4) For the heading to paragraph 4.9 substitute “HM Passport Office”.

(5) In paragraph 4.10-

(a) for “The Identity and Passport Service (“IPS”)” substitute “HM Passport Office (“HMPO”)”;

(b) for “the IPS”, each time that term appears, substitute “HMPO”;

(c) for the address at the head of the specimen letter set out below paragraph 4.10 substitute-

“Intelligence Hub
Her Majesty’s Passport Office

3 Northgate

96 Milton Street

Glasgow

G4 0BT”.

(6) In paragraph 4.11 for “the IPS”, both times that term appears, substitute “HMPO”.

(7) In paragraph 4.12-

(a) for “the IPS”, both times that term appears, substitute “HMPO”; and

(b) for the words after “found in” substitute “The President’s Guidance reissued in October 2014: Communicating with the Home Office in Family Proceedings. Annex 1 to this Practice Direction contains that Guidance and Annex 2 contains the current version (as at June 2015) of the relevant court form.”.

(8) In paragraph 4.13-

(a) for “the IPS”, each time that term appears, substitute “HMPO”; and

(b) for “www.direct.gov.uk” substitute “www.gov.uk”.

(9) In paragraph 5.5, for “the Annex” substitute “Annex 3”.

(10) Before the current Annex, insert the new Annex 1 and Annex 2 to Practice Direction 12F as set out in the Annex to this document.

(11) In the current Annex, for “Annex” substitute “Annex 3”.

PRACTICE DIRECTION 12G – COMMUNICATION OF INFORMATION

(1) In the table in paragraph 2.1, in the third row, second column, for “The Child Maintenance and Enforcement Commission” substitute “The Secretary of State”.

PRACTICE DIRECTION 30A – APPEALS

(1) In paragraph 5.27-

(a) after “sections 1(1),” insert “4A,”; and

(b) for “5(A)(2) substitute “5A(2)”.

(2) In paragraph 14.1, omit “An appeal is the only way in which a consent order can be challenged.”.

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

(1) In the table of contents-

(a) in the Title row for paragraph number 1.1, before “Designated Family Judge areas”, insert “Maintenance Enforcement Business Centres,”; and

(b) in the Title row for paragraph number 6.1, for “a different Designated Family Judge area” substitute “an area covered by a different Maintenance Enforcement Business Centre”.

(2) In the heading to paragraph 1.1, before “Designated Family Judge areas”, insert “Maintenance Enforcement Business Centres,”.

(3) In paragraph 1.1, before “Designated Family Judge areas”, insert “Maintenance Enforcement Business Centres of the family court,”.

(4) In paragraphs 3.2 (a), 4.2(a), 4.3(a) and 4.4(a) for “Designated Family Judge area” substitute “area covered by the Maintenance Enforcement Business Centre”.

(5) In paragraph 4.5(b), for “a different Designated Family Judge area” substitute “an area covered by a different Maintenance Enforcement Business Centre”.

(6) After the heading to paragraph 5.1, insert-

“5.A1 Where rule 34.31(2) FPR applies (certain appeals to be to the family court), the appeal should be sent to the Maintenance Enforcement Business Centre that has been in most recent communication with the parties.”.

(7) In paragraph 5.1, for “made” substitute “heard”.

(8) In the heading to paragraph 6.1, for “a different Designated Family Judge area” substitute “an area covered by a different Maintenance Enforcement Business Centre”.

(9) In paragraph 6.1-

(a) after “court officer in the” insert “Maintenance Enforcement Business Centre for the”; and

(b) for “another Designated Family Judge area” substitute “a Designated Family Judge area covered by a different Maintenance Enforcement Business Centre”.

(10) In paragraphs 6.2, 6.4 and 6.5 for “Designated Family Court in” substitute “Maintenance Enforcement Business Centre for”.

(11) In paragraph 6.5, for “that area will” substitute “that Maintenance Enforcement Business Centre must”.

(12) After the heading to paragraph 8.1, insert-

“8.A1 An application by a debtor under Article 21 of the Maintenance Regulation for the refusal or suspension of enforcement of a decision should be sent to the Maintenance Enforcement Business Centre which has been in most recent communication with the debtor.”.

“Annex 1



PRESIDENT OF THE
FAMILY DIVISION

COMMUNICATING WITH THE HOME OFFICE IN FAMILY PROCEEDINGS

Originally issued December 2002
Re-issued October 2014

- 1) The 'Communicating with the Home Office in Family Proceedings' protocol enables the family courts to communicate with the Home Office (UK Visas & Immigration/HM Passport Office) to obtain immigration, visa and passport information for family court proceedings.
- 2) This guidance has been reissued to replace & amalgamate previous guidance issued in 2002, 2004, 2006, 2010 and 2014 (including the Communicating with the Passport Service 2004) to reflect the new contact details for the Home Office Liaison Officer who has responsibility for administering requests made under the Protocol. It does not alter the nature or purpose of the Protocol.
- 3) Where an order is made against the Home Office in Family Proceedings, the court shall draw up the relevant order. The HMCTS form EX660 should be fully completed (including specifying the details of the relevant family members and their relationship to the child). Parties should provide details of *both* mother and father if known, whether or not they are involved in the proceedings.
- 4) The sealed order and the completed EX660 should be sent immediately to:

Home Office Liaison Officer
Her Majesty's Courts and Tribunal Service
Arnhem House
PO Box 6987
Leicester
LE1 6ZX

Email: homeofficeliasion@hmcts.gsi.gov.uk
Telephone: 0116 249 4177
Fax: 0116 249 4302
- 5) Please note that all information provided in the EX660 will be forwarded to the Home Office. Parties should ensure that any additional information, such as a case synopsis, which it wishes the Home Office to view, has the required leave of the court, set out in the order, to be disclosed to the Home Office. (Note that it is a contempt of court to disclose this information otherwise).
- 6) Where the query relates to the proposed adoption of a foreign national minor, the Home Office Liaison Officer can advise as to the additional information which will be required.

- 7) The order and EX660 should clearly state the time by which the information is required. In order to comply with the agreed four (4) week period in for the Home Office to provide a response to the court, parties and court staff should ensure that the Home Office Liaison Officer receives the court order on the day the order is made.
- 8) Where it will not be possible for court to send the sealed order to the Home Office Liaison Officer on the day it is made, the court when stating the required date of receipt by the court of the information should allow any additional time necessary for the preparation and sending of the order. This is in order to ensure that Home Office has 4 weeks to provide a response from the time it receives the order from the Home Office Liaison Officer. Any reduction in this period may result in a request by the Home Office for further time in which to reply.
- 9) The request or order should identify the questions it wishes to be answered by the Home Office.
- 10) Parties should provide the name and contact details of someone who has agreed and is able to provide further information should it be needed.
- 11) The order and EX660 should be forwarded to the Home Office Liaison Officer together with such information as is sufficient to enable the Home Office to understand the nature of the case, to identify whether the case involves an adoption, and to identify whether the immigration issues raised might relate to an asylum or non-asylum application.
- 12) The Home Office Liaison Officer will then send to an appropriate officer in the Home Office the enquiry, together with a copy of any order made. The Home Office official will be personally responsible for either:
 - (a) answering the query themselves, by retrieving the file and preparing a statement for the court; or
 - (b) forwarding the request to a caseworker or relevant official with carriage of that particular file.
- 13) The Home Office Liaison Officer will follow up as required in order to ensure that the information is received by the court in time, and will receive the information before forwarding it on as instructed by the judge or court making the request.
- 14) Attached is a sample court order and completed EX660 which should provide further useful guidance.



In the Central Family Court

Case Number: FD05C00345

The full name(s) of the child(ren)

Date(s) of Birth

Child Y

12.02.05

Order

Children Act 1989

UPON HEARING Counsel for all parties

IT IS ORDERED THAT:-

1. In accordance with the President's Protocol of December 2002 the Home Office is requested to provide the following information (also detailed in the attached form EX660) to the court by 4pm on 25 November 2005:
 - a. What is the current immigration status of the father, *adult Y*?
 - b. Does *adult Y* have any outstanding applications pending before the Home Office?
2. There be leave to disclose the case synopsis/summary/background to the Home Office.
3. There be permission granted for any information received from the Home Office to be disclosed to the parties.

Ordered by Mrs Justice Bloggs this 14th day of October 2014

Court request for information to the Home Office (UK Visas & Immigration/HM Passport Office)

Please note that all information provided in this form will be forwarded to the Home Office

In the Court.	<i>Central Family</i>
Case no	<i>FD05C12345</i>
Serial no.	
Date	<i>14 October 2014</i>

In the matter of *The Children Act 1989*

In the matter of

<i>child Y</i>

To the judge: Each of the following fields must be completed to assist the Home Office to find the relevant records. Once completed pass the form to your Court Clerk. The Court Clerk will then produce a separate order directed to the Home Office, using the information provided on this form. The form must be sent **without delay** together with the court order to the Family Division Lawyer.

Name of Judge: <i>Mrs Justice Bloggs</i>					
Full name of each party, including relationship to child(ren)	Female/Male (please tick)	Date of birth	Country of Origin	Date arrived in UK	All relevant Home Office reference
<i>child Y (child)</i>	<input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	<i>12/02/2005</i>	<i>UK</i>	<i>N/A</i>	
<i>Adult X (mother)</i>	<input checked="" type="checkbox"/> Female <input type="checkbox"/> Male	<i>01/01/1975</i>	<i>UK</i>	<i>N/A</i>	
<i>Adult Y (father)</i>	<input type="checkbox"/> Female <input checked="" type="checkbox"/> Male	<i>21/05/1970</i>	<i>Iraq</i>	<i>June 2001</i>	<i>A1234567</i>
	<input type="checkbox"/> Female <input type="checkbox"/> Male				
	<input type="checkbox"/> Female <input type="checkbox"/> Male				

<p>What questions would you like the UKVI/HMPO to answer?</p>	<p><i>1. What is the current immigration status of Adult Y?</i></p> <p><i>2. Does Adult Y have any outstanding applications pending before the Home Office?</i></p> <p>(please note – these are sample questions only.)</p>
<p>Please provide a brief summary of case and any other information which will be useful to the UKVI/HMPO in dealing with the request e.g. any details relating to immigration:</p> <p>(Please attach any documents, such as Case Summaries, in respect of which the Court has given leave to disclose to the Home Office).</p>	<p><i>Please see attached case synopsis (which the court has given leave to disclose in the order)</i></p>
<p>Has the court given leave to disclose any supporting documentation to the Home Office?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>- leave given in order</i></p>
<p>Contact details of person from whom additional information can be sought.</p>	<p><i>Member of court staff or lead person as agreed by the parties</i></p>
<p>By what date is the information required? (Please allow a minimum of 4 weeks from the date of sending to the Home Office Liaison Officer)</p>	<p><i>25 November 2014</i></p>

To the court clerk

Please send this document, **together with the sealed order** and any attached documents, **without delay** to: Home Office Liaison Officer, Her Majesty's Courts & Tribunal Service, Arnhem House PO Box 6987 Leicester LE1 6ZX. homeofficeliasion@hmcts.gsi.gov.uk. Telephone: 0116 249 4177 Fax: 0116 249 4302

Annex 2

Court request for information to the Home Office

UK Visas & Immigration/HM Passport Office

Please note that all information provided in this form will be forwarded to the Home Office

Name of court

Case no.

Serial no.

Date

In the matter of the _____ Act

In the matter of

To the judge: Each of the following fields must be completed to assist the Home Office find the relevant records. Once completed pass the form to your Court Clerk. The Court Clerk will then produce a separate order directed to the Home Office, using the information provided on this form. The form must be sent **without delay**, together with the court order, to the Home Office Liaison Team.

Name of Judge:					
Full name of each party, including relationship to child(ren)	Female/Male (please tick)	Date of birth	Country of origin	Date arrived in UK:	All relevant Home Office reference no's:
	<input type="checkbox"/> Female <input type="checkbox"/> Male				
	<input type="checkbox"/> Female <input type="checkbox"/> Male				
	<input type="checkbox"/> Female <input type="checkbox"/> Male				
	<input type="checkbox"/> Female <input type="checkbox"/> Male				
	<input type="checkbox"/> Female <input type="checkbox"/> Male				
	<input type="checkbox"/> Female <input type="checkbox"/> Male				

continued overleaf

<p>What questions would you like the UKVI/HMPO to answer?</p>	
<p>Please provide a brief summary of case and any other information which will be useful to the UKVI/HMPO in dealing with the request e.g. any details relating to immigration:</p> <p>(Please attach any documents, such as Case Summaries, in respect of which the Court has given leave to disclose to the Home Office).</p>	
<p>Has the court in the order given leave to disclose any supporting documentation to the Home Office?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Contact details of person from whom additional information can be sought:</p>	
<p>By what date is the information required? (Please allow a minimum of 4 weeks from the date of sending to the Home Office Liaison Team)</p>	

To the court clerk

Please send this document, **together with the sealed order** and any attached documents, **without delay** to: Home Office Liaison Team, HM Courts & Tribunal Service, Arnhem House PO Box 6987 Leicester LE1 6ZX. Email: homeofficeliasion@hmcts.gsi.gov.uk Telephone: 0116 249 4177 Fax: 0116 249 4302.”