



Ministry of Justice

FAMILY PROCEDURE RULE COMMITTEE
Via Microsoft Teams
At 10.00 a.m. on Monday 10 May 2021

Present:

Sir Andrew McFarlane	President of the Family Division
Mrs Justice Theis	Acting Chair
Lord Justice Baker	Court of Appeal Judge
Mr Justice Mostyn	High Court Judge
Her Honour Judge Raeside	Circuit Judge
His Honour Judge Godwin	Circuit Judge
District Judge Suh	District Judge
District Judge Williams	District Judge
Fiona James	Lay Magistrate
Poonam Bhari	Barrister
Tony McGovern	Solicitor
Graeme Fraser	Solicitor
Bill Turner	Lay Member

ANNOUNCEMENTS AND APOLOGIES

- 1.1** Apologies were received from District Judge Branston, Michael Seath, Melanie Carew, Rhys Taylor and Rob Edwards.
- 1.2** HHJ Roberts and HHJ Waller have been invited to attend to the item on the Divorce, Dissolution and Separation Act 2020.
- 1.3** HHJ Knowles has been invited to attend the Domestic Abuse Bill Implementation and the Special Measures amendments issues.
- 1.4** The Acting Chair said that a questionnaire will be issued shortly to all Committee Members to gain views on the meeting content, structure and direction moving forward. The Acting Chair urged all of those who attend Committee meetings to respond in full.

MINUTES OF THE LAST MEETING: 19 APRIL 2021

- 2.1** The Committee asked whether para 10.1 of the April minutes could be amended to include the word "order".

- 2.2** Following the amendments raised in 2.1, the minutes were approved as a correct and accurate record of the meeting.

ACTIONS LOG

- 3.1** MoJ Policy said that there were no significant points to raise although the Committee might want to note when the outcome of the current Fees Consultation is published.

MATTERS ARISING

Accessibility of Procedure Rules – producing summaries of the FPR 2010

- 4.1** MoJ Policy said that the summary drafts are undergoing a high-level review although this is being undertaken in the midst of other priorities.

ACTION

Update to be given to the June meeting.

Brexit Working Group

- 4.2** MoJ Policy said that there has been recent media coverage reporting that the European Commission has opposed the UK's application for accession to the Lugano Convention. The Committee were informed that the final decision will be for EU member states in Council and that the UK will continue to engage with EU institutions and member states to make the case for Lugano accession.
- 4.3** MoJ Policy said that work is continuing in looking at the FPR changes and preparing the implementing provisions including the maintenance aspects and that the EU Exit Working Group are provisionally due to meet on 26th May but this is dependent on significant international progress on Lugano.
- 4.4** The Committee asked for an update on progress in relation to those parts of the FPR amended as part of the EU Exit process and where minor corrections were to be made by correction slip. MoJ Legal confirmed that the SI Registrar had agreed that the changes could be made by correction slip (i.e. without requiring amendment in a later SI), but the Registrar's team is working through a backlog. The intention is that the website will be updated accordingly.
- 4.5** The Committee queried what changes would be needed if the UK did not re-join Lugano. MoJ Legal explained that the changes to legislation needed to reflect the UK not being a Lugano member state any more had already been made and came into force on IP completion day, so no change would be required if the UK did not re-join.

ACTION

- 1. To return as a matter arising in June with an update, including timings, on those issues updated via correction slip**
- 2. FPRC EU Exit Working Group to consider the issue of non-accession to the Lugano Convention and to report back in June under matters arising**

PD17A/PD22A update

- 4.6** MoJ Policy updated the Committee that further to the report at the April meeting (on the issue raised by the HMCTS' User Centred Design team on the complexity of the agreed statement of truth wording), the User Centred Design team have since confirmed they are not in a position to pursue this further and do not think amendments need to be made now. It was confirmed that amendments as previously agreed by the Committee to insert the statement of truth wording (relating to the consequences of giving false information) into family forms shall begin and amendments to PD17A and PD22A will go forward within the next PD update in July.

FGM and FM Protection Order Mailbox

- 4.7** MoJ Policy said that Practice Direction Update No 3 of 2021, introducing PD36W (replacing PD36H) to bring in new provision for communicating Forced Marriage and Female Genital Mutilation Protection Orders to the police, came into force on the 26 April. This will run for one year. The Committee will review the progress of the pilot in October 2021 and February 2022, ahead of deciding next steps.

ACTION

Agenda forward to October 2021 and February 2022.

Migration of FPR 2010 to Gov.uk

- 4.8** MoJ Policy said that progress on the exercise to move the Family Procedure Rules online presence from the Justice site to Gov.UK is continuing and particular effort is being made to make improvements so that litigants in person can navigate their way around the Rules.
- 4.9** The Committee raised the issue on the overhaul of PD6C and the need for considerable work to be undertaken.

ACTION

PD6C to return in June with an update as to how this exercise will be progressed.

Harm Panel Recommendations Standing Item Update

- 4.10** MoJ Policy said there is nothing substantive to report other than that already included for discussion at this meeting. There will be updated on pilots in July, specifically those in relation to IDACs and Private Law Reform.

Legislation Update

- 4.11** MoJ Legal reported that the Family Court (Composition and Distribution of Business) (Amendment) Rules 2021 were laid on the 26th April 2021. These and the accompanying practice direction amendments to PD30A are set to come into force on the 24th May. Consequential amendments to the President's Guidance on the 2014 Rules are also required and the intention is that this will be in place for the same date.
- 4.12** MoJ Legal said that PD Update No.4 of 2021 has been formally signed by the President and the Minister. It includes; the changes to PD30A (as mentioned above); the extension of PD36U regarding service of Part 4 FLA 1996 orders, pending permanent provision in the next FPR SI, and amendments to PD41B to make permanent provision for mandating use of the online financial remedy system by applicants' legal representatives.

- 4.13** MoJ Legal also reported that plans for the Family Procedure (Amendment No.2) Rules 2021 are currently being prepared and an update will be provided on proposed content and timing at the June meeting.

UKSC decision in G v G international child abduction and asylum claim

- 4.14** MoJ Policy said that rule changes would need to be considered or the creation of a new chapter for the FPR 2010 to implement the judgment of the UK Supreme Court in the G v G 1980 Hague Child Abduction Convention return case linked to an asylum claim. There might also need to be related changes to Practice Directions, with Practice Guidance. However, the senior family judiciary stressed that this should not be placed before the FPRC ahead of the judiciary's decisions on the way forward. MoJ Policy said that they would prepare a paper for consideration at the June FPRC meeting but would seek consideration from Senior Family Judiciary on family aspects first.

ACTION

Paper for full discussion to be presented at the next meeting of the FPRC

STANDING ITEM: CORONAVIRUS RELATED ITEMS

a. Practice Direction 36R

- 5.1** MoJ Policy reminded the Committee that PD36R was introduced as part of the Coronavirus response last year which provided temporary extensions to the functions of justices' legal advisers. It was noted that since then 2775 agreed child arrangement orders have been made by justices' legal advisers. MoJ Policy confirmed that the questionnaire sent to Designated Family Judges and Magistrates to seek views on the impact of the temporary functions PD36R provides has closed and the responses are currently being collated and evaluated. It was explained the questionnaire received a response rate of around 20% for Magistrates and 30% for Designated Family Judges. Responses from the Designated Family Judges were largely supportive of the extension of justices' legal adviser functions and wish for it to continue. Whilst the responses from Magistrates did not appear to raise any major concerns about the functions, they were more mixed than the Designated Family Judges' responses. It was confirmed that HMCTS are now undertaking a full evaluation to provide an accurate overview of all the responses.
- 5.2** The Committee were concerned about the reasonably low response rates and asked whether the survey could be reopened, and a prompt could be sent to Designated Family Judges, Magistrates and HMCTS leads to capture as many views as possible.

ACTION

For the DFJ survey to be circulated again before any decision was made on future plans for the pilot

b. Practice Direction 36Q

- 5.3** MoJ Policy said that PD36Q is a pilot Practice Direction which makes modifications to PD12B due to the Coronavirus pandemic. It allows local practices and initiatives to be operated differently to the framework of the Child Arrangements Programme (CAP) during the pandemic to ensure the administration of justice is carried out. The PD itself did not give any directions as to what modifications can or should be made and allowed each DFJ to approve modifications in their area to manage private family law children's cases during the pandemic.

- 5.4** MoJ Policy reported that DFJs have taken on the use of two main models of triaging private family law child arrangement cases. These two models are the Watford and Midlands models. Figures obtained in March 2021, show that nine DFJ areas are using the Watford Model and nine areas the Midlands model. Work is continuing to get a full picture about how all courts are currently managing cases.
- 5.5** MoJ Policy said that some areas have reported benefits in using a triaging model. These include shorter waiting times for FHDRA's; higher risk cases receiving earlier scrutiny than if they had followed the usual FHDRA route; Gatekeepers listing cases with the right level of judge; and improved communication across different agencies.
- 5.6** MoJ Policy said that the pilot practice direction is currently due to expire at the end of October and that further work is underway with MoJ analysts, HMCTS and Cafcass in reviewing the use of the practice direction, with a view to making a recommendation to the Committee on how and if these flexibilities should be kept.
- 5.7** MoJ Policy asked the Committee to broadly consider the options. These were either to put a new temporary pilot PD which could offer either the full flexibility as under PD36Q or a more limited PD; or make permanent amendments in PD12B; or to revert to the pre-PD36Q position.
- 5.8** The Committee asked for further clarification on who would be required to make the decision on the options presented and suggested that the Private Law Working Group should be contacted for their involvement. The Committee also proposed that further work be undertaken to make the local modifications to PD12B more transparent especially in relation to the differences between the local published models.

ACTION

MoJ Policy to send the speaking note delivered at this meeting to the Committee

PARLIAMENTARY ITEMS

DOMESTIC ABUSE ACT IMPLEMENTATION:

a. Domestic Abuse Definition/PD12J

- 6.1** MoJ Policy confirmed that the Domestic Abuse Act 2021 received Royal Assent on 29 April 2021 and was broadly that as presented to the Committee previously. The Committee are now being asked to consider options in relation to how the Family Procedure Rules and Practice Directions should be adapted to take into account the new definition of "domestic abuse" provided for in the DA Act.
- 6.2** MoJ Policy said that consequential amendments are not strictly necessary, except for those required to implement provisions in the DA Act, as the definition of "domestic abuse" in the DA Act is specific to that Act so does not have to be incorporated into the FPR more widely. However, the Committee previously stated that not incorporating the DA Act's definition into the FPR, save in relation to its provisions (including, for example, special measures, would lead to inconsistencies in the way domestic abuse is defined within the FPR and Practice Directions which could be confusing for judges, practitioners, and court users alike. It would also lead to differences between FPR Part 3A/PD3AA and Practice Direction 12J once the special measures changes go live. MoJ Policy therefore presented two options for the Committee to consider under which to align the definitions and how this could be undertaken.

- 6.3 MoJ Policy said that the options were to either make immediate changes to align the definition of “domestic abuse” across the FPR before a more holistic review of PD12J to reflect other provisions of the DA Act, the Harm Panel etc; or to include changes to the definition of “domestic abuse” beyond those specifically required by the DA Act in the longer-term holistic review.
- 6.4 The Committee noted that the first option would not be a “cut and paste” exercise as various paragraphs in PD12J would need consideration in light of section 3 of the DA Act (children as victims of domestic abuse). That complexity might point to taking the second option. The President of the Family Division saw the logic of the second option but was concerned that waiting for a holistic review of PD12J could leave that PD inconsistent with Part 3A for too long a period of time.
- 6.5 MoJ Policy said that if the Committee should decide to choose option 2 then the holistic review would not be able to commence for approximately six months. The Committee said that this would be disappointing and asked that consideration be given to taking the first option. MoJ Policy suggested that this be considered further when the Domestic Abuse Working Group meets for the first time on 27 May.

ACTION

Update to the June meeting following further consideration of taking forward the first option (review PD12J to reflect the DA Act definition of “domestic abuse”, ahead of a more holistic review of PD12J).

b. Special Measures Update

- 6.6 MoJ Policy said that further to discussion at the April meeting when the Committee considered draft changes to FPR Part 3A and Practice Direction 3AA necessary to implement section 63 of the DA Act - Special measures in family proceedings: victims of domestic abuse- , a revised draft of the proposed amendments to FPR Part 3A with revised amendments to PD3AA was being presented for the Committee’s consideration.
- 6.7 MoJ Policy said that, at the April meeting, Committee members suggested that the wording of the proposed amendments to Part 3A would not achieve one of the stated policy intentions in that there is no intention to introduce an evidence threshold as to who is a “victim” for the purposes of the assumption of vulnerability in the Part 3A context. Wording to remove any ambiguity, and achieve the stated policy intention, was agreed by the Committee
- 6.8 The Committee asked whether a ‘communications plan’ is to be developed to explain the changes. . It was noted that cases can arise where domestic abuse isn’t explicitly introduced as an issue until the Final Hearing has been timetabled, and the Committee wondered if the court would then have to consider special measures.
- 6.9 MoJ Policy said that concerns were raised in April as to the differences between section 63 (special measures in family proceedings) and section 64 (special measures in civil proceedings) of the DA Act. Section 63 is to be implemented in the FPRC’s next amending SI this year. Section 64 is expected to be implemented in April 2022. The Civil Procedure Rules Committee has established a “Vulnerable Parties” sub-committee, who will be working on the special measures amendments to the Civil Procedure Rules required by section 64.
- 6.10 MoJ Policy noted that the CPRC’s Vulnerable Parties sub-committee had been made aware of the FPRC’s concerns about the differences between the two sections of the DA Act and have indicated that they would be happy to work with a Committee representative once an initial draft of

amendments to the CPR has been considered. The Committee suggested that an FPRC Official from the DA Working Group be co-opted onto the Civil Vulnerable Parties sub-Committee to progress and represent FPR concerns.

- 6.11 The Committee approved the proposed amendments to Part 3A and PD3AA as presented to the meeting.
- 6.12 The Committee also asked whether it would be possible to see a working draft of the proposed rule changes under S65 (prohibition on cross-examination in family proceedings) by July due to the complex nature of this work.

c. Plans for Working Group

- 6.13 MoJ Policy said that the issues raised within discussion will be taken forward at the first meeting of the Working Group.

ACTION

MoJ Policy to make contact with the DA Working Group to take the discussion points forward.

DIVORCE, DISSOLUTION AND SEPARATION ACT 2020 IMPLEMENTATION: PRACTICE DIRECTIONS AND CONSEQUENTIAL AMENDMENTS

- 7.1 MoJ Policy invited the Committee to consider its Working Group's proposed changes to Practice Directions relating to Part 6 and Part 7, the most substantive being in relation to PD6A and PD7A.
- 7.2 MoJ Policy highlighted to the Committee the key proposed changes to PD6A and PD7A, and the Committee agreed to the overall approach taken in respect of these amendments.
- 7.3 MoJ further outlined to the Committee proposed consequential amendments to Practice Directions. The Committee commented that in relation to the court's function to give permission for the respondent to make an application under r.7.12, this would need to be undertaken by a District Judge rather than a Legal Adviser and that PD2C should be amended accordingly. The Committee approved other proposed consequential amendments to Practice Directions, as well as the wider proposed consequential amendments to the FPR.
- 7.4 MoJ Policy said that as previously discussed at the Committee's April meeting, both the Working Group and the Committee was of the view that clear guidance, hoped to be President's Guidance, should set out the high benchmark for costs orders being made under the new DDSA landscape, in the context of it being agreed that current 'clean sheet' rules on costs should be retained. The intention is to produce a first draft of costs guidance to be shared with the Committee at its June meeting.

ACTION

MoJ to bring the Part 6 and Part 7 drafts back to the Committee, alongside Practice Directions and consequential amendments for a final 'sign off' at the June meeting.

SUBSTANTIVE ITEMS

DEED POLL NAME CHANGES (DRAFT REGULATIONS AND AMENDMENTS TO PRACTICE DIRECTIONS)

- 8.1** MoJ Policy said that the Judicial Working Group met earlier, and the intention is to return with a final draft set of new Regulations and a new Family Practice Direction at the Committee's June meeting. The Working Group had discussed publicity within the advert of name change as there was sensitivity over some name changes being made public (for example where a child was changing gender as well their name and that this should be addressed in the Practice Direction. It was also agreed that the existing court form should be amended to reflect this work rather than designing a new form, in view of the advantages (both financial and in time savings). These points will be discussed at the next CPRC meeting too when it reviews the draft Regulations.
- 8.2** The Committee agreed that it would be sensible to use existing forms as it would be difficult to justify the time and expense in drawing up a new one. However, they asked that consideration of MIAMs be taken into account when being discussed further at the Working Group although they recognised that there are a number of exemptions in place to MIAMs but felt that it should be flagged up.
- 8.3** The Committee also raised costs and the added expenditure to applicants in meeting a family court fee that a two-form process will incur. MoJ Policy said that this issue was discussed within the working group and it was decided that fees to cover both processes were probably unavoidable. However, there was some discussion that the overall cost for adults may need to be increased to be the same as that for children. The Working Group had agreed to pursue with MoJ fees policy what the fee regime should be post-reform. The Committee asked for further advice on this issue to be covered when the matter returns before it in June.
- 8.4** The Committee agreed with the report's suggestion that with the further work to be done, the revised target date for implementation of the reforms should be October 2021 (rather than July).

ACTION

- 1. MoJ Policy to return in June with a final draft set of new Regulations, a new Family Practice Direction and a final draft of a Civil Practice Direction for approval by the Committee.**
- 2. MoJ Policy to return in June with an updated paper providing more detail on the associated costs and forms plan.**

HMCTS ONLINE PROJECTS FOR PUBLIC LAW, PLACEMENT AND ADOPTION

- 9.1** MoJ Policy presented plans and timelines for new Practice Directions and Practice Direction amendments which facilitate the HMCTS online projects for public law, placement and adoption. It was noted that during the week before the meeting the President had raised concerns that use of the online public law system was proving difficult and that he had received feedback from Designated Family Judges that the system was not yet fit for purpose. The President had confirmed that following this, work is being undertaken in the next couple of weeks to obtain details from Designated Family Judges, courts and local authorities about the use of the system to provide a clearer understanding of the position. It was confirmed that in light of this, MoJ Policy will return at the June meeting following this work being completed, where it will be discussed whether permanent provision for the online public law system should be made to replace pilot Practice Direction 36M. Separately, it was proposed that the drafts for a new pilot Practice Direction on online adoption (to come into force on 1 September 2021), and an amendment extending the pilot online placement Practice Direction 36P (to come into force on 1 August 2021) would be sent to the President directly.

- 9.2** The Committee raised concerns that judges and local authorities are being pushed to use the online system whilst the pressures from the pandemic remain, leaving some judges and staff feeling overwhelmed. The Committee also asked for consideration of issues experienced by gatekeepers in that they have been unable to rectify any errors so the functionality still needs improving before it can be relied upon and use is mandated. The Committee also asked that training time and help desk facilities are vital and will need to be provided moving forward.
- 9.3** HMCTS Projects Team said that they recognise that some Local Authorities are paper based but they have on the whole received positive feedback. They added that the offer for additional training and dedicated help will also be provided. HMCTS Projects Team confirmed that considerable work and improvement of the digital service has been undertaken since the pilot began in January 2019 and that feedback from local authorities and DFJ areas across the country have helped to establish the basis under which mandating the service will enable HMCTS to realise the benefits sooner..
- 9.4** MoJ Policy will return at the June meeting to discuss next steps with Practice Direction amendments.

PD5B – ELECTRONIC COMMUNICATIONS

- 10.1** HMCTS presented proposed amendments to FPR PD5B, so that those filing applications or documents by email are no longer required to include credit or debit card details in their email; and so that there is a requirement on a party who wish to keep their contact details confidential to provide the relevant form (C8 or A65 confidential contact details form) as a separate attachment to their email. HMCTS Policy said that staff apply a confidential address policy to ensure that confidential contact details are not disclosed. The proposed amendment to FPR PD5B is a 'belt and braces' approach. The Committee were also asked whether there is a need to consult on these proposed amendments.
- 10.2** The Committee welcomed these suggested changes and the intention to separate the proposed forms but asked whether email applications should be discouraged in favour of online applications. HMCTS confirmed that the online C100 is actively promoted and has good feedback from unrepresented applicants.
- 10.3** MoJ Legal said that the proposed amendment wording is different to that put forward to the Civil Procedure Rules Committee, but the intention is that they will consider the wording presented at this meeting and will come back with any comments.
- 10.4** The Committee were content with the proposed amendments to FPR PD5B and did not think that consultation was necessary. MoJ Legal therefore proposed that these will be included in the next PD Update to be submitted to the President and then the Minister, if the CPRC agrees to align wording. However, if there are further revisions following the CPRC's consideration then these will be brought back to the Committee in June.

AMENDMENTS TO THE OVERRIDING OBJECTIVE (RULE 1.1 FPR)

- 11.1** MoJ Policy said that in October 2020 Family Justice Council proposed an amendment to the overriding objective of the FPR following a project run by the Civil Procedure Rule Committee to clarify the procedure and provision available for vulnerable parties in civil proceedings. This issue was discussed at the March FPRC and a decision was made not to undertake piecemeal changes

during the implementation of the Divorce Dissolution and Separation Act 2020 and the Domestic Abuse Act 2021.

- 11.2** MoJ Policy asked for the Committee's view as to whether the intention as discussed in March is to review Rule 1.1 in its entirety with a view to making any proposed amendments to the FPR overriding objective at one time. This would involve comparing and contrasting the FPR and the CPR overriding objectives and considering whether the FPR provision should be more closely aligned with the CPR provision, not only in light of the Family Justice Council recommendation but more widely.
- 11.3** The Committee asked whether there would be any value in setting up a working group in the autumn rather than waiting until the start of 2022 as proposed by MoJ Policy. MoJ Policy noted it might be possible to start the process of establishing a working group and its remit in the autumn and that they would revert to the June meeting on this.

ACTION

MoJ Policy to return under matters arising in June and for this issue to be placed on the October 2021 agenda

FORWARD PLANNING AND UPCOMING MEETINGS

OTHER PROCEDURE RULE COMMITTEES AND FAMILY PROCEDURE RULE COMMITTEE LINK

- 12.1** MoJ Policy updated the Committee that monthly catch ups in the diary with colleagues from the Civil Procedure Rules Committee help to identify any issues which can be raised within this ongoing reporting slot. MoJ Policy said that there is nothing additional to raise now as most items have already been mentioned elsewhere on the agenda.

PRIORITIES TABLE

- 13.1** MoJ Policy said any new items such as that in relation to the judgment made in the GVG asylum will be added to the table for the June meeting.

UPCOMING PRACTICE DIRECTIONS AMENDMENTS

- 14.1** MoJ Legal referred to the table presented before each meeting and said that there are a substantial number of items due to come forward.

FORMS WORKING GROUP UPDATE

- 15.1** MoJ Policy provided the Committee with a brief update on the work currently being considered by the Forms Working Group. The Forms Working Group are next due to meet on Wednesday 9 June.
- 15a. FL401 FORM**
- 15.2** MoJ Policy said that previous proposals to undertake work to redesign the current FL401 court form used for non-molestation and occupation order applications, and to develop an optional template to help unrepresented applicants to prepare their supporting statement have been progressed and these have been discussed extensively within the FPRC Forms Working Group.

- 15.3** MoJ Policy said that amongst the improvements made these include introducing more user-friendly language; integrating key points from the FL700 guidance on domestic violence injunctions under the Family Law Act 1996 directly within the form; giving prominence to the information the court looks at when considering whether a without notice application should be granted; improving information related to requesting special measures and keeping an applicant's contact details confidential; improving information within the form on requesting a bailiff service; and creating an optional template to assist unrepresented applicants to prepare their witness statement.
- 15.4** The Committee said that although the new form was longer it was an improvement on the previous version. The Committee also thanked the team for the work on the witness statement template in that it was helpful in navigating to the points quickly and the incorporation of Court of Appeal patterns of behaviour. However, points were raised on the terminology used on "substituted service" at 1.3C and the relationship wording at 4.1. The Committee also suggested that a further explanation on conditions that the non-molestation order could include should be made more apparent towards the top of the form. The Committee also proposed a re-wording of question on bail conditions in the application form, to remove a reference to being charged with a criminal offence.
- 15.5** MoJ Policy and the Forms Working Group said that they will consider the points raised with a view to finalising the forms ahead of the June FPRC meeting in which they'll be presented for final sign off.

15b. CONTEMPT FORMS

- 15.6** MoJ Policy updated the Committee following a query raised on the Contempt forms presented at the previous meeting. It was identified that the orders represented were not in line with the larger suite of orders covering all aspects of family litigation. All the orders conform to a "house style", which has become part of the brand of the Family Court with the idea being that the similar appearance of the orders means that they are afforded immediate recognition as being orders of the Family Court. In particular, the Forms Working Group had agreed that three orders 5.3- order for committal under the Debtors Act 1869; 5.4 - suspended order for committal under the Debtors Act 1869; and 5.5 - order activating a suspended order for committal could remain as standard order templates.
- 15.7** MoJ Policy said that changes to FC603 to incorporate the royal arms to the top left corner of the form would be undertaken. MoJ Policy asked for the forms to be signed off.
- 15.8** The Committee said that a note will need to go out to practitioners to inform them of the changes to the standing orders. MoJ Policy to take this forward outside of the Committee.

15.C A58 FORMS AND GUIDANCE

- 15.9** MoJ Policy said that the Welsh translation of the form and guidance has nearly been completed and the intention is that these together with the English versions are publicised and added to the forms catalogue within the next two weeks before the end of the month.

DRAFT JUNE AGENDA

- 16.1** MoJ Policy said that the draft agenda will be amended to reflect any changes following this Committee meeting.

ANY OTHER BUSINESS

DIGITAL NOTICE OF CHANGE

- 17.1** The Committee were provided with an update in relation to the work undertaken by the Judicial Digital Steering Committee who had been liaising with HMCTS on the development of a digital process for notifying a change in legal representation where proceedings are being conducted by electronic means. The model is now ready to proceed to the final development stages and this issue has been taken forward with the relevant rule-making bodies across Civil, Family and Tribunals jurisdictions to consider. The model has already been introduced for use in the Immigration and Asylum Chamber from 15 April 2021.
- 17.2** The Committee were invited to consider the extent to which any formal amendments to rules and practice directions may be required and if amendments are considered necessary, these could be introduced as a pilot scheme by FPR Part 36 or by more permanent amendments to the procedural rules. MoJ Legal noted it was their view that PD36M (online public law proceedings) did not need amending to reflect the introduction of a digital notice of change. Consideration still has to be given to the other Practice Directions supporting other online systems.
- 17.3** The Committee then discussed the issue of where a Solicitor applies to come off the record and whether it should be stated that a different judge should take the hearing.

LIST OF WORKING GROUP MEMBERS

- 17.4** The Acting Chair proposed that the paper detailing membership of each working group be circulated with the papers each month.
- 17.5** The Committee asked for an update on the Children's Working Group. MoJ Policy said that they would follow this point up with the appropriate officials as this was put on hold to provide a link to the Harm Panel implementation work.

DATE OF NEXT MEETING

- 18.1** The next meeting will be held on Monday 14 June 2021 at 10:00am via MS Teams.

Simon Qasim – Secretariat

May 2021

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