



# Ministry of Justice

**FAMILY PROCEDURE RULE COMMITTEE**  
**QB1M, Royal Courts of Justice and**  
**Remotely via Microsoft Teams (Hybrid)**  
**At 11.00 a.m. on Monday 3 February 2025**

**Present:**

<b>Mr Justice Keehan</b>	Chair of the Family Procedure Rule Committee
<b>Sir Andrew McFarlane</b>	President of the Family Division
<b>Lord Justice Baker</b>	Court of Appeal Judge
<b>Her Honour Judge Suh</b>	Circuit Judge
<b>His Honour Judge Humphreys</b>	Circuit Judge – Judicial Member for Wales
<b>District Judge Foss</b>	District Judge (County)
<b>Her Honour Judge Birk</b>	District Judge (County)
<b>Poonam Bhari</b>	Barrister
<b>Laura Coyle</b>	Solicitor
<b>Graeme Fraser</b>	Solicitor
<b>Jennifer Kingsley JP</b>	Magistrate
<b>Shabana Jaffar</b>	Cafcass
<b>Rob Edwards</b>	Cafcass Cymru
<b>Bill Turner</b>	Lay Member
<b>District Judge Cassidy</b>	District Judge
<b>Helen Sewell</b>	Legal Advisor
<b>Mrs Justice Knowles</b>	Family Presiding Judge, Northern Circuit

## ANNOUNCEMENTS AND APOLOGIES

1.1 The Chair warmly welcomed all attendees to the Committee meeting, extending a special welcome to DJ Francis Cassidy, attending his first meeting as a new District Judge member of the Committee. Graeme Fraser and Helen Sewell requested that their names be included in the December minutes to reflect their attendance.

**Action Point 1: Secretariat to update the December 2024 minutes to include Graeme Fraser and Helen Sewell to reflect their attendance.**

1.2 Apologies were received from DJ William Nelson, Mr Justice Peel and Rhys Taylor.

## MINUTES OF THE LAST MEETING: December 2024

2.1 The Committee approved the minutes for the December 2024 meeting.

**Action Point 2: Secretariat to arrange for the December 2024 minutes to be published on the FPRC webpages.**

## ACTIONS LOG

3.1 The Secretariat informed the Committee that 5 actions were recorded from the December 2024 FPRC meeting.

## MATTERS ARISING

4.1 MoJ tabled a paper which contained updates on the following:

- Web Inaccuracies
  - The Committee were informed that the Secretariat continue to resolve web issues.
- Jade's Law
  - A verbal update was provided, and it was noted that progress remains largely unchanged since December. The implementation board continues to meet regularly and will hold monthly meetings.
  - Discussions with ministers on measures to restrict the parental responsibility of child sex offenders are ongoing with a decision pending. Further updates will be provided once more information is available.
- Online Procedure Rule Committee (OPRC)
  - The Committee was informed that the OPRC is focusing on drafting rules for digital possession cases, developing pre-action guidelines, the making rule-making process more inclusive and using technology to improve civil, family and tribunal cases.
  - A Statutory Instrument is required to grant the OPRC rule-making powers and this must be approved by both Houses.
  - Further updates will follow.
- Family Procedure (Amendment No.2) Rules 2024 and PD Update No. 7 of 2024
  - The Committee noted that the SI has been laid before Parliament and the PD Update has been made by the President and approved by the Minister.

- Children's Wellbeing Bill (Family Group Decision Making)
  - The Committee received an update on the Children's Wellbeing Bill, which represents a significant development in children's welfare legislation.
  - The Government proposes amending section 25 of the Children Act 1989 to bring more deprivation of liberty cases under statutory regulation.
  - The Bill also introduces Family Group Decision Making as a statutory requirement ahead of care proceedings.
  - The Bill is progressing and the Committee may need to consider certain procedural aspects in due course.
  
- Deed Poll process: Implementation of changes
  - The Committee discussed the ongoing issue of fees having to be paid for specific issue order applications in respect of proposed name changes for children, as well as fees for the High Court enrolled deed process. Despite previous attempts a resolution has not yet been reached.
  - Officials had reviewed whether any legislative workarounds could be applied but confirmed that current legal framework does not allow for flexibility, meaning applications must continue to go through both the High Court (deed poll) and the Family Court (specific issue application).
  - The Fees Policy team is now actively considering potential options on aligning adult and child name change fees more closely to address the Committee's concerns on the potential disparity.
  - The options are being developed for ministerial review, with an outcome expected soon. The Committee welcomed the progress but expressed frustration over the prolonged delays in addressing the issue.
  - It was noted that some applications are being transferred between the High Court and the family court, particularly where parental agreement is not unanimous. The Committee requested further clarification on how these cases are being managed.

## STANDING ITEMS

### PRIORITIES TABLE AND PENDING PD AMENDMENTS

**5.1** The Committee reviewed the Priorities Table and approved its publication. An annex was included with triaged forms relating to a few new matters that the Committee has been asked to consider. The Committee agreed that the assessed cases should be placed in the relevant Tier of the Priorities Table.

**5.2** It was agreed that further discussion on the Priorities Table would take place at the next FPRC pre-meeting, with additional time allocated to review key issues.

**5.3** A proposal was raised to improve data recording on the D81 form which tracks financial settlements. It was suggested that more detailed information would provide a better understanding of how cases are resolved in higher courts where decisions often receive public and media attention. It was agreed to revisit the discussion at the next FPRC pre-meeting to explore potential improvements.

**Action point 3: Secretariat to update and publish the updated Priorities Table.**

**Action Point 4: Secretariat to place triaged cases in relevant tiers of the Priorities Table.**

**Action Point 5: Allocate additional time to the next FPRC pre-meeting for further discussion and review of the Priorities Table.**

**Action Point 6: The FPRC Chair and MoJ Officials to revisit the proposal on improving data recording on the D81 form during the pre – meeting.**

## **UNREGULATED EXPERTS**

**6.1** The Committee was updated on concerns raised by stakeholders about unregulated professionals acting as expert witnesses in family court cases. Proposed amendments to the FPR and PDs were shared with the Committee for their consideration. A draft rule and PD changes were also shared with the Committee.

**6.2** Initially, the focus was on restricting unregulated experts' use for specific assessments but after discussions with the Domestic Abuse Working Group it was decided that a broader approach covering all experts with some exceptions would be more effective.

**6.3** The Committee reviewed the proposed key amendments which included:

- Amendments to FPR 25, PD25B and PD25C.
- A new FPR 25.5A, which sets our requirements for instructing experts.

**6.4** The Committee discussed ensuring clarity on the rule's application confirming it applies only to children's proceedings, not financial remedy cases. It was suggested this should be explicitly stated to avoid confusion.

**6.5** Concerns were raised about the consultation questions being too restrictive. It was suggested a general comments section be added to the consultation questions to allow broader feedback, which the Committee approved.

**6.6** The Committee approved the draft amendments subject to refinements. Final adjustments to be circulated via email prior to the launch of the consultation.

**6.7** The Committee agreed a 12-week consultation would be appropriate. The Committee also agreed to a wide consultation, ensuring engagement with a broad range of stakeholders.

**Action Point 7: MoJ Policy to clarify the amendments to state they apply to children's proceedings and review the inclusion of international experts.**

**Action Point 8: MoJ Policy to add a general comments section in the consultation for broader feedback.**

**Action Point 9: Secretariat to circulate final amendments via email for Committee approval.**

**Action Point 10: Secretariat to launch a 12-week consultation once final approval is secured.**

## SUBSTANTIVE ITEMS

### MEDIATION VOUCHER SCHEME

**7.1** The Committee received an update on the Mediation Voucher Scheme and approved a one year extension of PD36V to continue its operation. Funding is secured until March 2026 but the Scheme's long-term future will depend on the multi-year spending review.

**7.2** Changes will be made to mediator surveys to collect more detailed information to improve evaluation of the scheme. This will include whether the mediation focused on child arrangements, how many sessions were held and a clearer picture of how cases were resolved.

**7.3** A request was made for a progress update in summer 2025 and concerns were raised about the availability of mediation for cases beyond child arrangements. The Committee was assured that the updated surveys will provide better insights into how the Scheme is working.

**7.4** The MoJ will return in summer 2025 with further updates, supported by improved data collection to assess the Scheme's impact.

**Action Point 11: A progress update on the Mediation Voucher Scheme to be provided to the Committee in summer 2025.**

### PRIVATE LAW ONLINE PD36G AND PD36ZD: NEXT STEPS

**8.1** The Committee received an update on the digital service for section 8 Children Act 1989 and Part 4 Family Law Act 1996 applications. Testing has been successfully completed and the service for litigants in person will launch in Hull and Swansea Designated Family Courts on 13 February. The rollout will continue to Chelmsford by late March or April 2025, but the East London launch has been delayed. Instead, Wolverhampton will be the next location.

**8.2** The MoJ asked the Committee's approval on the following:

- Extend PD36ZD until 31 March 2026 to allow more time for the nationwide rollout of the digital service.
- Extend PD36G until 31 March 2026 so digital C100 applications can continue to be submitted outside pilot areas.
- Allow scanned copies of certified birth certificates for parental order applications made using the digital system.
- Asked for the Committee's views on whether a consultation should take place before making this change.

**8.3** The Committee discussed concerns about accepting scans of birth certificates for parental order applications. Some members worried about the risk of document alterations and suggested that applicants should bring original birth certificates to the first hearing as a safeguard. However, it was pointed out that many cases do not have a first hearing, as directions are often made on paper. It was agreed that Mrs Justice Theis, who oversees parental order proceedings, should be consulted before making a final decision.

**8.4** The Committee approved the extensions of PD36ZD and PD36G, but the decision on birth certificate requirements was postponed until March 2025 meeting, when further discussions will take place.

**Action Point 12: HMCTS to consult with Mrs Justice Theis on the use of scans of birth certificates for parental order applications and report back at the March meeting.**

## **SECTION 91(14) CHILDREN ACT 1989: PERMISSION APPLICATIONS: PROPOSED AMENDMENTS TO PD12Q**

**9.1** The Committee noted that currently PD12Q provides that section 91(14) permission applications should be made using Form C2, with a draft C100. HMCTS advised that the private law online portal cannot accept applications made in this way, and that the system would require two separate fees if a C2 were submitted and then later a C100, if permission were granted. Officials proposed amendments to PD12Q so that the permission application could be made on the C100, which already includes a section on permission.

**9.2** Concerns were raised about the identification of cases where section 91(14) orders are in place, when new applications are submitted. It was suggested that HMCTS staff receive training to ensure that permission applications are flagged correctly so they can be identified during gatekeeping. The possibility of updating case numbering or case flags to highlight these applications was also discussed. It was noted that technical limitations in the digital system prevent C2 forms from being used as originating applications, and short-term system changes would not be feasible.

**9.3** A concern was also raised that the digital system might still charge two separate fees when an applicant submits a C2 followed by a C100. Possible solutions included waiving the C100 fee if leave is granted. The Committee was concerned that it should be ensured that permission applications are not served before gate keeping and about how to ensure that applicants clearly indicate on the C100 form that permission is required. HMCTS confirmed that the current digital system includes a case flag on help identify these cases.

**9.4** The Committee approved the amendment to PD12Q in principle but requested further clarification from HMCTS on how staff will ensure S91(14) cases are flagged and handled correctly. It was agreed that the PD12Q amendment will proceed as planned and be included in the next Update for the President's approval. HMCTS will report back on how court staff will manage the identification and processing of these applications.

**Action point 13: PD12Q amendment to be included in the next PD update for agreement of the President and Minister.**

**Action point 14: HMCTS to report back on how S19(14) orders are flagged**

## **BUNDLES – POST CONSULTATION UPDATE**

**10.1** The Committee reviewed the analysis of Questions 5-7 from the consultation on the proposed new PD27A, which outlines the process for preparing bundles in family proceedings.

**10.2 Question 5: Inclusion of advocates' meeting minutes and use of templates.** The Committee discussed whether minutes of advocates' meetings should be included in bundles and whether standardised templates should be used for case summaries and position statements in public law children proceedings.

**10.3** The Committee concluded that advocates' meeting minutes were generally not useful and whether they are included in the bundle should remain at judicial discretion rather than being mandatory. Members also agreed that position statements should take priority, as they provide a structure summary of each party's stance. For public law proceedings

relating to children, the Committee supported the use of standardised templates for case summaries and position statements as recommended by the Public Law Working Group.

**10.4** A concern was raised regarding solicitors attending advocates' meetings when they are not the advocate for the hearing. However, members noted that solicitors often step in due to tight deadlines and practical challenges in preparing position statements. It was acknowledged that clearer guidance may be needed on attendance at these meetings.

**10.5 Question 6: Content of position statements.** The Committee discussed whether the PD should have clearer requirements regarding the content of position statements. It was agreed that judicial discretion should determine their structure. Concerns were raised about position statements being misused to introduce new evidence or escalate disputes rather than clarifying key issues.

**10.6** Some drafting concerns were raised regarding paragraph 8.1 of the draft PD particularly the reference to "skeleton arguments" being part of a position statement. The Committee agreed that position statements should be distinct from "skeleton arguments", as position statements outline a party's stance while "skeleton arguments" present legal reasoning. It was also queried whether the detailed provision about different lengths of position statement in the draft PD were needed.

**10.7 Question 7: 350 page limit for bundles.** The Committee reviewed the 350-page limit for bundles. The Committee agreed to retain this limit, considering it a reasonable length that ensures bundles remain a manageable size for judges and magistrates. While some parties and representatives already exceed this limit, the Committee did not find an increase in the default page limit to be necessary or welcome. The draft PD does give the court discretion to authorise longer bundles case by case.

**10.8** The Committee agreed to seek further input from Working Group members before finalising the drafting in relation to position statements.

**10.9** Officials indicated that the Working Group will be meeting again ahead of the March Committee meeting to consider the responses to the final three consultation questions. A further paper will be submitted to the March Committee meeting including a recommendation on position statements for the new draft PD.

## **EXPRESS FINANCIAL REMEDY PILOT - UPDATE**

**11.1** The Committee received a brief verbal update on the progress of the express financial remedy pilot since December 2024, when the Committee was consulted on the draft Practice Direction and a modified version of Form A for use in the pilot. It was confirmed to the Committee in this update that the remaining policy and operational details of the pilot are being finalised, with the aim of launching it as soon as possible this year.

**11.2** The Committee was also asked to note the pilot's expected start date (and note the start date would be confirmed separately).

## **ADDITIONAL ITEMS**

### **OTHER PROCEDURE RULE COMMITTEES**

**12.** The Secretariat reported that, after discussions with other Committees' Secretariats there are no relevant updates to share with the Committee.

## **FORMS UPDATE**

**13.** The Secretariat informed the Committee that there was no upcoming Forms Working Group meeting scheduled. The Secretariat will update the Committee once the next Forms Working Group meeting has been arranged.

## **FPRC WORKING GROUPS**

**14.** The Bundles Working Group was acknowledged for their ongoing work by the Committee.

## **AOB**

**15.** The Chair confirmed that invitations for future meetings including the one scheduled for February 2026 would be sent out in due course. No additional matters were raised.

## **DATE OF NEXT MEETING: 3 March 2025**

**16.** The next meeting will be held on Monday 3 March 2025 and will be a hybrid meeting both at the Royal Courts of Justice and via MS Teams.

FPRC Secretariat  
February 2025  
[FPRCSecretariat@justice.gov.uk](mailto:FPRCSecretariat@justice.gov.uk)