



FAMILY PROCEDURE RULE COMMITTEE
QB1M, Royal Courts of Justice and
Remotely via Microsoft Teams (Hybrid)
At 11.00 a.m. on Monday 7 April 2025

Present:

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| Mr Justice Keehan | Chair of the Family Procedure Rule Committee |
| Sir Andrew McFarlane | President of the Family Division |
| Lord Justice Baker | Court of Appeal Judge |
| Mr Justice Peel | High Court Judge |
| Her Honour Judge Suh | Circuit Judge |
| District Judge Foss | District Judge (County) |
| Poonam Bhari | Barrister |
| Rhys Taylor | Barrister |
| Laura Coyle | Solicitor |
| Jennifer Kingsley JP | Magistrate |
| District Judge Nelson | District Judge (Magistrates) |
| Shabana Jaffar | Cafcass |
| Bill Turner | Lay Member |
| District Judge Cassidy | District Judge |
| Helen Sewell | Legal Advisor |
| Mrs Justice Knowles | Family Presiding Judge, Northern Circuit |

ANNOUNCEMENTS AND APOLOGIES

1.1 The Chair warmly welcomed all attendees to the Committee meeting. DJ William Nelson and Rhys Taylor requested that their names be included in the March minutes to reflect their attendance.

Action Point 1: Secretariat to update the March 2025 minutes to include DJ William Nelson and Rhys Taylor to reflect their attendance.

1.2 Apologies were received from Graeme Fraser, Robert Edwards and HHJ Gareth Humphreys.

MINUTES OF THE LAST MEETING: March 2025

2.1 The Committee approved the minutes for the March 2025 meeting.

Action Point 2: Secretariat to arrange for the March 2025 minutes to be published on the FPRC webpages.

ACTIONS LOG

3.1 The Secretariat informed the Committee that 9 actions were recorded from the March 2025 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
 - The Committee was updated on Jade's Law, with focus now on implementing Section 18. The MoJ in partnership with HMCTS is developing a system to notify relevant agencies.
 - An update was also provided on the potential changes regarding the parental responsibility of child sex offenders.
 - Mrs Justice Knowles, along with Mr Justice Cavanagh will observe the Jade's Law process. It was emphasised that creating a strong and adaptable system is essential for future changes. The aim is for the criminal court to make the initial decisions with the family court stepping in when needed.
 - A key challenge will be ensuring the police provide local authorities with the required family details promptly as they only have 14 days to apply to the court after an order under section 8 of the Victims and Prisoners 2024 Act is made. Efforts are underway to improve this process and ensure information is shared earlier in criminal proceedings.
 - The MoJ will continue to provide updates and plans to present a paper covering progress and timelines.
- Online Procedure Rule Committee (OPRC)
 - The Committee was informed that the Statutory Instrument (SI) granting the OPRC the power to make rules was approved in March 2025. These powers cover property cases in civil and tribunal areas as well as some financial remedies matters in family cases.

- The SI is expected to come into force in the next few weeks with the first set of rules focusing on possession cases. Work is already underway to develop these rules.
- **Qualified Legal Representative (QLR) Scheme**
 - The Committee was updated on the QLR scheme. As of 24 March 2025, there are 643 registered QLRs, with 486 in family courts and 157 in civil courts reflecting an approximately 45% increase from March 2024.
 - The Law Society is leading the development of a training programme for solicitor QLRs, although no timeline has been set for its completion.
 - Recognising progress on some issues, members raised several concerns:
 - **Role Clarity and Administrative issues:** QLRs reported confusion over their roles due to varying expectations from different judges and practitioners. This has led to situations where QLRs are asked to do tasks beyond their scope, such as cross-examining additional witnesses for which they hadn't prepared.
 - The Committee discussed the guidance available to the judiciary on the QLR scheme and whether they should promote this more widely to the judiciary, especially for more recently appointed judges.
 - A member also shared an example of a QLR receiving a large case file on the day of hearing which caused delays.
 - In addition, many QLRs expressed frustration over not receiving necessary documents in advance which affects their ability to properly prepare for hearings.
 - **Training:** There were concerns about the effectiveness of two-hour training webinars and some members felt that longer, more in-depth training is needed. It was noted that the FLBA training for barristers is more comprehensive. It was also noted that the statutory guidance requires QLRs to complete training or indicate an intent to complete training within six months.
 - It was emphasised that clearer guidelines and better support for QLRs are needed, particularly regarding role expectations and training. It was also agreed that further updates on these issues would be provided at the next FPRC meeting.

Action Point 3: MoJ to provide an update on any developments including the Solicitors' training programme and to address concerns raised by members regarding the Scheme at the next FPRC meeting.

- **Litigants in Person (LiP) Digital Journey in financial remedies cases**
 - The Committee was informed that design work will begin post-April 2025 to enhance the digital process for LiPs in contested family court cases.
 - The first priority will be to enable direct document uploads via the portal, removing the need for bulk scanning.
 - The overall goal is to create a fully integrated digital system to improve the user experience and streamline the process.
- **G v H update**
 - The Committee was updated on the policy review following the 2023 Court of Appeal judgment in the G v H case. The judgment highlighted the need to review the Family Procedure Rules (FPRs), which automatically make children parties to placement order revocation cases and require a guardian to be appointed.

- It was also noted that the G v H Working Group identified similar issues in adoption order cases which are being reviewed as part of the process.
 - The MoJ is considering key questions and has consulted with stakeholders including Cafcass, HMCTS, DfE and MoJ Legal Aid Policy.
 - A paper is being prepared for the G v H Working Group to gather their views. Feedback to the Committee is expected by June 2025.
- Contempt of Court Rules and Disclosure of Information
The Committee received an update on two related areas of work.
 - First, members were informed of a paper from Lord Justice Edis concerning the reform of Contempt of Court rules.
 - A cross-jurisdictional Working Group has been established to consider a unified set of rules on contempt across all courts and tribunals following a recommendation from the Law Commission. This work remains at an early stage.
 - The Group will make recommendations but does not have rule-making powers; that function will remain with the respective Rules Committees. Support from legal and policy colleagues will be required as the work progresses.
 - Second, the Committee noted correspondence from Sir Nicholas Mostyn and Sir James Munby. They proposed an amendment to the Family Procedure Rules to clarify that it would not be contempt of court for parties to disclose information from proceedings once the youngest child involved has reached the age of 18. This will be added to the planned work-stream on reviewing PD12G and associated rules.
 - It was proposed that work on the changes should begin in May or June 2025 with completion aimed for late 2025 or early 2026.
 - The Chair confirmed that this is being taken forward and will respond to the proposers to confirm the intended approach and timeframe.

SUBSTANTIVE ITEMS

DEED POLL UPDATE

5.1 The Committee received a verbal update on the progress of the Deed Poll name change proposals. The MoJ Fees Policy team is working to align the fees for the adult and child name change applications, reflecting the actual cost of services in the High Court with child name change fees exempted.

5.2 Options to address the fee disparity are being finalised and advice to Ministers is being prepared. These proposals will soon be submitted to Ministers with draft shared with the Chair for feedback before submission. A further update is expected in May 2025

REVISED DRAFT PD27A (BUNDLES CONSULTATION)

6.1 The Committee reviewed an updated draft of the PD27A, reflecting decisions from recent Committee meetings.

6.2 The Committee was invited to comment on a few unresolved areas in the draft, confirm the stakeholder consultation plan and agree to share the draft with the Early Resolution Working Group to consider further emphasis on Non-Court Dispute Resolution. Members were also invited to raise any additional issues.

Review of Key Issues and Committee Feedback.

6.3 Terminology and Definitions (Paragraph 1.2). The Committee discussed whether additional terms should be defined in the draft. It was agreed that definitions of numbering terms should be added. The Committee considered including a definition of “urgent hearing” but agreed this should not be added at this stage.

6.4 Language and Translation (Paragraph 5.3). The Committee agreed that the existing reference to Welsh language documents in the draft should be retained. They did not consider it necessary to include a detailed provision for translation into other languages but supported adding a general reference to the court’s ability to give case-by-case directions regarding translations where appropriate.

6.5 Financial Remedy Proceedings (Chapter 6). The Committee agreed that any FM5 forms filed should be treated as preliminary documents and that position statements should reflect the parties’ views on resolving matters through Non-Court Dispute Resolution (NCDR). A new bundle should be prepared for each hearing unless directed otherwise by the court. The phrase “Directions sought” in para 6.10 will be amended to “Orders sought”. It was also confirmed that guidance on avoiding emotive language in position statements should not be included in the Practice Directions.

6.6 Non-Financial Proceedings (Chapter 7). The Committee agreed that position statements should be limited to three pages. Flexibility may be allowed in complex cases. It was noted that case summaries and chronologies elsewhere in the bundle could provide background on earlier hearings.

6.7 Document Lengths (Chapter 8). The Committee agreed that case summaries should be limited to a maximum of six pages, with discretion for the court to vary this on a case-by-case basis.

6.8 Referencing Authorities (Paragraph 10.3). The Committee agreed that the draft should refer to the President of the Family Division’s February 2025 guidance on citing authorities. They also agreed that any future relevant guidance should be followed as well.

6.9 Typeface (Paragraph 11). The Committee discussed whether a specific typeface should be prescribed. While Arial was preferred by some for readability and accessibility, views varied between members. It was agreed for a typeface to not be specific in the current draft and to ask stakeholders for views in the next consultation.

6.10 Late Additions to Bundles (Paragraph 11.2). The Committee agreed that flexibility should be retained to allow documentation to be added before a hearing but after bundles have been submitted, to keep things fair and practical.

6.11 Timetabling and Qualified Legal Representatives (QLRs) (Chapter 13). Some concern was raised about whether QLRs have enough time to review bundles. The Committee agreed that current rules give the court sufficient discretion to manage timing and no changes are needed though the issue was noted. The standard order in relation to QLRs will need to be amended to be consistent with the timing for filing bundles in the draft PD27A.

6.12 Photographic Evidence. The Committee agreed to include photographs in the classes of documents (paragraph 5.2) which must not be included in the bundle, unless directed by the court.

6.13 Consultation Plan. The Committee confirmed a wish to undertake a further “sense checking” consultation with specific stakeholders and with the Committee’s Early Resolution Working Group. The following organisations will be invited to provide feedback:

- Resolution
- Law Society
- AdviceNow
- Family Law Bar Association (FLBA)
- Association of Lawyers for Children
- Justices’ Clerks Society
- Association of District Judges
- Council of Circuit Judges
- Designated Family Judges

6.14 Timeline:

- The draft will be circulated for consultation before the Easter (2025) break.
- A five-week consultation period will follow.
- The Bundles Working Group will first consider the consultation responses.
- Feedback will be reviewed at the June (2025) Committee meeting.

Action Point 4 – Secretariat to circulate the post-consultation draft and revised Practice Direction to stakeholders for review.

POLICE DISCLOSURE ORDERS – UPDATED REVISED DRAFTS

7.1 The Committee received an update on the work relating to the 2024 Police Disclosure Protocol. This included draft order templates (Annex 5) and the judicial checklist (Annex 4). MoJ Policy informed the Committee that the new draft Annex 5 templates have been revised by Committee members and are currently being reviewed by the Standard Orders Working Group. The MoJ will return to the Committee with updated drafts at a later stage.

7.2 Template Structure and Complexity. The Committee questioned the necessity of having two separate template orders (one for legally represented parties and another for litigants in person). On reflection, it was considered that one template would be sufficient.

7.3 Paragraph 21 – Police Communication with the Court. The Committee questioned the need for paragraph 21 in the draft Annex 5 template. Concerns were raised about transparency if police contact with the judge is not disclosed to the parties. It was suggested that existing provisions may already cover such situations and that any reference to “judge” should be replaced with “court” for consistency.

7.4 Cost of obtaining police disclosure in Private Law Proceedings. The Committee noted a lack of clarity in the Protocol regarding who is responsible for the paying police disclosure fees in private law cases, particularly where parties are unrepresented. Members suggested the need for clearer guidance on whether any order specifying who bears the costs applies to all parties or only to litigants in person.

7.5 Wider concerns about the 2024 Protocol. The Committee noted that there were some wider concerns about the 2024 Protocol and queried whether a full review was needed to ensure clarity and compliance with procedural requirements. It was agreed that the secretariat will arrange for Mrs Justice Knowles to speak with the Disclosure Working Group lead regarding the Committee’s concerns.

7.6 Integration of recent feedback. The Committee noted that updated comments on the Annex 5 templates had been submitted and will be considered before the next draft is shared with the Disclosure Working Group. This was seen as a chance to strengthen the templates. A further update will be provided in due course.

7.7 Disclosure Protocol Annex 4. The Committee members confirmed that they had no comments on the Annex 4 – judicial checklist in the 2024 Protocol.

Action Point 5 – Secretariat to arrange for Mrs Justice Knowles to engage with the Disclosure Working Group.

Action Point 6 – Committee members to further review the draft Annex 5 order. Secretariat to forward the revised draft to the Disclosure Working Group following member input.

PRIORITIES TABLE

8.1 The Committee reviewed the updated Priorities Table which incorporates revisions from the previous meeting. Members were asked to confirm whether the content was suitable for publication.

8.2 During discussion, it was noted that items 11 and 30 both relate to similar applications under the 1984 Act. Although confirmed to have been requested separately, their similar subject matter led the Committee to recommend grouping them under a single work strand.

8.3 A triage form from HMCTS regarding special measures and screens was also provided and the Committee agreed it should be added to the Priorities Table under tier 3.

Action point 7: Secretariat to amend the Priorities Table to group items 11 and 30 under the same work strand.

Action point 8: Secretariat to update and publish the updated Priorities Table.

Action Point 9: Secretariat to place triaged case on Special Measures in relevant tier of the Priorities Table.

SECRETARIAT ITEMS

OTHER PROCEDURE RULE COMMITTEES

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

FORMS UPDATE

10. 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

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

AOB

12.1 A concern was raised about the C100 form lacking clear guidance on whether permission is needed when a Section 91(14) Children Act 1989 order is in place. The Current wording – “Do you need permission?” may be confusing and clearer prompts were suggested to help applicants complete the form correctly.

12.2 A related point was raised about whether forms should ask if a Section 91(14) or civil restraint order is in place, rather than only whether permission is required. Similar concerns were noted with other online forms like the C1 where users may lack clear guidance. The Committee proposed discussing improvements to paper and digital forms at a future Forms Working Group meeting.

12.3 The Working Group meeting is anticipated in late April or early May. If it takes place after the main Committee meeting, the item will be added to the June agenda.

12.4 The Committee noted that any changes must consider technical feasibility in digital systems and that HMCTS input is essential. A representative of HMCTS confirmed that they will provide this input, subject to a clear indication of what it is proposed to amend. Background materials and key discussion points will be shared with attendees ahead of the Working Group meeting.

Action Point 10: Secretariat to schedule a Forms Working Group meeting to discuss proposed improvements to paper and digital courts forms

DATE OF NEXT MEETING: 12 May 2025

13. The next meeting will be held on Monday 12 May 2025 and will be a hybrid meeting both at the Royal Courts of Justice and via MS Teams. The Chair informed the Committee that he will not be chairing the next meeting and has asked Lord Justice Baker to act as Chair in his absence.

FPRC Secretariat

April 2025

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