



JUDICIARY OF
ENGLAND AND WALES

Newsletter February 2019

Dear all

I did not expect to produce another Newsletter so soon after the first one but there are some issues and changes to local practice to draw to your attention. These initiatives are either reminders of good practice or making some changes to try and reduce the delay being encountered in the smooth progression of cases through the courts.

Bundles

PD27A FPR applies to **all** hearings in the Family Court including public law, private law and financial remedy cases. The PD sets out very clearly what should be in the bundle and how it should be ordered. **The limit on the number of pages in the bundle is 350 unless the court has specifically directed otherwise [rule5]**. It is not acceptable to file a bundle of 800+ pages for an FDR without having first applied for and obtained an extension to the 350 page limit. It is not acceptable to file a bundle in private law proceedings without the specified preliminary documents and with witness statements only including some of the pages.

PD27A says the bundle shall be lodged with the court not less than 2 working days before the hearing [rule 6] unless otherwise directed. This means that if the hearing is on a Wednesday the bundle must be lodged by Friday of the week before. If it is on a Monday it must be lodged by the Wednesday of the week before. Counsel, if instructed, is supposed to receive her bundle not less than 3 working days before the hearing so why not sent the bundle to the court at the same time? Then you will always be in time. This is particularly important in a court where we use more than one building for hearings. If bundles are late arriving the prospect of them arriving at the correct hearing venue on time for the hearing is reduced. Please note that in financial remedy cases the standard directions issued require bundles to be delivered 7 days in advance of the hearing.

PD27A rule 12 says that failure to comply with any part of the practice direction may result in the judge removing the case from the list or putting the case further back and may also result in a “wasted costs” order or some other adverse costs order. **You have been warned!**

Advocates meetings in public law cases

The PLO [PD12A] makes it clear that where an advocates meeting is to be held before an IRH it must take place **no later than 7 business days before the IRH**. It will be the expectation of all judiciary with effect from 1 March 2019 that the CMO clearly states this requirement and the date of the advocates meeting is recorded in the order. It will also be the expectation of the court that **Trial Counsel, if instructed, will attend** the advocates meeting whether before the IRH or if another is ordered prior to the final hearing. This will avoid the situation of Trial Counsel only seeing the papers a day or two before the IRH/final hearing and should mean cases are ready to start at 10am or 10.30am on Day 1 of the final hearing. The PD12A contains a useful list of issues to consider before the IRH. I hope to be able to circulate very soon an Agenda/Checklist for use at the advocates meeting which may assist in focussing discussions.

Applications for an unscheduled/additional hearing must be on a C2 Form

The current system of the court accepting a C2 Form or an email asking for a hearing is not working. So, with effect from 1 March 2019, the court will only accept applications for a hearing by way of a properly completed C2 Form. Emails requesting hearings will no longer be accepted and the court staff will ask for a C2 Form to be completed. The important section of the C2 is the box that requires the applicant to explain why the hearing is needed, what the issues are and what order is sought. Judges and Legal Advisors have been asked to ensure that **at least 7 days' notice** of any hearing is given to the parties (save for urgent applications) to enable time for the requisite bundle to be prepared and delivered to court.

Family court user meeting

For some time now having a dedicated Family court user meeting has been under discussion. I am pleased to say that the first one will be held on **Thursday 14 March 2019 at 4.30 pm in Court 7**. You are all welcome and I look forward to seeing as many practitioners there as possible. An Agenda will be published beforehand. If there are any topics you would like to have discussed at the meeting please let Justine Blackwell know and she will co-ordinate them.

HHJ George

25 February 2019