

PRACTICE DIRECTION AMENDMENTS

These amendments to the existing Practice Direction 36D 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 Dominic Raab MP, Minister of State, Ministry of Justice.

The amendments to Practice Direction 36D come into force as follows:

- (a) the amendment to paragraph 1.2(e) comes into force on 27 July 2017;
- (b) the remaining amendments come into force on 7th August 2017.

Signed:

Date: _____

Sir James Munby

The President of the Family Division

Signed:

Date: _____

Dominic Raab MP

Minister of State, Ministry of Justice

PRACTICE DIRECTION 36D – PILOT SCHEME: PROCEDURE FOR USING AN ONLINE SYSTEM TO GENERATE APPLICATIONS IN CERTAIN PROCEEDINGS FOR A MATRIMONIAL ORDER

(1) In paragraph 1.2(e) for “28 July” substitute “27 October”.

(2) After paragraph 4.2 insert-

“Modification of Part 17 FPR

4A.1 In rule 17.2(6), for “The statement of truth” substitute “Subject to paragraph (6A), the statement of truth”.

4A.2 After rule 17.2(6) insert-

“(6A) Where a statement of truth is included in an application for a matrimonial order to which the pilot scheme referred to in Practice Direction 36D applies-

- (a) the applicant must file with the court an application which includes the name of the person who the online system requires to sign a statement of truth printed underneath the statement of truth; and
- (b) the court may require the applicant to produce a copy of the application containing the signature of the person referred to in sub-paragraph (a) at a later date.”.

(3) After paragraph 5.4 insert-

“Modification of Practice Direction 17A

6.1 Omit paragraphs 1.5 and 2.3.

6.2 In the heading to paragraph 3.1 and in paragraphs 3.1, 3.7, 3.8 and 3.10 references to “sign”, “signs”, “signed” and “signing” are to be read as references to the name of the person being, or having been, printed under the statement of truth included in an application for a matrimonial order to which the pilot scheme referred to in Practice Direction 36D applies.

6.3 For paragraph 4.1 substitute-

“**4.1** Where an application (being an application for a matrimonial order to which the pilot scheme referred to in Practice Direction 36D applies) contains a statement of truth with the printed name of a person who is unable to read or sign the document, the application must be accompanied by a certificate made by an authorised person.”.

6.4 In paragraph 4.3-

- (a) for sub-paragraph (a) substitute “that the content of the online application has been read to the person before completion of the statement of truth required by the online system;”; and
- (b) for sub-paragraph (e) substitute “that that person confirmed in the presence of the authorised person that it was their belief that the contents of the application were true.”

6.5 For the Annex substitute-

“Certificate to be used where a person is unable to read or sign an application for a matrimonial order to which the pilot scheme in Practice Direction 36D applies.

I certify that I [name and address of authorised person] have read the contents of the application and the statement of truth to the person whose name is printed under the

statement of truth in the application, who appeared to understand (a) the application and approved its contents as accurate and (b) the statement of truth and the consequences of making a false statement, and orally confirmed that this was the case in my presence.”.”.
