**PRACTICE DIRECTION 36J – PILOT SCHEME**

**TRANSPARENCY (ATTENDANCE AT HEARINGS IN PRIVATE)**

This Practice Direction supplementing the Family Procedure Rules 2010 is 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 is approved by Lucy Frazer QC MP, Parliamentary Under-Secretary of State, Ministry of Justice.

This Practice Direction comes into force on 1 October 2018.

Signed:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:

**Sir James Munby**

The President of the Family Division

Signed:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date:

**Lucy Frazer QC MP**

Parliamentary Under-Secretary of State, Ministry of Justice

This Practice Direction supplements FPR Part 36 (Transitional Arrangements and Pilot Schemes).

**Scope and interpretation**

**1.1.** This Practice Direction is made under rule 36.2 and sets up a Pilot Scheme.

**1.2.** The Pilot Scheme applies in relation to any proceedings to which rule 27.11 applies.

**1.3.** The Pilot Scheme operates from 1 October 2018 to 30 June 2019.

**Purpose of the Pilot Scheme**

**2.1.** The purpose of the Pilot Scheme is to assess the use of new practices and procedures to allow for attendance at hearings in private by certain lawyers with a view to their being able to report on proceedings (as “legal bloggers”) in addition to duly accredited representatives of news gathering and reporting organisations.

**Modification of the Family Procedure Rules and supporting practice directions during operation of the Pilot Scheme**

**3.1.** During the operation of the Pilot Scheme the Family Procedure Rules 2010 will apply to cases falling within the Pilot Scheme as modified by paragraphs 4.1 to 4.5; and the practice directions supporting the rules will apply to such cases as modified by paragraph 5.1.

**Modification of rule 27.11 of the Family Procedure Rules 2010**

**4.1.** In rule 27.11(2)—

(a) at the end of sub-paragraph (f), omit “and”;

(b) after sub-paragraph (f), insert—

“(ff) duly authorised lawyers attending for journalistic, research or public legal educational purposes; and”.

**4.2.** In rule 27.11(3), after “paragraph (2)(f)” insert “and (ff)”.

**4.3.** In rule 27.11(4), after “paragraph (2)(f)” insert “or (ff)”.

**4.4.** In rule 27.11(5), after “paragraph (2)(f)” insert “and (ff)”.

**4.5.** For rule 27.11(7) substitute—

“(7) In this rule—

(a) “duly accredited” refers to accreditation in accordance with any administrative scheme for the time being approved for the purposes of this rule by the Lord Chancellor;

(b) “duly authorised lawyer” means—

(i) a person who is authorised by a practising certificate to conduct litigation or exercise a right of audience in the family court;

(ii) a lawyer working for the Law School, Faculty or Department of a Higher Education Institution designated as a recognised body pursuant to section 216 of the Education Reform Act 1988; or

 (iii) a lawyer attending on behalf of a registered educational charity the name, objects and registered charity number of which have been provided to the President of the Family Division;

(c) “lawyer” means a person who—

(i) holds a qualifying law degree as defined by the Bar Standards Board or Solicitors Regulation Authority;

(ii) holds or has completed—

(aa) the Common Professional Examination (CPE);

(bb) an approved Graduate Diploma in Law (GDL) course or the Solicitors Qualifying Examination (SQE);

(cc) a postgraduate legal qualification; or

(dd) the CILEx Level 6 Diploma in Law and Practice or the CILEx Graduate Fast Track Diploma.”

**Modification of Practice Direction 27C**

**5.1.** In Practice Direction 27C, after paragraph 4 insert—

**“Identification of lawyers as ‘authorised’**

**4A.1.**

Lawyers will be expected to carry with them identification sufficient to enable court staff, or if necessary the court itself, to verify that they are “authorised” lawyers within the meaning of the rule.

**4A.2.**

The following forms of identification provide sufficient information, and production of such identification will be both necessary and sufficient to demonstrate that the lawyer is “authorised” within the meaning of rule 27.11(7)(b)(i), (ii) and (iii) respectively—

(a) a current practising certificate accompanied by picture identification of the lawyer and a signed written statement by the lawyer which complies with paragraph 4A.3;

(b) confirmation on headed notepaper from the relevant Higher Education Institution (or Law School, Faculty or Department of that Institution) of the lawyer’s position and qualification, accompanied by picture identification of the lawyer and a signed written statement by the lawyer which complies with paragraph 4A.3;

(c) confirmation on headed notepaper from the relevant registered educational charity (specifying the registered charity number) of the lawyer’s position and qualification, accompanied by picture identification of the lawyer and a signed written statement by the lawyer which complies with paragraph 4A.3.

**4A.3.**

The signed written statement required by paragraph 4A.2 must—

(a) confirm that the lawyer’s attendance is for journalistic, research or public legal educational purposes and that the lawyer has no personal interest in the proceedings and that he or she is not attending in the capacity of agent or instructed lawyer for any client; and

(b) confirm that the lawyer is aware of and will abide by any restrictions on publication, whether arising by operation of law (for example under section 97 of the Children Act 1989 and section 12 of the Administration of Justice Act 1960) or imposed by order of the court, which follow from the proceedings being in private.

**4A.4.**

The information about a registered educational charity required by rule 27.11(7)(b)(iii) is to be submitted using Form FP300 (Request by educational charity to attend family proceedings for authorisation by the President of the Family Division) by e-mail to pfd.office@judiciary.uk, or by post to: The Office of the President of the Family Division, Royal Courts of Justice, Strand, London WC2A 2LL. It will be entered on a list maintained by that office, and therefore need be submitted only once.”

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