



A PRACTICE NOTE TO DEAL WITH THE PROVISION OF BUNDLES AND DOCUMENTS BY THE PARTIES IN BOTH PUBLIC AND PRIVATE LAW CASES BEFORE THE MAGISTRATES

I have become aware of a problem that exists due to the late filing of documents in cases before the magistrates.

All too often they are not receiving case bundles/documents until the night before or even the morning of the hearing.

That causes very real problems for the pre-case preparation by magistrates in cases where often the papers are voluminous. In addition as they perform a voluntary role for the community they have to juggle their sitting commitments with their employment, family commitments and/or other voluntary work/responsibilities.

Magistrates play a crucial role in the family justice system and as they are carrying out a greater amount of care work than ever, as well as a substantial amount of private work, it is vital that every reasonable step is taken to ensure that they can work efficiently and effectively in the performance of their public duties.

Public Law

The magistrates have access to the FPL Portal.

Henceforth, bundles that comply with Practice Direction 27A and Practice Note No 8 of 2021 **MUST** be uploaded no less than **3 working days** before the hearing.

The local authority **MUST** also upload an **effective case summary** no less than 3 working days before the hearing.

It will be unacceptable to delay uploading the case summary due to a volatile situation. An addendum case summary can be uploaded to deal with any change in circumstances. Late instruction or change of counsel will not justify late lodging of the bundle and case summary.

This will enable the magistrates to commence their case preparation efficiently.

The magistrates will be giving case management directions consistent with this Practice Note and compliance will be expected.

The magistrates will also ensure that any advocates meeting is set for a date that will allow for the preparation of an effective case summary.

Local authorities must ensure that preparation of bundles is carried out in a timely way that will allow compliance with court timetables. They will not be expected to wait for other

parties to serve documents that are not served in compliance with the court's timetable. They should simply lodge the bundle.

Any party in default must seek make a C2 application for relief from sanctions.

Private Law

Pending the introduction of the new digital platform for private law cases magistrates will access their cases papers through SharePoint.

The case papers will be uploaded to SharePoint by HMCTS staff at the relevant court centre.

Hearing bundles that comply with PD27A and Practice Note No8 of 2021 must be lodged at court at the email address appropriate for the court centre at which the case is being heard;

Liverpool - family.liverpool.countycourt@justice.gov.uk

Chester: family.chester.countycourt@justice.gov.uk

Crewe: ch-crewectyfamily@justice.gov.uk

no less than **3 working days** before the hearing.

If the applicant is a litigant in person then the responsibility moves down to the next party who is legally represented to lodge the bundle. If no party has legal representation then the court must give such directions regarding provision of the bundle as it deems appropriate.

The bundle **MUST** contain a case summary.

It will be unacceptable to delay uploading the case summary due to a volatile situation. An addendum case summary can be lodged to deal with any change in circumstances. Late instruction or change of counsel will not justify late lodging of the bundle and case summary.

This will enable the magistrates to commence their case preparation efficiently and in a timely fashion.

The magistrates will be giving case management directions consistent with this Practice Note and compliance will be expected.

In the event of any late documents that are received by the court from any party, they will be uploaded to the SharePoint 1 working day before the hearing. It will be for the party lodging documents late to apply for relief from sanctions by C2 application.

Should any documents lodged at court less than 1 working day before the hearing, that party should assume that the magistrates will not have seen it when the hearing starts.

It will be for that party to apply for relief from sanctions by C2 application.

Any documents that are lodged **MUST** be clearly identified by;

- a) Correct name of the document eg statement of the applicant father;
- b) Correct date for the document;
- c) Case number;
- d) Name of case eg Smith v Jones;

e) Date of hearing.

His Honour Judge Steven Parker

The Designated Family Judge for Cheshire and Merseyside

Practice Note No 8 of 2023

Dated 21 September 2023