



Date	11 August 2022
Committee	Family Court Committee
Draft response to	Family Procedure Rules Committee – Police disclosure orders
Comments to	Helen Richardson – helen.richardson@magistrates-association.org.uk
Deadline for comments	17 August 2022
Link to consultation	https://www.gov.uk/government/organisations/family-procedure-rule-committee/about

Consultation on practice direction for police disclosure orders in private law proceedings

The Family Procedure Rule Committee ('The Committee') has been giving consideration to the procedure to be followed when an order requiring the police to disclose information to the court or parties in family proceedings is sought, or when the court is considering making such an order of the court's own motion.

The aim of the Committee is for this consultation to promote consistent practice for applications for police disclosure orders and clarity as to whom the disclosures should be made.

The consultation is in two parts. First, amendments to the following practice directions:

1. Practice Direction 12B;
2. Practice Direction 36Z and the annexed Practice Direction 12B (Pilot);
3. Practice Direction 12J.

Second, a draft template order for police disclosures.

The majority of local courts are operating practices outside of the PD12B Child Arrangements Programme, as permitted by previously by pilot PD36Q and now by pilot PD36Y (from 1 April 2022, for one year). It follows that local courts would not have to follow any specific PD12B procedure for applications for police disclosure orders. The President of the Family Division has agreed that guidance will be circulated by his Office to assist with making courts aware of any changes resulting from this consultation process.

CONSULTATION QUESTIONS

Question 1

Do you have any feedback on the amendments relating to police disclosure orders, as currently drafted?

The amendments to the rules appear to clarify the procedure the court should follow when making an order of its own motion for police disclosure. This is achieved by the amendments. However, the central issue with police disclosure orders when encountered by magistrates is that when litigants make an application for police disclosure it is a protracted process. The process is much quicker when the courts make a police disclosure order rather than expecting (one of) the parties to activate

the local police protocol for police disclosure themselves. It would be helpful if practice directions could encourage the court to make the order wherever it is felt to be necessary and appropriate to do so and not to rely on the parties to active the disclosure process. Where litigants are expected to activate the disclosure process the whole process takes longer, particularly for litigants in person but also for represented litigants who struggle to get timely responses. Late filing of police disclosures impact on already listed contested hearings which sometimes then have to be vacated.

Question 2

Do you have any feedback on the draft template order?

No

Question 3

Please indicate what areas would be particularly useful for the guidance, as mentioned in Paragraph 7, to cover?

See response to Question 1

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