



JUDICIARY OF
ENGLAND AND WALES

MR JUSTICE MOSTYN
HIS HONOUR JUDGE HESS

To all Financial Remedies Practitioners

Financial Remedies Courts now no longer ‘pilot schemes’

1. The Financial Remedies Courts (FRCs) are now up and running in 18 zones in all parts of England and Wales¹. The President of the Family Division has confirmed that the FRCs should no longer be regarded as pilot schemes, but instead should be regarded as being an established and permanent part of the Family Court. A formal announcement is expected imminently.
2. An ‘organogram’ representing the judicial structure of the FRCs has been published which identifies the Lead Judges in the 18 zones and all the FRC Judges in each zone: see <https://www.judiciary.uk/announcements/financial-remedy-court-organogram>. Although the list will plainly change over time as judges are appointed, relocate and retire, the clear intention of the FRC Good Practice Protocol is that only judges on this list should be hearing Financial Remedies cases.

New procedures for issuing Forms A in the Financial Remedies Courts

3. We are pleased to make public some significant imminent changes to the way in which applications for Financial Remedies should be brought.
4. With effect from 15 February 2021 applications for Financial Remedies should be issued in the hub court of one of the FRC zones (as opposed to a Regional Divorce Centre)².
5. FPR 2010 Rule 5.4 does not stipulate at which zone hub the application must be issued. It merely requires it to be issued in the Family Court. Therefore, in theory at any rate, the applicant can issue the application in the zone hub that he or she prefers. However, were the application to be issued in a non-local zone then the applicant will face the risk that the court will, either of its own motion or on the application of the other party,

¹ Subject to the final administrative ‘go live’ implementation in Lancashire & Cumbria

² The hub courts are for these purposes: Central Family Court, Birmingham, Nottingham, Newport, Swansea, Liverpool, Sheffield, Newcastle, Leeds, Medway, Manchester, Peterborough, Oxford, Bristol, Bournemouth, Plymouth, Wrexham & Preston.

use its powers under FPR 2010 Rules 29.17 & 29.18 to transfer the case to be heard elsewhere, most likely in a local zone.

Digital applications

6. Many (or most) Financial Remedies practitioners will now have experience of the Digital Consent Orders (DCO) scheme which is now fully up and running. FRC Judges all around the country are now approving consent orders digitally. Approximately 2,000 consent orders per month are currently being approved in this way with a typical turnaround time of about two weeks. We are grateful to practitioners for their part in so rapidly adapting to this scheme. We will do our very best to keep up this level of performance.
7. Following fast behind the DCO scheme is its equivalent for non-consent order cases, the Digital Contested Cases (DCC) scheme. Under the DCC scheme, Forms A are issued on line and all documents (Forms E, Statements, Reports, Bundles etc.) are filed by uploading them on to the portal, to which all legitimate participants will have access. This is already available in some FRC zones and will be rolled out to all FRC zones in the coming months. It is hoped that within a reasonable period of time this will become the routine method of filing documents in Financial Remedies cases. Under this scheme the applicant will nominate his or her preferred FRC zone for dealing with the application, subject to the same comments about transfer as set out above. All practitioners are encouraged to use this scheme at the earliest opportunity.

Allocation

8. One of the new features introduced by the FRCs is the facility for cases to be allocated to an appropriate judicial level. This can only be done if practitioners issuing Forms A routinely use the allocation questionnaire. This is particularly important if the case has complex features and should be heard by an experienced full time District Judge or Circuit Judge. Practitioners are encouraged to make use of this facility by getting used to completing the allocation questionnaire on issue.
9. Where an allocation is made without a hearing (as it almost invariably will be) then a party may request the court to reconsider this decision at a hearing: see FPR 2010 Rule 29.19. In the FRCs the allocation will frequently be made to a level of judge different to that specified by the Family Court (Composition and Distribution of Business) Rules 2014 in order to reflect complexity or the efficient use of local resources. It is unlikely that a court will wish to change such an allocation without very good reason and is unlikely that a separate hearing will be permitted for such a request to be considered.

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