

This Cumbrian Local Practice Direction may be referred to in orders and other documents by the short form name CLPD3/2023

CUMBRIAN LOCAL PRACTICE DIRECTION 3/2023

Court Bundles in the Cumbrian Family Court

DISAPPLICATION OF NATIONAL FPR/PRACTICE DIRECTION RE BUNDLES

1. At the request of local legal practitioners PD27A or any subsequent National Practice Direction(s) relating to bundles and documents to be provided to the Family Court in Cumbria is hereby varied as set out below.
2. The variations set out below apply to cases before the Family Justices, District Judges and Circuit Judges (including those sitting pursuant to section 9 SCA 2001).
3. It does not apply to any case heard before other Courts (High Court Judges, the Court of Appeal etc) or Court outside of Cumbria (defined below). In such cases the parties must comply with any relevant National or Local Practice Direction including in circumstances where a case is transferred 'out' from any Cumbrian Family Court. Practitioners and parties are advised to check.
4. Any legal practitioner or party wishing to file bundles/documents in accordance with alternative National or Local Practice Directions (e.g. if a case has been 'transferred in' and a bundle has already been used) should apply to the relevant Cumbrian Court for an order in those terms.

COURT BUNDLES

5. This CLPD sets out the way in which Court Bundles in cases before the Cumbrian Family Courts should be constructed. It applies to cases issued in or transferred to Carlisle, Barrow-in-Furness and West Cumbria (Workington).
6. This CLPD applies to Private and Public Law cases.
7. The CLPD applies unless varied by Court Order in a specific case, in which case the Court Order takes precedence.

BUNDLE FORMAT

8. All documents (save for Case Summaries etc, see below) are to be contained within one single PDF file.
9. Pagination must be computer generated within the PDF, not hand-written.
10. The pagination shall be divided into sections (e.g. A. Preliminary Documents, B. Orders, C. Statements, D. Care Plans, E. Expert Reports etc.) in chronological order by category.
11. As far as possible the documents should be in chronological order within each section.

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12. Pagination must be by section and page number, these will be separated by a full stop or colon i.e. A:1, A:2, A:3.... B:1, B:2, B:3 etc.
13. Insertions, after compilation of the original bundles, should be using 'legal' numbering (e.g. B:13.1, B:13.2, B:13.3 to be inserted between B:13 and B:14).
14. The pagination should not obstruct any detail on the page.
15. Each section of the bundle, and each individual document referenced in the index, is to be separately bookmarked. The format of bookmarks is to start with the page number followed by the title of the document e.g. B.23 – Directions on Allocation.
16. Third Party Disclosure (e.g. Police Disclosure) must be individually indexed.
17. Medical Records need not be individually indexed save to indicate the nature of the records (e.g. Hospital Records, GP Records, Ambulance Records etc.)
18. All documents must be properly orientated – i.e. portrait documents in portrait and landscape documents in landscape.
19. Any photographs, plans, diagrams or other such 'non-text' material included in the bundle must be in colour and reproduced as faithfully to any original source material as possible.
20. The pdf file must be searchable meaning you will need to run the 'Recognise Text' function in Adobe Pro on all pages (or in some other appropriate software).
21. As a last step before saving the bundle please reduce the size of the bundle by saving it as an optimised pdf or reduced size pdf.

CASE SUMMARIES AND WITNESS TEMPLATES

22. Case Summaries, Witness Templates (if relevant) and other 'late' documents (subject to paragraph 33 below) are not to be included in the e-bundle but uploaded as separate documents to the Family Law Portal ("FPL") or emailed to the generic court address if a Private Law or non-FPL case.
23. Any Case Summaries or 'late' documents must, if uploaded to FPL, be placed in the 'Hearing Documents' tab under 'Bundle' and clearly labelled in accordance with CLPD 4/2003 (Electronic Documents sent to the Court).
24. Any documents sent to the Court directly by email must have the Case Number in the subject box of the email.
25. Case Summaries must include:
 - a. an agreed recommended reading listed;
 - b. If a public law case, the date of the 26-week time limit and the number of weeks the proceedings have been live before the Court;

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- c. If a private law case, the number of weeks the proceedings have been live before the Court;
- d. a proposed timetable for the matter through to Issues Resolution Hearing or (if relevant) final hearing;
- e. A summary of any directions being proposed by one or more parties;
- f. The case summary must indicate what issues need to be determined by the Court at the forthcoming Hearing and in the application generally and may include a brief outline as to the parties' respective positions on any disputed issues.

POSITION STATEMENTS

26. Providing the Case Summary contains an agreed statement as to the issues in the case to be determined by the Court at the subsequent hearing, together with a recitation of the parties' respective positions, the individual parties do not each need to file Position Statements prior to the hearing, unless directed so to do by the Court.
27. Any party wishing to send to the court and the other parties a Position Statement may do so notwithstanding the above paragraph, providing it complies with the other provisions set out in this CLPD.

PAGE LIMITS

28. Providing the Case Summary for each hearing contains a carefully considered, accurate and agreed **reading list**, the bundle may exceed 350 pages.
29. Unless otherwise ordered the following page limits shall apply to all documents filed in any family proceedings:
 - a. The case summary must be limited to 6 pages concentrating upon those matters relevant to the hearing and the management of the case;
 - b. A position statement filed on behalf of a party must be limited to 3 pages;
 - c. An Expert report must be limited to 40 pages (which must include an executive summary at the beginning of no more than 4 pages).

PROVISION DEADLINES

30. For interlocutory hearings the bundle must be uploaded to or sent to the Court **by no later than 10 am on the working day before the next hearing**. Failure to comply with this direction, which provides more time than is permitted by PD27A, may lead to the relevant hearing being adjourned (in which case costs may be in issue) and/or the matter listed before the Designated Family Judge at 9:30 am for the relevant legal practitioner to attend alone to explain their default.
31. For final hearings or finding of fact hearings the bundle must be uploaded to FPL or sent to the Court **by no later than 10 am two working days before the next hearing**. Failure to comply with this direction, which provides more time than is permitted by PD27A, may lead to the relevant hearing being adjourned (in which case costs may be in issue) and/or the matter listed before the Designated Family Judge at 9:30 am for the local authority to attend alone to explain their default.

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32. Case Summaries must be uploaded to FPL (or sent to the court as relevant) and sent to the other parties by no later than 2pm on the day before the Hearing upload.
33. In exceptional circumstances a 'Supplemental Bundle' may be provided if substantial relevant material become available after the above dates. The documents contained within any supplemental bundle must be incorporated into the Court Bundle for the next hearing.
34. Any party wishing to send to the court and the parties a Position Statement must do so by no later than 2 pm on the working day prior to the relevant hearing and comply with the page limit stipulations provided for in this CLPD.

PAPER BUNDLES

35. The party responsible for bundle preparation must supply paper witness bundles for any contested hearing at which it is anticipated live evidence will be heard.
36. The party responsible for bundle preparation shall provide a paper bundle for the judge in the event that they are ordered so to do at any future hearing.

RESPONSIBILITY FOR BUNDLE PREPARATION

37. The Applicant (being party who made the first application in time) is responsible for preparation of the Court Bundle and Case Summary if legally represented by a solicitor.
38. In the event that the Applicant is not legally represented by a solicitor, the next party legally represented by a solicitor must do so, in the order First Respondent, Second Respondent, Third Respondent etc.
39. In the event that no party is legally represented by a solicitor, the Court will give directions as to Bundle preparation (if any).
40. There should only ever be one bundle. Parties must not produce separate bundles. Any dispute as to the contents of the bundle must be raised with the Court.

FILE NAMES AND DOCUMENT FORMATS

41. All electronic bundles, documents etc. must comply with CLPD 4/2003 (Electronic Documents sent to the Court).

HHJ C Baker
Designated Family Judge for Cumbria
30th January 2023