

## Norther Circuit Local Practice Direction 1/2020

### Urgent Family Applications to the District and Circuit Bench on the Northern Circuit

#### The Meaning of 'Urgent'

1. An application made during business hours seeking a same day hearing, or an application made out of hours will be justified as being urgent *only* where an order is required to regulate the position between the point the order is made and the next available ordinary listing.
2. Listing is a judicial function. Where a case does not fulfil the criteria for urgency, the judge will decline to deal with it and the application will be given a listing in the ordinary way. The court will be rigorous in refusing to deal with cases that do not meet the criteria of urgency.
3. Applicants for urgent orders will be required to justify on evidence why a case is said to meet the criteria for urgency. Applications must be accompanied by a statement which includes an explanation of why the case is said to meet the criteria for urgency, and a draft of the order sought following the President's standard format
4. The following work may be dealt with as an urgent application where, but only where, the criteria for urgency as defined in paragraph 1 is fulfilled (this is not an exhaustive list):
  - (a) Injunctions (including non-molestation injunctions, forced marriage protection orders and female genital mutilation orders) where without such an order the immediate safety of an individual would be compromised;
  - (b) Applications under the Children Act 1989 where without such an order a child's immediate safety would be compromised, including where there is an immediate threat of child abduction.
  - (c) Applications for Emergency Protection Orders where the criteria for such or order is met.
  - (d) Other urgent applications where, without an order being made, an individual's immediate safety would be compromised.
  - (e) Other urgent applications where, without an order being made, property that is the subject of a dispute may be disposed of, dissipated or destroyed.
5. Examples of cases that will *not* ordinarily fulfil the criteria for urgency include disagreements over holiday contact, applications for interim care orders where the nature of the alleged harm concerns longstanding difficulties or applications in respect

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of property where there is not an immediate risk of disposal. Again, this is not an exhaustive list.

6. A case that is said to have become urgent simply by reason of delay on the part of the applicant will *not* ordinarily fulfil the criteria of urgency.
7. Where an applicant seeks to bring a matter before the court that is urgent only because the applicant has failed to act in a timely manner they can expect the court to refuse to deal with the application *unless* an individual's immediate safety would be compromised, or property disposed of if an order were not made.

#### **Urgent Applications During Court Business Hours**

8. The fact that an application made during court business hours fulfils the criteria for urgency does not absolve the applicant from presenting that application to the court in a timely manner.
9. Ordinarily, any urgent application made during court business hours should be ready to come before the Judge at 10.30am.
10. In any event, and save in exceptional circumstances, any urgent application made during court business hours must be ready to come before the Judge ***no later*** than 2pm.

#### **Urgent Court Business Out of Hours**

11. The Urgent Court Business service will operate out of hours between 4.00pm and 8.30am Monday to Friday and from Friday at 4.00pm to Monday at 8.30am each weekend.
12. Any application that fulfils the criteria for urgency but has not been made by 4.00pm *must* be made to the Urgent Court Business service and will be dealt with out of hours.
13. Any application that fulfils the criteria for urgency that has been made during court business hours but which, notwithstanding the requirements of paragraph 10 above, is not ready to come before the Judge by 4.00pm will at that point ordinarily be referred to the Urgent Court Business service to be dealt with as an out of hours hearing.
14. The application must be accompanied by a statement which includes an explanation of why the case is said to meet the criteria for urgency and a draft of the order sought following the President's standard format and sent in by email in word format.
15. The procedure for using the Urgent Court Business service for applications that fulfil the criteria of urgency is as follows:
  - (a) Contact should be made with the Duty Court Business Officers on the appropriate number:

Cumbria and Lancashire: - 07554 459606

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Greater Manchester : - 07554 4596264

Cheshire & Merseyside: - 07876 034775

- (b) The Duty Officer will answer if possible. If the Duty Officer does not answer a message must be left including the name and number of the person making the application and the Duty Officer will phone back.
- (c) The Duty Officer will take details of the case and will then discuss the case with a member of the judiciary who will decide whether a hearing is necessary.
- (d) The Duty Officer will inform the applicant of the judge's decision, including if there is to be a hearing, the time and venue of the hearing.

**Mr Justice MacDonald**

**Family Division Liaison Judge for the Northern Circuit**

5 November 2020