

## PROPOSED AMENDMENT TO THE BUNDLES PD – PD 27A

### Memorandum by the President of the Family Division

1 PD27A imposes a 350-page limit (PD 27A, para 5.1) and spells out (para 4.1) the fundamental principle that “The bundle shall contain copies of only those documents which are relevant to the hearing and which it is necessary for the court to read or which will actually be referred to during the hearing.” Compliance with these requirements is still fitful.

2 One matter which is *not* regulated by PD27A is the length of individual documents. I urged restraint in *Re L* [2015] EWFC 15, [2015] 1 FLR 1417, paras 21-22. I am not conscious that this has had much effect. I wonder whether the time has therefore not now come to impose page limits for certain types of documents, which will be mandatory in all cases “Unless” – cf PD27A, para 5.1 – “the court has specifically directed otherwise, being satisfied that such direction is necessary to enable the proceedings to be disposed of justly.”

3 I accordingly suggest for consideration the insertion in PD27A of a new para 5.2A, as follows:

“Unless the court has specifically directed otherwise, being satisfied that such direction is necessary to enable the proceedings to be disposed of justly, any of the following documents included in the bundle shall be limited to no more than the number of sheets of A4 paper and sides of text specified below:

Case summary	4
Statement of issues	2
Position statement	5
Chronology	10
Skeleton argument	15
List of essential reading	1
Witness statement or affidavit (exclusive of exhibits)	20
Expert’s or other report	40
Care plan	10”

4 I ask three questions: (i) is this desirable; (ii) if so, should length be controlled by a page count or a word count; and (iii) if by page count, are the suggested figures appropriate?

5 As a separate matter, I further suggest that the final words of PD27A, para 4.3, be re-numbered 4.3A and amended to read (additional words show in *italic*):

“Copies of all authorities relied on must be contained in a separate composite bundle agreed between the advocates. *Unless the court has specifically directed otherwise, being satisfied that such direction is necessary to enable the proceedings to be disposed of justly, the bundle shall not contain more than 10 authorities. Where a case is reported in a law report which contains a headnote, such a report shall be used and transcripts (including transcripts on BAILII) shall not be used. Attention is drawn to the Practice Direction dated 24 March 2012.*”

The need for this is indicated by Holman J’s judgment in *Seagrove v Sullivan* [2014] EWHC 4110 (Fam), paras 21-22.