

SCHEDULES

SCHEDULE 10

Section 17

THE FAMILY COURT

PART 1

ESTABLISHMENT OF THE FAMILY COURT

- 1 In the Matrimonial and Family Proceedings Act 1984 after section 31A (which is inserted by section 17 of this Act) insert—

“31B Sittings

- (1) Sittings of the family court may be held, and any other business of the family court may be conducted, at any place in England and Wales.
- (2) Sittings of the family court at any place may be continuous or intermittent or occasional.
- (3) Sittings of the family court may be held simultaneously to take any number of different cases in the same place or different places, and the court may adjourn cases from place to place at any time.
- (4) The places at which the family court sits, and the days and times at which it sits in any place, are to be determined in accordance with directions given by the Lord Chancellor after consulting the Lord Chief Justice.
- (5) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31C Judges

- (1) A person is a judge of the family court if the person—
 - (a) is the Lord Chief Justice,
 - (b) is the Master of the Rolls,
 - (c) is the President of the Queen’s Bench Division,
 - (d) is the President of the Family Division,
 - (e) is the Chancellor of the High Court,
 - (f) is an ordinary judge of the Court of Appeal (including the vice-president, if any, of either division of that court),
 - (g) is the Senior President of Tribunals,
 - (h) is a puisne judge of the High Court,
 - (i) is a deputy judge of the High Court,
 - (j) is a Circuit judge,

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- (k) is the Judge Advocate General,
 - (l) is a Recorder,
 - (m) holds an office listed—
 - (i) in the first column of the table in section 89(3C) of the Senior Courts Act 1981 (senior High Court Masters etc), or
 - (ii) in column 1 of Part 2 of Schedule 2 to that Act (High Court Masters etc),
 - (n) is a district judge (which, by virtue of section 8(1C) of the County Courts Act 1984, here includes a deputy district judge appointed under section 8 of that Act),
 - (o) is a deputy district judge appointed under section 102 of the Senior Courts Act 1981,
 - (p) is a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal,
 - (q) is a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the Tribunals, Courts and Enforcement Act 2007,
 - (r) is a transferred-in judge of the Upper Tribunal (see section 31(2) of that Act),
 - (s) is a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3 to, or section 31(2) of, that Act),
 - (t) is a judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to that Act,
 - (u) is a transferred-in judge of the First-tier Tribunal (see section 31(2) of that Act),
 - (v) is a member of a panel of Employment Judges established for England and Wales or for Scotland,
 - (w) is a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951 (assistants to the Judge Advocate General),
 - (x) is a District Judge (Magistrates' Courts), or
 - (y) is a justice of the peace who is not a District Judge (Magistrates' Courts),
- but see also section 9 of the Senior Courts Act 1981 (certain ex-judges may act as judges of the family court).
- (2) A decision of the family court, if made by or by persons who include—
- (a) a judge within subsection (1)(a) to (i),
 - (b) a person who has been a judge of the Court of Appeal, or
 - (c) a person who has been a puisne judge of the High Court,
- is (so far as relevant) to be followed by a judge within subsection (1)(j) to (y), and by a justices' clerk or an assistant to a justices' clerk, when carrying out functions of the family court unless doing so with a person within paragraphs (a) to (c) of this subsection.
- (3) A fee-paid, or unsalaried, part-time judge of the family court may not act as a judge of the court in relation to any proceedings in the court in which the judge, or a partner or employer of the judge, or a body of which the judge is a member or officer, or a body of whose governing body the judge is a

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member, is directly or indirectly engaged as legal representative or agent for any party.

- (4) In this section “legal representative” means a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to an activity which constitutes the exercise of a right of audience or the conduct of litigation (within the meaning of that Act).

31D Composition of the court and distribution of its business

- (1) Rules may be made in accordance with Part 1 of Schedule 1 to the Constitutional Reform Act 2005 (process for making designated rules) about—
- (a) the composition of the family court, and
 - (b) the distribution of business of the family court among judges of the court.
- (2) Rules about the composition of the family court may in particular—
- (a) provide for the court to be constituted differently for the purpose of deciding different matters;
 - (b) make provision about who is to preside where the court is composed of more than one judge.
- (3) Rules about the distribution of business of the family court may in particular—
- (a) prohibit specified judges from conducting specified business;
 - (b) prohibit judges from conducting specified business unless authorised to do so by a specified judicial office holder;
 - (c) prohibit specified judges from conducting business, or specified business, unless authorised to do so by a specified judicial office holder;
 - (d) prohibit specified judges from exercising specified powers of the court.
- (4) In subsection (3)—
- “judge” does not include a judge within section 31C(1)(a) to (i);
 - “specified” means specified in, or of a description specified in, rules under this section.
- (5) Rules under this section—
- (a) may confer powers on the Lord Chief Justice or on a judicial office holder;
 - (b) may be made only after consultation with the Family Procedure Rule Committee.
- (6) Family Procedure Rules are subject to rules under this section.
- (7) The Lord Chief Justice’s power under paragraph 2(2)(b) of Schedule 1 to the Constitutional Reform Act 2005 to nominate a judicial office holder to make rules under this section includes power to nominate different judicial office holders to make rules under this section for different purposes.

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- (8) Paragraph 5 of that Schedule (duty to make rules to achieve purpose specified by Lord Chancellor) does not apply in relation to rules under this section.
- (9) In this section “judicial office holder” has the meaning given by section 109(4) of that Act.
- (10) No proceedings in the family court are to be with a jury.

31E Family court has High Court and county court powers

- (1) In any proceedings in the family court, the court may make any order—
 - (a) which could be made by the High Court if the proceedings were in the High Court, or
 - (b) which could be made by the county court if the proceedings were in the county court.
- (2) In its application to a power of the High Court to issue a writ directed to an enforcement officer, subsection (1)(a) gives the family court power to issue a warrant, directed to an officer of the family court, containing provision corresponding to any that might be contained in the writ.
- (3) Subsection (1) is subject to section 38(3) of the County Courts Act 1984.
- (4) Subsection (1) is without prejudice to, and not limited by, any other powers of the family court.
- (5) The Lord Chancellor may by regulations make provision, about or in connection with the effect or execution of warrants issued by the family court for enforcing any order or judgment enforceable by the court, that corresponds to any provision applying in relation to the effect or execution of writs issued by the High Court, or warrants issued by the county court, for the purpose of enforcing any order or judgment enforceable by that court.

31F Proceedings and decisions

- (1) The family court may adjourn a hearing, and may do so at any time including a time before the hearing has begun.
- (2) Any order made by the family court—
 - (a) may be absolute or conditional;
 - (b) may be final or interim;
 - (c) may, subject to rules of court, be made without taking evidence.
- (3) Every judgment and order of the family court is, except as provided by this or any other Act or by rules of court, final and conclusive between the parties.
- (4) Where the family court has power to require the doing of anything other than the payment of money, or to prohibit the doing of anything, an order of the court made in exercising the power may contain provision—
 - (a) as to the manner in which anything is to be done,
 - (b) as to the time within which anything is to be done,
 - (c) as to the time during which anything is not to be done, and
 - (d) generally for giving effect to the order.

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- (5) Where the family court has power to require the payment of money, an order of the court made in exercising the power may allow time for payment or order payment by instalments; and where the court has ordered payment by instalments and default is made in the payment of any one instalment, proceedings may be taken as if the default had been made in the payment of all the instalments then unpaid.
- (6) The family court has power to vary, suspend, rescind or revive any order made by it, including—
 - (a) power to rescind an order and re-list the application on which it was made,
 - (b) power to replace an order which for any reason appears to be invalid by another which the court has power to make, and
 - (c) power to vary an order with effect from when it was originally made.
- (7) Subject to rules of court, the family court may proceed in the absence of one, some or all of the parties.
- (8) The family court has the same power to enforce an undertaking given by a solicitor in relation to any proceedings in that court as the High Court has to enforce an undertaking given by a solicitor in relation to any proceedings in the High Court.
- (9) In any case not expressly provided for by or in pursuance of this or any other Act, the general principles of practice in the High Court may be adopted and applied to proceedings in the family court.

31G Witnesses and evidence

- (1) Subsection (2) applies where the family court is satisfied that a person in England and Wales is likely to be able to give material evidence, or produce any document or thing likely to be material evidence, in proceedings in the court.
- (2) The court may, if it is satisfied that it is in the interests of justice to do so, issue a summons—
 - (a) requiring the person to attend before the court, at the time and place specified in the summons, to give evidence,
 - (b) requiring the person to attend before the court, at the time and place specified in the summons, to produce the document or thing, or
 - (c) requiring the person to produce the document or thing to the court.
- (3) Subsection (4) applies where without just excuse—
 - (a) a person fails to attend before the court in answer to a summons under subsection (2)(a) or (b),
 - (b) a person fails to produce a document or thing in answer to a summons under subsection (2)(b) or (c), or
 - (c) a person attending before the court, whether or not in answer to a summons under subsection (2), refuses to be sworn or give evidence.
- (4) The court may—

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- (a) commit the person to custody until the expiry of a period not exceeding one month specified by the court or until the person sooner gives evidence or produces the document or thing, or
 - (b) impose on the person a fine not exceeding £2,500, or
 - (c) both.
- (5) A fine imposed under subsection (4) is deemed, for the purposes of any enactment, to be a sum adjudged to be paid by a conviction of a magistrates' court.
- (6) Where in any proceedings in the family court it appears to the court that any party to the proceedings who is not legally represented is unable to examine or cross-examine a witness effectively, the court is to—
- (a) ascertain from that party the matters about which the witness may be able to depose or on which the witness ought to be cross-examined, and
 - (b) put, or cause to be put, to the witness such questions in the interests of that party as may appear to the court to be proper.
- (7) Subject to the provisions of any Act or instrument made under an Act or rule of law authorising the reception of unsworn evidence, evidence given before the family court is to be given on oath.
- (8) An affidavit to be used in the family court may be sworn before—
- (a) a judge of the court, or
 - (b) an officer of the court appointed by a judge of the court for the purpose,
- as well as before a commissioner for oaths or any other person authorised to take affidavits under the Commissioners for Oaths Acts 1889 and 1891.
- (9) An affidavit sworn before any such judge or officer may be sworn without the payment of any fee.

31H Contempt of court: power to limit court's powers

- (1) The Lord Chancellor may by regulations made after consulting the Lord Chief Justice make provision limiting or removing, in circumstances specified in the regulations, any of the powers exercisable by the family court when dealing with a person for contempt of court.
- (2) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31I Powers of the High Court in respect of family court proceedings

- (1) If the High Court, at any stage in proceedings in the family court, thinks it desirable that the proceedings, or any part of them, should be transferred to the High Court, it may order the transfer to the High Court of the proceedings or part.
- (2) The power given by subsection (1) is without prejudice to section 29 of the Senior Courts Act 1981, and is to be exercised—

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- (a) in accordance with any directions given as to the distribution or transfer of proceedings, and
- (b) subject to any provision made under section 1 of the Courts and Legal Services Act 1990 or made by or under any other enactment.

31J Overview of certain powers of the court under other Acts

The powers of the family court include its powers under—

- (a) section 33 of the Senior Courts Act 1981 (powers exercisable before commencement of action);
- (b) section 34 of that Act (power to order disclosure or inspection of documents or property of non-party);
- (c) section 37 of that Act (power to grant injunction or appoint receiver);
- (d) section 39 of that Act (power to order documents to be executed or indorsed by nominated person);
- (e) section 70(1) and (2) of that Act (assessors);
- (f) section 57 of the County Courts Act 1984 (evidence of prisoners);
- (g) section 71 of that Act (powers as to payment of costs).

31K Appeals

- (1) Subject to any order made under section 56(1) of the Access to Justice Act 1999 (power to provide for appeals to be made instead to the High Court or county court, or to the family court itself), if any party to any proceedings in the family court is dissatisfied with the decision of the court, that party may appeal from it to the Court of Appeal in such manner and subject to such conditions as may be provided by Family Procedure Rules.
- (2) Subsection (1) does not—
 - (a) confer any right of appeal from any decision where a right of appeal is conferred by some other enactment, or
 - (b) take away any right of appeal from any decision where a right of appeal is so conferred,and has effect subject to any enactment other than this Part; and in this subsection “enactment” means an enactment whenever passed.
- (3) The Lord Chancellor may, after consulting the Lord Chief Justice, by order make provision as to the circumstances in which appeals may be made against decisions taken by courts or judges on questions arising in connection with the transfer, or proposed transfer, of proceedings from or to the family court.
- (4) Except to the extent provided for in any order made under subsection (3), no appeal may be made against any decision of a kind mentioned in that subsection.
- (5) At the hearing of any proceedings in the family court in which there is a right of appeal or from which an appeal may be brought with permission, the judge, if requested to do so by any party, is to make a note—
 - (a) of any question of law raised at the hearing,
 - (b) of the facts in evidence in relation to any such question, and

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- (c) of the court's decision on any such question and of the court's determination of the proceedings.
- (6) Where such a note is made, and whether or not an appeal has been made, the court—
 - (a) on the application of any party to the proceedings, and
 - (b) on payment of the fee (if any) prescribed under section 92 of the Courts Act 2003,
 is to provide that party with a copy of the note signed by the judge, and the copy so signed is to be used at the hearing of any appeal.
- (7) Section 81 of the County Courts Act 1984 (powers of Court of Appeal on appeal from county court) applies to appeals from the family court to the Court of Appeal as it applies to appeals from the county court to the Court of Appeal.
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under subsection (3).

31L Enforcement

- (1) Payment of a fine or penalty imposed by the family court may be enforced upon the order of the court in like manner as a judgment of the court for the payment of money.
- (2) Rules of court may, in relation to cases where under two or more orders made by or registered in the family court the same person is required to make periodical payments to the same recipient, make provision—
 - (a) for recovery of payments under more than one of the orders to be dealt with in the same proceedings;
 - (b) for apportioning, between some or all of the orders, payments made by the person required to make payments under the orders.
- (3) Subsection (4) applies where—
 - (a) periodical payments are required to be made, or a lump sum is required to be paid, to a child under an order made by the family court, or
 - (b) periodical payments are required to be made to a child under an order registered in the family court.
- (4) Any sum required under the order to be paid to the child may be paid to the person who looks after the child, and that person may proceed in that person's own name for—
 - (a) the variation, revival or revocation of the order, or
 - (b) the recovery of any sum required to be paid under the order.
- (5) Where a child has a right under any Act or instrument made under an Act to apply for the revival of an order made by the family court which provided for the making of periodical payments to or for the benefit of the child, the person who looks after the child may proceed in the person's own name for the revival of the order.

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- (6) Where any person by whom periodical payments are required to be paid to a child under an order made by or registered in the family court applies for the variation or revocation of the order, the person who looks after the child may answer the application in the person's own name.
- (7) Nothing in subsections (4) and (5) affects any right of a child to proceed in the child's own name for the variation, revival or revocation of an order or for the recovery of a sum payable under an order.
- (8) In this section—
 - (a) a reference to the person who looks after a child is—
 - (i) in the case of a child who is being looked after by a local authority (within the meaning of section 22 of the Children Act 1989), a reference to that local authority, and
 - (ii) in any other case, a reference to the person who, disregarding any absence of the child at a hospital or boarding school and any other temporary absence, has care of the child;
 - (b) “child” means a person under the age of 18;
 - (c) a reference to an order registered in the family court is a reference to an order registered in the court under the Maintenance Orders (Facilities for Enforcement) Act 1920, Part 2 of the Maintenance Orders Act 1950, Part 1 of the Maintenance Orders Act 1958, the Maintenance Orders (Reciprocal Enforcement) Act 1972 or Part 1 of the Civil Jurisdiction and Judgments Act 1982.

31M Records of proceedings

- (1) The Lord Chancellor may by regulations provide for the keeping of records of and in relation to proceedings of the family court.
- (2) Any entry in a book or other document required to be kept by regulations under subsection (1), or a copy of any such entry or document purporting to be signed and certified as a true copy by a judge of the family court, is at all times without further proof to be admitted in any court or place as evidence of the entry and of the proceeding referred to by it and of the regularity of that proceeding.
- (3) The Lord Chancellor must consult the Lord Chief Justice before making regulations under this section.
- (4) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31N Summonses and other documents

- (1) Where any summons or other process issued from the family court is served by an officer of the court, the service may be proved by a certificate in a prescribed form showing the fact and mode of the service.
- (2) Section 133(2) of the County Courts Act 1984 (offence and punishment) applies in relation to any officer of the family court wilfully and corruptly

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giving a false certificate under subsection (1) as it applies in relation to any officer of the county court wilfully and corruptly giving a false certificate under section 133(1) of that Act.

- (3) Sections 135 and 136 of that Act (offences of pretending to have court's authority etc) apply in relation to the family court as they apply in relation to the county court.

31O Justices' clerks and assistants: functions

- (1) The Lord Chancellor may by rules made with the agreement of the Lord Chief Justice and after consulting the Family Procedure Rule Committee—

- (a) make provision enabling functions of the family court, or of a judge of the court, to be carried out by a justices' clerk;
- (b) make provision enabling functions of a justices' clerk given under paragraph (a), or specified in subsection (2), to be carried out by an assistant to a justices' clerk.

- (2) The functions of a justices' clerk include—

- (a) giving advice to lay judges of the family court about matters of law (including procedure and practice) on questions arising in connection with the discharge by them of functions conferred on them or the court, including questions arising when the clerk is not personally attending on them, and
- (b) power, at any time when the clerk thinks that the clerk should do so, to bring to the attention of lay judges of the family court any point of law (including procedure and practice) that is or may be involved in any question so arising;

and in this subsection "lay judge of the family court" means a judge of the court who is within section 31C(1)(y).

- (3) Subsection (2) does not limit—

- (a) the functions of a justices' clerk, or
- (b) the matters on which any judge of the family court may obtain assistance from a justices' clerk.

- (4) A justices' clerk is not subject to the direction of the Lord Chancellor or any other person when carrying out—

- (a) a function of the family court or of a judge of the court, or
- (b) a function specified in subsection (2);

and an assistant to a justices' clerk when carrying out any such function is not subject to the direction of any person other than a justices' clerk.

- (5) No action lies against a person in respect of anything done or not done in carrying out functions of the family court or of a judge of the court—

- (a) in execution of the person's duties as a justices' clerk or an assistant to a justices' clerk, and
- (b) in relation to matters within the person's jurisdiction.

- (6) An action lies against a person in respect of anything done or not done in carrying out functions of the family court or of a judge of the court—

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- (a) in purported execution of the person’s duties as a justices’ clerk or an assistant to a justices’ clerk, and
 - (b) in relation to a matter not within the person’s jurisdiction,
- if, but only if, it is proved that the person acted in bad faith.
- (7) If an action is brought in circumstances in which subsection (5) or (6) provides that no action lies, the court in which the action is brought—
- (a) may, on the application of the defendant, strike out the proceedings in the action, and
 - (b) if it does so, may if it thinks fit order the person bringing the action to pay costs.
- (8) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise functions of the Lord Chief Justice under this section.

31P Orders, regulations and rules under Part 4A

- (1) Any power of the Lord Chancellor to make an order, regulations or rules under this Part—
- (a) is exercisable by statutory instrument,
 - (b) includes power to make different provision for different purposes, and
 - (c) includes power to make supplementary, incidental, consequential, transitional, transitory or saving provision.
- (2) The Lord Chancellor may not make the first rules under section 31O(1) unless a draft of the statutory instrument containing the rules (whether alone or with other provisions) has been laid before, and approved by a resolution of, each House of Parliament.
- (3) A statutory instrument that—
- (a) contains an order, regulations or rules made under this Part by the Lord Chancellor other than regulations under section 31M, and
 - (b) is not subject to any requirement that a draft of the instrument be laid before, and approved by a resolution of, each House of Parliament,
- is subject to annulment in pursuance of a resolution of either House of Parliament.”

PART 2

THE FAMILY COURT: FURTHER AMENDMENTS

Debtors Act 1869 (c. 62)

- 2 (1) In proviso (1) to section 5 of the Debtors Act 1869—
- (a) for the words from “any court other than” to “is to say,” substitute “the county court—”, and
 - (b) omit paragraph (c).
- (2) In that section—

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- (a) for “superior courts may” substitute “High Court or family court may”,
- (b) for “by a superior court”, and for “by any superior court”, substitute “by the High Court or family court”, and
- (c) at the end insert—

“Section 31E(1)(b) of the Matrimonial and Family Proceedings Act 1984 (family court has county court’s powers) does not apply in relation to the powers given by this section to the county court.”

Maintenance Orders Act 1958 (c. 39)

- 3 The Maintenance Orders Act 1958 is amended as follows, but sections 2(1) to (5), 2A and 5(2) to (4) of that Act as applied by section 36(3) of the Civil Jurisdiction and Judgments Act 1982 (re-registration in different Northern Ireland court of orders made in England and Wales or Scotland and registered in a Northern Ireland court) have effect without the amendments made in them by this Schedule.
- 4 (1) Section 1 (application of Part 1) is amended as follows.
- (2) In subsection (1) (purpose of Part 1) for the words from “to be registered” to the end substitute “to be registered in the family court and, subject to those provisions, while so registered to be enforced in like manner as an order made by the family court and to be varied by that court.”
 - (3) In subsection (2) (registered orders deemed to be made by court in which registered) for each of “England” and “the court in England in which it is so registered” substitute “the High Court”.
 - (4) In subsection (2A) (orders to which Part applies)—
 - (a) in paragraph (a) omit “or a county court or a magistrates’ court”, and
 - (b) in paragraph (b) for “England” substitute “the High Court”.
 - (5) In subsection (3) for the definition of “High Court order”, “county court order” and “magistrates’ court order” substitute—

““High Court order” means an order made by the High Court;”.
 - (6) Omit subsections (4) to (6) (registration in magistrates’ courts).
- 5 (1) Section 2 (registration of orders) is amended as follows.
- (2) In subsection (1) for “or county court order may apply for registration of the order to the original court, and the court” substitute “order may apply to the High Court for registration of the order in the family court, and the High Court”.
 - (3) In subsection (2) (original court to send certified copy of order if satisfied no enforcement steps being taken)—
 - (a) for “original court”, in both places, substitute “High Court”, and
 - (b) in paragraph (b) for the words from “sent” to “appears to be” substitute “sent to the family court”.
 - (4) Omit subsections (3) to (4) and (6) (registration of a magistrates’ court order).
 - (5) In subsection (5) (order to be registered on receipt of certified copy)—
 - (a) for “The officer of, or for, a court” substitute “An officer of the family court”, and

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- (b) for “him” substitute “the court”.
- (6) In subsection (6ZA) (registration of High Court or county court order)—
 - (a) in the words before paragraph (a)—
 - (i) omit “or county court”, and
 - (ii) for “a magistrates’” substitute “the family”, and
 - (b) omit paragraph (b) and the word “and” preceding it.
- (7) Omit subsection (6ZB) (variation or revocation of orders registered in a magistrates’ court).
- (8) In subsection (6ZC)—
 - (a) omit “or any order under subsection (6ZA)(b) of this section”, and
 - (b) for “the designated officer for a magistrates’ court” substitute “the family court”.
- (9) In subsection (6A) omit the definition of “magistrates’ court order” and the “and” preceding the definition.
- 6 In section 2A (interest on registered orders)—
 - (a) omit subsections (1) to (4) (magistrates’ court orders),
 - (b) in subsection (5) (registered orders do not carry interest) omit “Except as provided by this section”, and
 - (c) for the title substitute “No interest on sums recoverable under registered orders”.
- 7 In section 3 (enforcement of registered orders) omit subsections (2) to (2B) and (3A) (orders registered in magistrates’ courts).
- 8 (1) Section 4 (variation etc of orders registered in a magistrates’ court) is amended as follows.
 - (2) In subsection (1) (orders in relation to which section 4 applies) for “orders registered in magistrates’ courts” substitute “High Court orders registered in the family court”.
 - (3) In subsection (2)(a) (court of registration may vary rate of payments specified by order)—
 - (a) for “court of registration” substitute “family court”, and
 - (b) for “original court” substitute “High Court”.
 - (4) In subsection (2)(b) (general rule that variation of rate of payments specified by registered order is to be by court of registration) for the words from “court of registration” to the end substitute “family court.”
 - (5) Omit subsections (2A) to (2C), (5A), (5B) and (7).
 - (6) In subsection (4) (power of court of registration to remit application for variation of rate of payments to original court)—
 - (a) omit “it appears to the court to which”,
 - (b) after “registered order” insert “and it appears to the family court”,
 - (c) for “original court”, in both places, substitute “High Court”, and
 - (d) for “first-mentioned court” substitute “family court”.
 - (7) In subsection (5) (other circumstances in which original court has jurisdiction to vary rate of payments) for “original court” substitute “High Court”.

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- (8) In subsection (6A) (with the exception of power to make provision as to means of payment, magistrates' courts in England and Wales have no power to vary certain orders made by Court of Session or by High Court in Northern Ireland)—
- (a) for the words before "variation" substitute "Although such an order as is mentioned in this subsection may be varied under section 1 of the Maintenance Enforcement Act 1991 as applied by section 4A(2) of this Act, no application for any other",
 - (b) for "any court" substitute "the family court",
 - (c) for "that court" substitute "the family court", and
 - (d) for "section 1(2)" substitute "sections 1(2) and 2(6A)".
- (9) In subsection (6B) (no application to be made to a magistrates' court for variation of certain orders) for "any court" substitute "the family court".
- 9 (1) Section 4A (variation etc of orders registered in High Court) is amended as follows.
- (2) Omit subsection (1) (orders to which section applies).
 - (3) In subsection (2), and in the title, for "High Court", in each place, substitute "family court".
 - (4) In subsection (2) omit paragraph (a) (including the "and" at the end).
- 10 (1) Section 5 (cancellation of registration) is amended as follows.
- (2) In subsection (2) for "a magistrates' court" substitute "the family court".
 - (3) Omit subsection (3) (orders registered in High Court).
 - (4) In subsection (4)(c)(ii) for "a magistrates' court", in both places, substitute "the family court".
 - (5) In subsection (5)—
 - (a) in the words before paragraph (a), and in the words after paragraph (b), omit "or county court", and
 - (b) for paragraphs (a) and (b) substitute—
 - "(a) any order which requires payments under the order in question to be made by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991 (standing order, etc), other than an order which requires payments to be made to the family court, is to continue to have effect, and
 - (b) any order which requires payments under the order in question to be made to the family court (whether or not by any method of payment falling within section 1(5) of the Maintenance Enforcement Act 1991) is to cease to have effect;"
 - (6) Omit subsection (6) (registration of a magistrates' court order).
 - (7) In subsection (7)—
 - (a) for "subsections (5) and (6)" substitute "subsection (5)", and
 - (b) omit "and "magistrates' court order"".
- 11 Section 18 (powers of magistrates to review committals etc) is repealed.

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- 12 (1) Section 20 (registration, variation and arrears) is amended as follows.
- (2) Omit subsections (1) and (2) (magistrates' courts: applications for registration, revocation or variation of maintenance orders).
- (3) In subsection (8) (repeated complaints to enforce payment)—
- (a) for “a complaint” substitute “an application”, and
- (b) for “complaint”, in the second and third places, substitute “application”.
- (4) For the title substitute “Repeat applications to enforce payment of maintenance arrears”.
- 13 In section 21(1) omit the definition of “magistrates' court”.

Public Records Act 1958 (c. 51)

- 14 In paragraph 4(1) of Schedule 1 to the Public Records Act 1958 (records which are public records) after paragraph (a) insert—
- “(aa) records of the family court;”.

Administration of Justice Act 1960 (c. 65)

- 15 (1) Section 13 of the Administration of Justice Act 1970 (appeals in cases of contempt of court) is amended as follows.
- (2) After subsection (2) insert—
- “(2A) Paragraphs (a) to (c) of subsection (2) of this section do not apply in relation to appeals under this section from an order or decision of the family court, but (subject to any provision made under section 56 of the Access of Justice Act 1999 or by or under any other enactment) such an appeal shall lie to the Court of Appeal.”
- (3) In subsection (5)(a) (orders and decisions of High Court etc to which section applies) after “High Court,” insert “the family court,”.

Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)

- 16 In section 1(4) of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (courts to which section applies) after “the Crown Court” insert “, the family court”.

Civil Evidence Act 1968 (c. 64)

- 17 In section 12(5) of the Civil Evidence Act 1968 in the definition of “matrimonial proceedings” for “a county” substitute “family”.

Administration of Justice Act 1970 (c. 31)

- 18 (1) In section 11 of the Administration of Justice Act 1970 (restriction on powers of committal under section 5 of the Debtors Act 1869)—
- (a) omit the “and” at the end of paragraph (a),
- (b) in paragraph (b) for the words from “in respect” to “judgment” substitute “in respect of a judgment”, and

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- (c) after paragraph (b) insert “; and
 - (c) by the family court in respect of a High Court or family court maintenance order.”

(2) In section 28 of that Act (interpretation)—

- (a) for “, “county court maintenance order”” substitute “and “family court maintenance order””, and
- (b) for “, a county court” substitute “and the family court”.

Courts Act 1971 (c. 23)

19 Omit section 52(3A) of the Courts Act 1971 (subsection (3) does not apply to family proceedings in a magistrates’ court).

Attachment of Earnings Act 1971 (c. 32)

20 The Attachment of Earnings Act 1971 is amended as follows.

21 (1) Section 1 (courts with power to attach earnings) is amended as follows.

(2) After subsection (1) insert—

“(1A) The family court may make an attachment of earnings order to secure payments under a High Court or family court maintenance order.”

(3) In subsection (2) (county court) omit paragraph (a) (maintenance orders).

(4) In subsection (3) (magistrates’ courts) omit paragraph (a) (maintenance orders).

22 In section 2(b) (meaning of “High Court maintenance order” etc)—

- (a) for “, “county court maintenance order” and “magistrates’ court” substitute “and “family court”, and
- (b) for “, a county court and a magistrates’ court;” substitute “and the family court;”.

23 (1) Section 3 (application for order and conditions of court’s power to make it) is amended as follows.

(2) In subsection (1)(a) (payee may apply) after “through” insert “any court or”.

(3) In subsection (1) (applicants) for paragraph (c) substitute—

“(c) without prejudice to paragraph (a) above, an officer of the family court if the application is to the family court for an order to secure maintenance payments and there is in force an order that those payments be made to the court or an officer of the court;”.

(4) In subsections (1)(d)(ii) and (4)(a) (maintenance payments) for the words between “or” and “for” substitute “the family court”.

(5) In subsection (4)—

- (a) omit paragraph (b) and the “or” preceding it, and
- (b) in the words after paragraph (b), omit the words after “1869”.

24 In section 6(7) (meaning of “collecting officer”)—

- (a) in paragraph (a)(ii) after “of” insert “the family court or”, and
- (b) after paragraph (a) insert—

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- “(aa) in the case of an order made by the family court, the appropriate officer of that court;”.
- 25 In section 8(3) (order ceases to have effect when warrant issued) omit the words after “related maintenance order”.
- 26 In section 10 (reduction of normal deduction rate)—
- (a) in subsection (2) for “a county” substitute “the family”, and
 - (b) omit subsection (3) (magistrates’ courts).
- 27 In section 11(1)(a) (registered maintenance orders) for the words after “provides” substitute “for the registration in the family court of a High Court maintenance order;”.
- 28 In section 15D (interpretation of sections 15A to 15C) after subsection (2) insert—
- “(2A) If the lapsed order was made by the family court, the proper authority is the family court.”
- 29 In section 16(2)(d) (power of collecting officer) for “magistrates’ court” substitute “family court”.
- 30 (1) Section 18 (collecting officers of magistrates’ courts) is amended as follows.
- (2) In subsection (1)—
 - (a) for the words before paragraph (a) substitute “Where payments under a maintenance order are payable to the family court or an officer of the family court for transmission to a person, no officer of the family court is to—”, and
 - (b) in the words after paragraph (c) for “him” substitute “the family court or an officer of that court”.
 - (3) In subsection (2) for “the designated officer for a magistrates’ court” substitute “an officer of the family court”.
 - (4) Omit subsection (3).
- 31 (1) Section 20 (persons residing outside England and Wales) is amended as follows.
- (2) In subsection (1)—
 - (a) for “a magistrates’ court”, in both places, substitute “the family court”, and
 - (b) for “a complaint”, in both places, substitute “an application”.
 - (3) In subsections (2) to (4) for “complaint”, in each place, substitute “application”.
 - (4) In subsection (4) for “complainant” substitute “applicant”.
- 32 In section 21 (costs on application under section 16)—
- (a) in subsection (1) omit “(but subject to section 18(2)(b) of this Act)”, and
 - (b) in subsection (2) for the words from “deemed—” to “otherwise,” substitute “deemed”.
- 33 In section 23 (enforcement) after subsection (10) insert—
- “(10A) This section applies in relation to the family court as it applies in relation to the county court, but as if the reference in subsection (8) to section 129 of the County Courts Act 1984 were a reference to section 31L(1) of the Matrimonial and Family Proceedings Act 1984.”

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Matrimonial Causes Act 1973 (c. 18)

- 34 In section 48(2) (nullity proceedings to be in private unless judge otherwise directs) for “judge” substitute “court”.

Litigants in Person (Costs and Expenses) Act 1975 (c. 47)

- 35 In paragraph (a) of the second sentence in section 1(1) of the Litigants in Person (Costs and Expenses) Act 1975 before “in the Senior” insert “in the family court”.

Inheritance (Provision for Family and Dependants) Act 1975 (c. 63)

- 36 (1) The Inheritance (Provision for Family and Dependants) Act 1975 is amended as follows.
- (2) In section 15(1) (restriction imposed in divorce proceedings etc on application under the 1975 Act: meaning of “the court”) for the words from “, where a county court has jurisdiction” to the end substitute “the family court”.
- (3) In section 15ZA(2) (restriction imposed in proceedings for the dissolution etc of a civil partnership on application under the 1975 Act: meaning of “the court”) for the words from “, where a county court has jurisdiction” to the end substitute “the family court”.
- (4) In section 15A(1) (restriction imposed in proceedings under Matrimonial and Family Proceedings Act 1984 on application under the 1975 Act: meaning of “the court”) for the words from “, where a county court has jurisdiction” to the end substitute “the family court”.
- (5) In section 15B(2) (restriction imposed in proceedings under Schedule 7 to the Civil Partnership Act 2004 on application under the 1975 Act: meaning of “the court”) for the words from “, where a county court has jurisdiction” to the end substitute “the family court”.

Torts (Interference with Goods) Act 1977 (c. 32)

- 37 In section 4 of the Torts (Interference with Goods) Act 1977 (interlocutory relief where goods are detained) after subsection (5) insert—

“(6) Subsections (1) to (4) apply in relation to the family court in England and Wales as they apply in relation to the High Court in England and Wales, but as if references in those subsections to rules of court (including references to rules of court under any particular enactment) were references to Family Procedure Rules.”

Charging Orders Act 1979 (c. 53)

- 38 (1) The Charging Orders Act 1979 is amended as follows.
- (2) In sections 1(1) and (6), 3(4A)(a) and 6(2) (charging orders in respect of orders of certain courts) after “High Court”, in each place, insert “or the family court”.
- (3) In section 1(2)(b) (enforcement of High Court maintenance order) for “a county” substitute “the family”.
- (4) In section 1(2) (meaning of “appropriate court”) after paragraph (b) insert—

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“(ba) in a case where paragraph (a) does not apply and the order to be enforced is an order of the family court, the family court;”.

- (5) In section 1(2)(c) for “neither paragraph (a) nor paragraph (b)” substitute “none of paragraphs (a), (b) and (ba)”.

Magistrates’ Courts Act 1980 (c. 43)

- 39 The Magistrates’ Courts Act 1980 is amended as follows.
- 40 In section 58(2) (sums recoverable summarily as a civil debt) omit paragraph (a) (including the “or” at the end).
- 41 (1) Section 59 (orders for periodical payment: means of payment) is amended as follows.
- (2) In subsection (1) (duty to exercise powers under subsection (3))—
- (a) omit the words from “then” preceding paragraph (a) to “maintenance order,” in paragraph (b), and
- (b) for “that subsection” substitute “subsection (3) below”.
- (3) Omit subsections (2), (3)(cc), (3A), (5), (7) to (12) (maintenance orders).
- (4) In subsection (3) omit paragraphs (c) to (d).
- 42 (1) Section 59A (orders for periodical payment: proceedings by designated officer) is amended as follows.
- (2) In subsections (1) and (2) for “a relevant UK order” substitute “an order made by a magistrates’ court”.
- (3) In subsection (7) (interpretation)—
- (a) in the definition of “the relevant designated officer”—
- (i) after paragraph (a) insert “and”, and
- (ii) omit paragraph (c) and the “and” preceding it,
- (b) omit the definition of “relevant UK order”, and
- (c) omit the words after that definition.
- 43 Omit section 59B (power of magistrates’ court to impose penalty for breach of certain maintenance orders).
- 44 In section 60 (variation etc of orders for periodical payments)—
- (a) omit subsections (3) to (10B) (which relate to maintenance orders), and
- (b) in subsection (11) (interpretation) omit paragraph (b) and the “and” preceding it.
- 45 In section 61(2) in the definition of “periodical payments order” omit the words from “, or registered” to “1958;”.
- 46 (1) Section 62 (payments required to be made to a child) is amended as follows.
- (2) In subsection (1) omit paragraph (b) and the “or” preceding it.
- (3) In subsection (3) omit “or registered in”.
- (4) Omit subsection (6) (meaning of “registered”).
- 47 In section 64 (costs)—
- (a) omit subsections (1A), (4) and (4A),

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- (b) in subsection (2) omit “or (4A)”, and
 - (c) in subsection (3) omit “Subject to subsection (4) below,”.
- 48 Omit sections 65 to 67, 68A, 69, 70, 71, 73, 74 and 75(2A) to (2C) (family proceedings in magistrates’ courts).
- 49 Omit—
- (a) sections 76(4) to (6), 92(1)(a) and 93 to 95 (enforcement of maintenance orders),
 - (b) in section 80(1) the words “or has ordered the enforcement of a sum due from a person under a magistrates’ court maintenance order”, and
 - (c) in section 100 (evidence) paragraph (b) and the “or” preceding it.
- 50 (1) Section 111A (appeals on ground of error of law etc in family proceedings in a magistrates’ court) is amended as follows.
- (2) In subsection (1) for “family proceedings” substitute “proceedings under the Child Support Act 1991”.
- (3) In subsection (2) (appeal to a county court) for “a county” substitute “the family”.
- (4) In subsection (3)(a) (other rights to appeal exclude right under subsection (2)) before “against” insert “or the family court”.
- (5) Omit subsection (5) (meaning in the section of “family proceedings”).
- (6) In the title for “family” substitute “child support”.
- 51 In section 112(2) (decisions on appeals under section 111A) for “a county” substitute “the family” in both places.
- 52 In section 144 (procedure rules for civil proceedings in magistrates’ courts and before justices’ clerks) after subsection (1) insert—
- “(1ZA) Subsection (1) does not apply in relation to functions of justices’ clerks given under section 31O(1)(a), or specified in section 31O(2), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court).”

Contempt of Court Act 1981 (c. 49)

- 53 In section 14 of the Contempt of Court Act 1981 (penalties for contempt of court) but not in that section in its application to Northern Ireland (which in its application to Northern Ireland has effect as set out in Schedule 4 to that Act) before subsection (5) insert—
- “(4B) The preceding provisions of this section do not apply to the family court, but—
- (a) this is without prejudice to the operation of section 31E(1)(a) of the Matrimonial and Family Proceedings Act 1984 (family court has High Court’s powers) in relation to the powers of the High Court that are limited or conferred by those provisions of this section, and
 - (b) section 31E(1)(b) of that Act (family court has county court’s powers) does not apply in relation to the powers of the county court that are limited or conferred by those provisions of this section.”

Senior Courts Act 1981 (c. 54)

- 54 The Senior Courts Act 1981 is amended as follows.
- 55 In section 33 (powers of High Court exercisable before commencement of action) after subsection (2) insert—
- “(3) This section applies in relation to the family court as it applies in relation to the High Court.”
- 56 In section 34 (powers of High Court to order disclosure or inspection of documents or property of non-party) after subsection (4) insert—
- “(5) Subsections (2) and (3) apply in relation to the family court as they apply in relation to the High Court.”
- 57 In section 35(1) (limits on High Court’s power to make orders under sections 33 and 34) for “The High Court” substitute “A court”.
- 58 In section 37 (powers of High Court to grant injunctions or appoint receivers) after subsection (5) insert—
- “(6) This section applies in relation to the family court as it applies in relation to the High Court.”
- 59 In section 39(1) (powers of High Court to order documents to be executed or indorsed by nominated person)—
- (a) in the words before paragraph (a) after “High Court” insert “or family court”, and
- (b) in paragraph (b) for “the High Court” substitute “that court”.
- 60 In section 42(1)(a) and (b) (engaging in vexatious civil proceedings is ground for High Court making order under the section) after “High Court” insert “or the family court”.
- 61 (1) Section 51 (costs) is amended as follows.
- (2) In subsection (1) (section applies to civil division of Court of Appeal, High Court and county court) before the “and” at the end of paragraph (b) insert—
- “(ba) the family court;”.
- (3) In subsection (8)(b) (proceedings commenced in High Court that should have been commenced in county court) before “in accordance” insert “or family court”.
- 62 In section 70 (assessors) after subsection (4) insert—
- “(5) Subsections (1) and (2) apply in relation to the family court as they apply in relation to the High Court.”
- 63 In Schedule 1 (distribution of business in High Court) omit paragraph 3(d) (appeals from enforcement decisions of magistrates’ courts in relation to certain family matters).

County Courts Act 1984 (c. 28)

- 64 The County Courts Act 1984 is amended as follows.
- 65 In section 4(1) (certain public buildings may be used for county court sittings free of charges other than charges for light, heat and cleaning) before “, there is a building” insert “or a sitting of the family court is held”.

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- 66 (1) In section 38(3) (county court does not have power to make certain orders) for “A county court shall not have” substitute “Neither the county court nor the family court has”.
- (2) In section 38(4) (regulations about orders which court may not make) after paragraph (d) insert “; and
 (e) may make different provision for different purposes.”
- 67 Omit sections 40(9) and 42(8) and, in section 41(2), the words after “prerogative orders)” (references to family jurisdiction of county court).
- 68 In section 57 (evidence of prisoners) after subsection (4) insert—
 “(5) This section applies in relation to the family court as it applies in relation to the county court.”
- 69 In section 61 (rights of audience by direction) after subsection (3) insert—
 “(3A) Subsections (1) to (3) apply in relation to the family court as they apply in relation to the county court.”
- 70 In section 71 (satisfaction of orders for payment of costs etc) after subsection (2) insert—
 “(3) Subsections (1) and (2), so far as relating to costs, apply in relation to the family court as they apply in relation to the county court.”
- 71 In section 131 (appointment of auditors etc) after “controlling the accounts of” insert “the family court or”.
- 72 In section 132 (payments of expenses etc)—
 (a) in paragraph (b) (costs of books etc) after “offices” insert “, and the family court and its offices,”,
 (b) in paragraph (c) (costs of transport to prison) after “committed by” insert “the family court or”, and
 (c) in paragraph (d) (all other expenses arising out of any jurisdiction conferred) after “conferred” insert “on the family court or any officer of the family court or”.

Administration of Justice Act 1985 (c. 61)

- 73 In section 53(2) of the Administration of Justice Act 1985 (costs where judge unable to act) before the “and” at the end of paragraph (b) insert—
 “(ba) proceedings in the family court;”.

Insolvency Act 1986 (c. 45)

- 74 In section 281(8) of the Insolvency Act 1986 (discharge does not release bankrupt from bankruptcy debt arising under order made in family proceedings), in the definition of “family proceedings”, for paragraph (a) (but not the “and” following it) substitute—
 “(a) proceedings in the family court;”.

Children Act 1989 (c. 41)

- 75 In section 97 of the Children Act 1989 (privacy for children involved in certain proceedings)—
- (a) omit subsections (1), (7) and (8) (which relate to certain family proceedings in magistrates' courts), and
 - (b) in subsection (2) (restrictions on publication) for “, a county court or a magistrates' court” substitute “or the family court”.

Courts and Legal Services Act 1990 (c. 41)

- 76 (1) The Courts and Legal Services Act 1990 is amended as follows.
- (2) In section 1(1) (allocation of business between High Court and county court)—
- (a) in paragraph (a) (conferring jurisdiction on High Court) after “which” insert “the family court or”,
 - (b) in paragraph (b) (conferring jurisdiction on county court) after “on” insert “the family court or”,
 - (c) in paragraph (c) (allocating proceedings) after “High Court” insert “or to the family court”,
 - (d) after paragraph (d) insert—
 - “(da) specifying proceedings which may be commenced only in the family court,”, and
 - (e) after paragraph (f) insert—
 - “(fa) specifying proceedings which may be taken only in the family court;”.
- (3) In section 1(3) (criteria for distinguishing categories of proceedings) after paragraph (c) insert—
 - “(ca) any relationship between the proceedings and any other proceedings;”.
- (4) In section 1(7)(a) (power to make consequential amendments) after subparagraph (ii) insert “or
 - (iii) the jurisdiction, practice or procedure of the family court,”.
- (5) In section 1(10) (no power to confer judicial review jurisdiction on county court) after “on” insert “the family court or”.
- (6) In the title of section 1 after “High Court” insert “, family court”.
- (7) Omit sections 9 and 10 (allocation of family proceedings in county court and rules about family proceedings in magistrates' courts).
- (8) In section 11 (representation in certain county court cases)—
- (a) after subsection (9) insert—
 - “(9A) This section applies in relation to the family court as it applies in relation to the county court.”, and
 - (b) in the title after “county court” insert “and family court”.

Status: This is the original version (as it was originally enacted).

Maintenance Enforcement Act 1991 (c. 17)

- 77 (1) Section 1 of the Maintenance Enforcement Act 1991 (High Court and county court maintenance orders) is amended as follows.
- (2) For “a county court”, in each place, substitute “the family court”.
- (3) After subsection (1) insert—
- “(1A) Where the family court makes a qualifying periodical maintenance order, it may at the same time exercise any of its powers under subsection (4A) below in relation to the order, whether of its own motion or on an application made under this subsection by an interested party.”
- (4) After subsection (3) insert—
- “(3A) Where the family court has made a qualifying periodical maintenance order, it may at any later time—
- (a) on an application made under this subsection by an interested party, or
- (b) of its own motion, in the course of any proceedings concerning the order,
- exercise any of its powers under subsection (4A) below in relation to the order.”
- (5) After subsection (4) insert—
- “(4A) The powers mentioned in subsections (1A) and (3A) above are—
- (a) the power to order that payments under the qualifying periodical maintenance order in question be made to the court;
- (b) the power to order that payments under the qualifying periodical maintenance order in question required to be made to the court are to be so made by such method of payment falling within subsection (5) below as the court may specify in the particular case; or
- (c) the power to order that payments under the qualifying periodical maintenance order in question be made in accordance with arrangements for their collection made by the Secretary of State under section 30 of the Child Support Act 1991 and regulations made under that section.”
- (6) In subsection (5) (methods of payment) after paragraph (b) insert “; or
- (c) any method of payment specified in regulations made by the Lord Chancellor.”
- (7) In subsection (6)(a) after “(4) above” insert “or under paragraph (b) of subsection (4A) above”.
- (8) In subsection (7) (powers where order made under subsection (4)(a))—
- (a) for “or (3)” substitute “, (1A), (3) or (3A)”, and
- (b) after “(4)(a)” insert “or (4A)”.
- (9) After subsection (8) insert—
- “(8A) No order made by the family court under subsection (4) or (4A)(a) or (b) above has effect at any time when the Secretary of State is, under section 30 of the Child Support Act 1991 and regulations made under that section,

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arranging for the collection of payments under the qualifying periodical maintenance order in question.”

(10) After subsection (10) insert—

“(11) The power of the Lord Chancellor to make regulations under subsection (5) (c) above is exercisable by statutory instrument, and a statutory instrument containing regulations under subsection (5)(c) is subject to annulment in pursuance of a resolution of either House of Parliament.”

(11) In the title, and in the preceding italic heading, for “county courts” substitute “family court”.

Access to Justice Act 1999 (c. 22)

78 The Access to Justice Act 1999 is amended as follows.

79 In section 54(1) (rules may require permission to appeal) after paragraph (a) insert—
“(aa) the family court,”.

80 In section 55(1) (limitations on right to appeal to Court of Appeal against a decision made on an appeal) before “or the High Court” insert “, the family court”.

81 In section 56(1) (power to prescribe alternative appellate court) after paragraph (a) insert—
“(aa) the family court,”.

82 In section 57(1) (appeals otherwise than to Court of Appeal may be redirected there)

—
(a) before “or the High Court” insert “, the family court”, and

(b) after paragraph (b) insert “or

(c) the President of the Family Division where it is the family court from which or to which the appeal is made, or from which permission to appeal is sought,”.

Courts Act 2003 (c. 39)

83 The Courts Act 2003 is amended as follows.

84 In section 1(1) (Lord Chancellor’s general duty to ensure that support systems and services, including staff and accommodation, are provided for certain courts) for the “and” at the end of paragraph (b) substitute—
“(ba) the family court, and”.

85 In section 18(5)(a) (presiding at sittings of justices) omit “or family proceedings court”.

86 In section 19(2)(e) (committees may be established under rules to advise on authorisation of justices for specific purposes) for “members of family proceedings courts or” substitute “judges of the family court or as members of”.

87 (1) Section 28 (functions of justices’ clerks and assistant clerks) is amended as follows.

(2) After subsection (2) insert—

“(2A) Subsection (2) does not apply in relation to functions of a justices’ clerk given under section 31O(1)(a), or specified in section 31O(2), of the

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Matrimonial and Family Proceedings Act 1984 (functions in the family court, but see section 31O(1)(b) of that Act).”

- (3) After subsection (5) insert—
- “(5A) For the purposes of subsections (1) to (5) the functions of justices of the peace do not include functions as a judge of the family court.”
- (4) Omit subsection (9)(b) (requirement to consult Family Procedure Rule Committee) but not the “and” following it.
- 88 Omit section 30(6) (exclusion of family proceedings).
- 89 In section 34(2) (no order for costs in legal proceedings to be made against justices’ clerk or assistant in respect of acts or omissions in exercising functions of a single justice of the peace) after “function of a single justice of the peace” insert “or a function of the family court or of a judge of that court.”
- 90 In section 66 (judges having powers of District Judges (Magistrates’ Courts)) omit—
- (a) in subsection (1), paragraph (b) and the “and” preceding it, and
 - (b) subsection (4).
- 91 (1) Section 75 (Family Procedure Rules) is amended as follows.
- (2) In subsection (1) (family proceedings in certain courts to be governed by Family Procedure Rules) omit the words after “proceedings”.
 - (3) For subsection (3) (meaning of “family proceedings”) substitute—
 - “(3) Family proceedings” means—
 - (a) proceedings in the family court, and
 - (a) proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other.”
 - (4) In subsection (4) (differential provision) before “different areas” insert “different cases or”.
- 92 (1) Section 76 (further provision about scope of Family Procedure Rules) is amended as follows.
- (2) In subsection (2) (provision that may be made by rules)—
 - (a) after the “and” at the end of paragraph (a) insert—
 - “(aa) provide, subject to any provision that may be made in rules under section 31O(1) of the Matrimonial and Family Proceedings Act 1984, for any functions of a court in family proceedings to be carried out by officers or other staff of the court.” and
 - (b) omit paragraph (b).
 - (3) In subsection (3) (rules may modify rules of evidence) omit the words after “proceedings”.
- 93 (1) Section 77(2) (membership of Family Rule Procedure Committee) is amended as follows.
- (2) Omit paragraphs (i) and (l).

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- (3) In paragraphs (j) and (m) for “magistrates’ courts” substitute “the family court”.
- 94 (1) Section 81 (practice directions relating to family proceedings) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (za) after “Court of Appeal” insert “in proceedings on appeal from the Family Division of the High Court or from the family court”, and
- (b) for the words after paragraph (za) substitute—
- “(zb) the Family Division of the High Court in proceedings which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981, to that Division of the High Court and no other, and
- (aa) the family court.”
- (3) In subsection (2) for the words “of those courts in family proceedings” substitute “mentioned in subsection (1) which are”.
- (4) In subsection (2A) for “of any relevant court in family proceedings” substitute “mentioned in subsection (1)”.
- (5) In subsection (3)(a) for “of any relevant court in family proceedings,” substitute “mentioned in subsection (1),”.
- (6) In subsection (5) omit the definition of “relevant court”.
- 95 In section 92(1) (power to prescribe fees for things dealt with by certain courts) after paragraph (a) insert—
- “(aa) the family court,”.

Constitutional Reform Act 2005 (c. 4)

- 96 The Constitutional Reform Act 2005 is amended as follows.
- 97 In section 7(4) (courts of which Lord Chief Justice is president) after the entry for the Crown Court insert—
- “the family court”.

Legal Services Act 2007 (c. 29)

- 98 (1) For paragraph 1(7)(c) of Schedule 3 to the Legal Services Act 2007 (rights of audience in chambers of exempt persons) substitute—
- “(c) the proceedings are not reserved family proceedings and are being heard in chambers—
- (i) in the High Court or county court, or
- (ii) in the family court by a judge who is not, or by two or more judges at least one of whom is not, within section 31C(1)(y) of the Matrimonial and Family Proceedings Act 1984 (lay justices).”
- (2) In paragraph 1(10) of that Schedule in the definition of “family proceedings” after “also includes” insert “any proceedings in the family court and”.

Status: This is the original version (as it was originally enacted).

PART 3

REPEALS AND REVOCATIONS IN CONSEQUENCE OF PARTS 1 AND 2 OF THIS SCHEDULE

99 The provisions specified in the Table are repealed or revoked to the extent shown.

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Administration of Justice Act 1977 (c. 38)	In Schedule 3, paragraph 4(a).
Magistrates' Courts Act 1980 (c. 43)	Section 53(4). Section 54(3) and (4). Section 55(9). In section 56 the words from the beginning to "any magistrates' court,". In section 57 the words from the beginning to "any magistrates' court,". Section 57A(3). In section 64— (a) subsection (1A), (b) in subsection (2) the words "or (4A)", (c) in subsection (3) the words "Subject to subsection (4) below," and (d) subsections (4) and (4A). In section 97(1)(a) and (2) the words "or of an application in family proceedings". Section 111(7). Section 121(8). Section 144(1)(b). Section 145(1)(ga). In section 150(1), the definitions of "Family Procedure Rules", "family proceedings", "magistrates' court maintenance order" and "maintenance order". In Schedule 7, paragraphs 23 and 24.
Civil Jurisdiction and Judgments Act 1982 (c. 27)	In Schedule 11, paragraph 2. In Schedule 12, paragraphs 3 and 7.
Matrimonial and Family Proceedings Act 1984 (c. 42)	Section 44. In Schedule 1, paragraph 4.
Family Law Reform Act 1987 (c. 42)	In Schedule 2, paragraphs 18, 81, 83 to 85 and 87.
Children Act 1989 (c. 41)	In Schedule 11, paragraph 8(a) to (c).
Broadcasting Act 1990 (c. 42)	In Schedule 20, paragraph 29(2).

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<i>Reference</i>	<i>Extent of repeal or revocation</i>
Maintenance Enforcement Act 1991 (c. 17)	Sections 7 and 8. In Schedule 1, paragraphs 8 and 9. In Schedule 2, paragraphs 6 to 8 and 11(1).
Social Security (Consequential Provisions) Act 1992 (c. 6)	In Schedule 2, paragraph 60.
Transfer of Functions (Magistrates' Courts and Family Law) Order 1992 (S.I. 1992/709)	In Schedule 2, the entries for sections 59 and 94A of the Magistrates' Courts Act 1980.
Maintenance Orders (Backdating) Order 1993 (S.I. 1993/623)	Article 3 and Schedule 2.
Child Support Act 1991 (Consequential Amendments) Order 1994 (S.I. 1994/731)	Article 3.
Family Law Act 1996 (c. 27)	In Schedule 8, paragraph 49.
Family Law Act 1996 (Modifications of Enactments) Order 1997 (S.I. 1997/1898)	Article 2.
Crime and Disorder Act 1998 (c. 37)	In Schedule 8, paragraph 42.
Access to Justice Act 1999 (c. 22)	In Schedule 10, paragraphs 22, 33 and 34. In Schedule 11, paragraphs 26 and 27.
Child Support, Pensions and Social Security Act 2000 (c. 19)	In Schedule 8, paragraph 2.
Civil Jurisdiction and Judgments Order 2001 (S.I. 2001/3929)	In Schedule 3, paragraphs 5, 11 and 12(b) and (c).
Adoption and Children Act 2002 (c. 38)	In Schedule 3, paragraphs 37, 38 and 39(b)(i).
Courts Act 2003 (c. 39)	Section 26(4). Section 49(1). In Schedule 8, paragraphs 98 to 103, 143, 208(3), 210, 211(3) and (4), 214 to 217, 228, 229 and 349.
Civil Partnership Act 2004 (c. 33)	In Schedule 27, paragraphs 22(2), 64 and 65.
Constitutional Reform Act 2005 (c. 4)	In Schedule 4, paragraphs 101, 213 and 344(4).
European Communities (Jurisdiction and Judgments in Matrimonial and Parental	Regulation 4.

Status: This is the original version (as it was originally enacted).

<i>Reference</i>	<i>Extent of repeal or revocation</i>
Responsibility Matters) Regulations 2005 (S.I. 2005/265)	
Childcare Act 2006 (c. 21)	In Schedule 2, paragraph 2.
Legal Services Act 2007 (c. 29)	In Schedule 21, paragraph 144(2)(b).
Civil Jurisdiction and Judgments Regulations 2007 (S.I. 2007/1655)	In the Schedule, paragraph 9.
Human Fertilisation and Embryology Act 2008 (c. 22)	In Schedule 6, paragraph 20.
Children and Families (Wales) Measure 2010 (nawm 1)	In Schedule 1, paragraphs 1 and 2.
Parental Responsibility and Measures for the Protection of Children (International Obligations) (England and Wales and Northern Ireland) Regulations 2010 (S.I. 2010/1898)	In the Schedule, paragraph 1.
Family Procedure (Modification of Enactments) Order 2011 (S.I. 2011/1045)	Articles 3, 5, 6(b), 7, 10(b) and (d) and 11 to 14.
Civil Jurisdiction and Judgments (Maintenance) (Rules of Court) Regulations 2011 (S.I. 2011/1215)	Regulation 2.
Civil Jurisdiction and Judgments (Maintenance) Regulations 2011 (S.I. 2011/1484)	In Schedule 7, paragraphs 2(4) and 9(2).