

## SCHEDULES

### SCHEDULE 10

#### THE FAMILY COURT

#### 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—
- (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

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- (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
    - (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.

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- (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”.
  - (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”.

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- (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.
- 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

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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
  - (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)—

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- (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—
    - “(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”.

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- (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.”

#### *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 Dependents) Act 1975 (c. 63)*

- 36 (1) The Inheritance (Provision for Family and Dependents) 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”.

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- (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—
- “(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”.



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- (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),
  - (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”.

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- 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”.

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- 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”.
- 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”.

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- 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;”.

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- (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”.

#### *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;

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

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- (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 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

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- (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).
- (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,”.



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

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*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”.