
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Children Act 1989 (c. 41). (See end of Document for details)

SCHEDULES

SCHEDULE 11

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Children Act 1989 (c. 41)

102 The Children Act 1989 is amended as follows.

Commencement Information

I1 Sch. 11 para. 102 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

103 Omit section 11J(13) (section 11J is without prejudice to section 63(3) of the Magistrates' Courts Act 1980 as it applies in relation to contact orders).

Commencement Information

I2 Sch. 11 para. 103 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

104 In section 14(1) (enforcement of residence orders in magistrates' courts) omit "under section 63(3) of the Magistrates' Courts Act 1980".

Commencement Information

I3 Sch. 11 para. 104 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

105 Omit section 15(2) (disapplication of powers of magistrates' courts in relation to maintenance orders).

Commencement Information

I4 Sch. 11 para. 105 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- 106 In section 38B(4) (court's power to accept undertaking relating to interim care order is without prejudice to other powers of High Court and county court) for “county court” substitute “ family court ”.

Commencement Information

- I5** Sch. 11 para. 106 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 107 In section 44B(4) (court's power to accept undertaking relating to emergency protection order is without prejudice to other powers of High Court and county court) for “county court” substitute “ family court ”.

Commencement Information

- I6** Sch. 11 para. 107 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 108 In section 83(5) (direction to obtain information for research purposes) for “the designated officer for each magistrates' court to which the direction is expressed to relate” substitute “ an officer of the family court ”.

Commencement Information

- I7** Sch. 11 para. 108 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 109 (1) Section 92 (jurisdiction of courts) is amended as follows.
- (2) Omit subsections (1) to (5) (which relate to family proceedings in magistrates' courts).
- (3) Omit subsection (6) (which introduces Part 1 of Schedule 11).
- (4) In subsection (7) (meaning of “the court”) for “the High Court, a county court or a magistrates' court” substitute “ the High Court or the family court ”.
- (5) In subsection (8) (which qualifies subsection (7)) omit the words from “the provision” to “Schedule 11 and to”.
- (6) Omit subsections (9) to (10A) (Lord Chancellor's power by order to provide for principal registry of Family Division of High Court to be treated as a county court for specified purposes).

Commencement Information

- I8** Sch. 11 para. 109 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 110 In section 93(2) omit paragraphs (d), (f), (g), (i) and (j) (rules of court: magistrates' courts).

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- I9** Sch. 11 para. 110 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

111 Section 94 (appeals) is repealed.

Commencement Information

- I10** Sch. 11 para. 111 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

112 Schedule 1 (financial provision for children) is amended as follows.

Commencement Information

- I11** Sch. 11 para. 112 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

113 In paragraph 1(1) (financial provision for children: orders against parents)—
(a) for “may—” substitute “ may make one or more of the orders mentioned in sub-paragraph (2). ”, and
(b) omit paragraphs (a) and (b).

Commencement Information

- I12** Sch. 11 para. 113 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

114 In paragraph 5 (provisions relating to lump sums), omit sub-paragraphs (2) and (4) (limits on amounts which may be ordered by magistrates' courts).

Commencement Information

- I13** Sch. 11 para. 114 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

115 (1) Paragraph 6A (variation etc of orders for periodical payments) is amended as follows.
(2) In sub-paragraph (1)—
(a) for “a magistrates” substitute “ the family ”, and
(b) for “sub-paragraphs (7) and (8)” substitute “ sub-paragraph (7) ”.
(3) In sub-paragraphs (1) and (7) (making provision as to payment when exercising power to vary) for “paragraphs (a) to (d) of section 59(3) of the Magistrates' Courts Act 1980” substitute “ section 1(4) and (4A) of the Maintenance Enforcement Act 1991 ”.
(4) Omit sub-paragraphs (2) to (5) and (10) (power of justices' clerk to vary order).
(5) In sub-paragraph (6) (power to require account to be opened)—

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- (a) for “Subsection (4) of section 59 of the Magistrates' Courts Act 1980” substitute “ Subsection (6) of section 1 of the Maintenance Enforcement Act 1991 ”, and
 - (b) for “sub-paragraphs (1) and (5)” substitute “ sub-paragraph (1) ”.
- (6) Omit sub-paragraph (8) (duty to exercise powers in particular way).
- (7) In sub-paragraph (9) (powers under paragraph only exercisable if payer resident in England and Wales)—
- (a) omit “, or of a justices' clerk,”, and
 - (b) for the words from “which” to end substitute “ unless at the time when the order was made the person required to make the payments was ordinarily resident in England and Wales. ”

Commencement Information

I14 Sch. 11 para. 115 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 116 Omit paragraph 10(6) (limits on powers of magistrates' courts to deal with applications for alteration of maintenance agreements).

Commencement Information

I15 Sch. 11 para. 116 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 117 In paragraph 11 (alteration of maintenance agreement after death of one of the parties)—
- (a) in sub-paragraph (1) (application to be made to High Court or county court) for “a county court” substitute “ the family court ”,
 - (b) in sub-paragraph (3) (power of High Court and county court to extend time limit for application) for “a county court” substitute “ the family court ”, and
 - (c) omit sub-paragraph (5) (limits on jurisdiction of county court).

Commencement Information

I16 Sch. 11 para. 117 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 118 In paragraph 12 (enforcement of orders for maintenance)—
- (a) in sub-paragraph (1) (person obliged to make maintenance payments to give notice of change of address to person specified in magistrates' court order) for “a magistrates' court” substitute “ the family court ”, and
 - (b) omit sub-paragraph (3) (enforcement of orders made by magistrates' courts).

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I17 Sch. 11 para. 118 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

119 In paragraph 13 (High Court or county court may order settlement of instrument by conveyancing counsel) for “a county court” substitute “ the family court ”.

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Commencement Information

I18 Sch. 11 para. 119 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

120 Omit paragraph 24(1) of Schedule 2 (enforcement of contribution orders made by magistrates' courts).

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Commencement Information

I19 Sch. 11 para. 120 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

121 Omit Part 1 of Schedule 11 (jurisdiction).

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Commencement Information

I20 Sch. 11 para. 121 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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