

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013,
Cross Heading: Matrimonial and Family Proceedings Act 1984 (c. 42). (See end of Document for details)

SCHEDULES

SCHEDULE 11

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Matrimonial and Family Proceedings Act 1984 (c. 42)

87 The Matrimonial and Family Proceedings Act 1984 is amended as follows.

Commencement Information

I1 Sch. 11 para. 87 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)

88 In section 27 (interpretation of Part 3: financial relief in England and Wales after overseas divorce etc) in the definition of “the court” for the words after “High Court or” substitute “ the family court ”.

Commencement Information

I2 Sch. 11 para. 88 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)

89 In section 32 (meaning of “family business” etc) omit the definitions of “civil partnership cause” and “the 1973 Act”.

Commencement Information

I3 Sch. 11 para. 89 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)

90 Sections 33 to 36D (jurisdiction of county court in matrimonial causes and civil partnership causes) are repealed.

Commencement Information

I4 Sch. 11 para. 90 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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- 91 In section 37 (directions as to distribution and transfer of family business and proceedings between the High Court and county court) for “county courts” substitute “ the family court ”.

Commencement Information

I5 Sch. 11 para. 91 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)

- 92 (1) Section 38 (transfer of family proceedings from High Court to county court) is amended as follows.
- (2) In subsection (1) (High Court's power to transfer proceedings) for “a county court” substitute “ the family court. ”
- (3) In subsection (2) (proceedings which are transferable under the section)—
- (a) in the words before paragraph (a), for “to a county court” substitute “ to the family court ”,
 - (b) in paragraph (a) (proceedings commenced in High Court that are within jurisdiction of county court) for the words after “jurisdiction of” substitute “ the family court ”, and
 - (c) in paragraph (c) (certain proceedings transferred to the High Court) omit the words from “from” to “county court”.
- (4) Omit subsections (3) to (3B) (identifying county court to which transfer to be made).
- (5) In subsection (5) (transferee court has jurisdiction), in the words before paragraph (a), for the words after “to” substitute “ the family court under this section, the family court— ”.
- (6) In the heading omit “to county court”.

Commencement Information

I6 Sch. 11 para. 92 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)

- 93 (1) Section 39 (transfer of family proceedings to High Court from county court) is amended as follows.
- (2) In subsection (1) (power to transfer) for “a county court, the county court may,” substitute “ the family court, the family court may, ”.
- (3) In subsection (2) (proceedings which are transferable under the section) for paragraphs (a) and (b) substitute—
- “(a) all family proceedings commenced in the family court which are within the jurisdiction of the High Court, and
 - (b) all family proceedings transferred from the High Court under section 38 above.”
- (4) In the heading omit “from county court”.

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Commencement Information

I7 Sch. 11 para. 93 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)

94 Section 42 (county court proceedings in principal registry of Family Division) is repealed.

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Commencement Information

I8 Sch. 11 para. 94 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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