



# Family Law Act 1996

## 1996 CHAPTER 27

### PART V

#### SUPPLEMENTAL

PROSPECTIVE

#### 64 Provision for separate representation for children.

- (1) The Lord Chancellor may by regulations provide for the separate representation of children in proceedings in England and Wales which relate to any matter in respect of which a question has arisen, or may arise, under—
- <sup>F1</sup>(a) .....
  - (b) Part IV;
  - (c) the 1973 Act; <sup>F2</sup> . . .
  - (d) the <sup>M1</sup>Domestic Proceedings and Magistrates' Courts Act 1978 [<sup>F3</sup> or
  - (e) Schedule 5 or 6 to the Civil Partnership Act 2004.]
- (2) The regulations may provide for such representation only in specified circumstances.

#### Textual Amendments

- F1** S. 64(1)(a) repealed (13.5.2014) by [Children and Families Act 2014 \(c. 6\)](#), ss. **18(2)(c)**, 139(4)
- F2** Word in s. 64(1)(c) repealed (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1)(4), 263, Sch. 27 para. 152(1)(2), **Sch. 30**; S.I. 2005/3175, art. 2(2)(6)
- F3** S. 64(1)(e) and word inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 261(1)(4), 263, **Sch. 27 para. 152(1)(3)**; S.I. 2005/3175, art. 2(2)

#### Marginal Citations

- M1** 1978 c. 22.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Family Law Act 1996, Part V is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## 65 Rules, regulations and orders.

- (1) Any power to make rules, orders or regulations which is conferred by this Act is exercisable by statutory instrument.
- (2) Any statutory instrument made under this Act may—
  - (a) contain such incidental, supplemental, consequential and transitional provision as the Lord Chancellor considers appropriate; and
  - (b) make different provision for different purposes.
- (3) Any statutory instrument containing an order, rules or regulations made under this Act, other than an order made under section 5(8) or 67(3), shall be subject to annulment by a resolution of either House of Parliament.
- (4) No order shall be made under section 5(8) unless a draft of the order has been laid before, and approved by a resolution of, each House of Parliament.
- (5) This section does not apply <sup>F4</sup>... to rules of court made, or any power to make rules of court, for the purposes of this Act.

### Subordinate Legislation Made

- P1** S. 65 power partly exercised (28.7.1997): different dates appointed for specified provisions by [S.I. 1997/1892, art. 3](#)  
S. 65 power partly exercised (19.10.1998): 1.11.1998 appointed for specified provisions by [S.I. 1998/2572, art. 3](#) (with transitional provisions in [art. 4](#))

### Textual Amendments

- F4** Words in [s. 65\(5\)](#) repealed (13.5.2014) by [Children and Families Act 2014 \(c. 6\), ss. 18\(2\)\(d\), 139\(4\)](#)

## 66 Consequential amendments, transitional provisions and repeals.

- (1) Schedule 8 makes minor and consequential amendments.
- (2) Schedule 9 provides for the making of other modifications consequential on provisions of this Act, makes transitional provisions and provides for savings.
- (3) Schedule 10 repeals certain enactments.

### Commencement Information

- II** [S. 66](#) partly in force; [s. 66](#) not in force at Royal Assent see [s. 67\(3\)](#); [s. 66\(1\)\(3\)](#) in force for certain purposes at 21.3.1997 by [S.I. 1997/1077, art. 2](#); [s. 66\(1\)\(2\)\(3\)](#) in force for certain purposes at 1.10.1997 by [S.I. 1997/1892, art. 3](#)

## 67 Short title, commencement and extent.

- (1) This Act may be cited as the Family Law Act 1996.
- (2) Section 65 and this section come into force on the passing of this Act.
- (3) The other provisions of this Act come into force on such day as the Lord Chancellor may by order appoint; and different days may be appointed for different purposes.

*Status: This version of this part contains provisions that are prospective.*

*Changes to legislation: Family Law Act 1996, Part V is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) This Act, other than section 17, extends only to England and Wales, except that—
- (a) in Schedule 8—
    - (i) the amendments of section 38 of the <sup>M2</sup>Family Law Act 1986 extend also to Northern Ireland;
    - (ii) the amendments of the <sup>M3</sup>Judicial Proceedings (Regulation of Reports) Act 1926 extend also to Scotland; and
    - (iii) the amendments of the <sup>M4</sup>Maintenance Orders Act 1950, the <sup>M5</sup>Civil Jurisdiction and Judgments Act 1982, the <sup>M6</sup>Finance Act 1985 and sections 42 and 51 of the Family Law Act 1986 extend also to both Northern Ireland and Scotland; and
  - (b) in Schedule 10, the repeal of section 2(1)(b) of the <sup>M7</sup>Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 extends also to Scotland.

#### **Subordinate Legislation Made**

- P2** S. 67 power partly exercised (21.3.1997): 21.3.1997 appointed for specified provisions by [S.I. 1997/1077](#), [art. 2](#)
- S. 67 power partly exercised (28.7.1997): different dates appointed for specified provisions by [S.I. 1997/1892](#), [arts. 2, 3](#) (with transitional provisions in [art. 4](#))
- S. 67 power partly exercised (19.10.1998): 1.11.1998 appointed for specified provisions by [S.I. 1998/2572](#), [art. 3](#) (with transitional provisions in [art. 4](#))

#### **Marginal Citations**

- M2** 1986 c. 55.  
**M3** 1926 c. 61.  
**M4** 1950 c. 37.  
**M5** 1982 c. 27.  
**M6** 1985 c. 54.  
**M7** 1968 c. 63.

**Status:**

This version of this part contains provisions that are prospective.

**Changes to legislation:**

Family Law Act 1996, Part V is up to date with all changes known to be in force on or before 19 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 63(2)(k) inserted by [2021 c. 17 s. 52\(2\)](#)