

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Courts Act 2003 (c. 39). (See end of Document for details)

SCHEDULES

SCHEDULE 10

THE FAMILY COURT

PART 2

THE FAMILY COURT: FURTHER AMENDMENTS

Courts Act 2003 (c. 39)

83 The Courts Act 2003 is amended as follows.

Commencement Information

11 Sch. 10 para. 83 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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”.

Commencement Information

12 Sch. 10 para. 84 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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

Commencement Information

13 Sch. 10 para. 85 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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”.

Commencement Information

14 Sch. 10 para. 86 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- 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.

Commencement Information

- I5** Sch. 10 para. 87 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 88 Omit section 30(6) (exclusion of family proceedings).

Commencement Information

- I6** Sch. 10 para. 88 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 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. ”

Commencement Information

- I7** Sch. 10 para. 89 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 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).

Commencement Information

- I8** Sch. 10 para. 90 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 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”.

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(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 ”.

Commencement Information

I9 Sch. 10 para. 91 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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”.

Commencement Information

I10 Sch. 10 para. 92 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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 ”.

Commencement Information

I11 Sch. 10 para. 93 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

94 (1) Section 81 (practice directions relating to family proceedings) is amended as follows.

(2) In subsection (1)—

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- (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”.

Commencement Information

I12 Sch. 10 para. 94 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 95 In section 92(1) (power to prescribe fees for things dealt with by certain courts) after paragraph (a) insert—
 - “(aa) the family court,”.

Commencement Information

I13 Sch. 10 para. 95 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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