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*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)

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## 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.

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**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).

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**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".

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**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).

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**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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**Commencement Information**

- 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)

**Changes to legislation:**

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