
DRAFT STATUTORY INSTRUMENTS

2016 No.

**The Access to Justice Act 1999 (Destination of Appeals)
(Family Proceedings) (Amendment) Order 2016**

Amendments to the Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2014

2. After article 2 (appeals to the family court) of the Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2014⁽¹⁾ insert—

“Appeals to the High Court

2A.—(1) Paragraph (3) applies to an appeal—

- (a) under section 31K(1) of the 1984 Act⁽²⁾ (appeals from the family court in cases where no other right of appeal exists); or
- (b) under section 13(2A) of the Administration of Justice Act 1960⁽³⁾ (appeals in cases of contempt of court) from a decision or order of the family court.

(2) Paragraph (3) does not apply—

- (a) if the appeal is from a decision or order in proceedings under—
 - (i) Part 4 or 5 of, or paragraph 19(1) of Schedule 2 to, the Children Act 1989⁽⁴⁾;
or
 - (ii) the Adoption and Children Act 2002⁽⁵⁾;
- (b) if the appeal is from a decision or order in exercise of the family court’s jurisdiction to punish for contempt of court, where that decision or order was made in, or in connection with, proceedings of a type referred to in sub-paragraph (a);
- (c) if the appeal is from a decision or order made on appeal to the family court; or
- (d) if the person who made the decision or order was, when making the decision or order, deployed in the family court otherwise than as the holder of an office referred to in paragraph (3).

(3) The appeal lies to the High Court (instead of to the Court of Appeal) if it is from a decision or order made by—

- (a) a Circuit judge; or
- (b) a Recorder.

(4) Paragraph (3) has effect subject to any requirement to obtain permission to appeal.”.

(1) S.I. 2014/602.

(2) Section 31K was inserted by paragraph 1 of Part 1 of Schedule 10 to the Crime and Courts Act 2013.

(3) 1960 c. 65. Section 13(2A) was inserted by paragraph 15(1) and (2) of Part 2 of Schedule 10 to the Crime and Courts Act 2013.

(4) 1989 c. 41.

(5) 2002 c. 38.