
DRAFT STATUTORY INSTRUMENTS

2016 No.

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

Consequential amendment to the Family Procedure Rules 2010

3. In rule 30.3 (permission) of the Family Procedure Rules 2010⁽¹⁾, for paragraph (1) substitute—

“(1) Paragraphs (1B) and (2) of this rule set out when permission to appeal is, or is not, required under these rules to appeal against a decision or order of the family court.

(1A) This rule does not apply where the route of appeal from a decision or order of the family court is to the Court of Appeal, namely where the appeal is against a decision or order made by a circuit judge or Recorder—

- (a) in proceedings under—
 - (i) Part 4 of the 1989 Act (care and supervision);
 - (ii) Part 5 of the 1989 Act (protection of children);
 - (iii) paragraph 19(1) of Schedule 2 to the 1989 Act (approval by the court of local authority arrangements to assist children to live abroad); or
 - (iv) the 2002 Act (adoption, placement etc.);
- (b) in exercise of the family court’s jurisdiction in relation to contempt of court where that decision or order was made in, or in connection with, proceedings referred to in sub-paragraph (a); or
- (c) where that decision or order was itself made on an appeal to the family court.

(Appeals in the cases referred to in this paragraph are outside the scope of these rules. The CPR make provision requiring permission to appeal in those cases.)

(1B) Permission to appeal is required under these rules—

- (a) unless paragraph (2) applies, where the appeal is against a decision made by a circuit judge, Recorder, district judge or costs judge; or
- (b) as provided by Practice Direction 30A.”.

⁽¹⁾ S.I. 2010/2955. Rule 30.3 was amended by S.I. 2013/530 and 2014/667 and 3296.