Status: Point in time view as at 25/11/2008. This version of this part contains provisions that are prospective.
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have been made appear in the content and are referenced with annotations. (See end of Document for details)

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—

F1(a) ....

(b) Part IV;

(c) the 1973 Act; **F2**...

(d) the **M1**Domestic Proceedings and Magistrates' Courts Act 1978 [**F3** 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F1 S. 64(1)(a) repealed (13.5.2014) by Children and Families Act 2014 (c. 6), **ss. 18(2)(c)**, 139(4)
F2 Word in s. 64(1)(c) repealed (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1)(4), 263, Sch. 27 para. 152(1)(2), **Sch. 30**; S.I. 2005/3175, **art. 2(2)(6)**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.

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 **[F4**to rules made under section 12 or**]** 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) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 12, 148, **Sch. 1 para. 24**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 7

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

I1   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.

(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 [M2]Family Law Act 1986 extend also to Northern Ireland;

        (ii) the amendments of the [M3]Judicial Proceedings (Regulation of Reports) Act 1926 extend also to Scotland; and

        (iii) the amendments of the [M4]Maintenance Orders Act 1950, the [M5]Civil Jurisdiction and Judgments Act 1982, the [M6]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 [M7]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.

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