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STATUTORY INSTRUMENTS

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**1991 No. 1405**

**The Family Proceedings Courts (Constitution) Rules 1991**

**Appointment of justices to combined panel**

**12.**—(1) Where a magistrates' courts committee has made a direction for the formation of a combined panel under rule 11(2), the justices for each petty sessions area specified in the direction shall, at a meeting of the justices held in accordance with paragraph (2), appoint, subject to paragraph (3), such number of justices from the petty sessions areas in question as is stated in the direction, to serve as members of the combined panel, for a term commencing at the same time as the direction will have effect and expiring at the same time as will end the term of appointment of any justices for the time being appointed under rule 4(1) or, where that term has expired, rule 4(2), to form a panel which is not specified in the direction.

(2) The meeting referred to in paragraph (1) shall be—

- (a) where the direction is made before 14th October 1991, the meeting referred to in rule 4(1);
- (b) where sub-paragraph (a) does not apply and the direction is consequential upon the making of an order under section 23 of the Act of 1979, within the meaning of rule 11(8), a meeting held as soon as practicable after the direction has been made; and
- (c) in any other case, the meeting referred to in rule 11(7)(c).

(3) In relation to the appointment of justices under paragraph (1), rules 4(4), 5(1)(b)–(d), (2) and (3), and 9 of these Rules shall apply as they apply in relation to appointments under rule 4.

(4) Subject to rule 13, after the first appointments to a combined panel have been made in accordance with paragraph (1), these Rules shall have effect in relation to the combined panel as if—

(a) in rule 4:

- (i) references to appointments to a panel in paragraph (2) of that rule were references to appointments to the combined panel of such number of justices from the petty sessions area as is stated in the direction; and
- (ii) paragraphs (3) and (5) thereof were omitted;

(b) for paragraph (1)(a) of rule 5 there were substituted the following paragraph—

- (a) “(1) The members of a combined panel provided by each petty sessions area for which the panel is formed shall be appointed from amongst the justices for that area.”;

(c) for rule 6 there were substituted the following rule—

“6. If a vacancy occurs in the number of justices forming a combined panel or if a further direction is made under rule 11(9), the justices for the appropriate petty sessions area shall as soon as practicable appoint such a justice or justices as might have been appointed to the panel under rule 5.”;

(d) in rule 7, where the first area or the second area is one of the petty sessions areas for which the combined panel has been formed, the references to those areas included the other petty sessions areas in respect of which the combined panel has been formed.