
STATUTORY INSTRUMENTS

1993 No. 624 (L.7)

FAMILY PROCEEDINGS

The Children (Allocation of Proceedings) (Amendment) Order 1993

<i>Made</i>	- - - -	<i>3rd March 1993</i>
<i>Laid before Parliament</i>		<i>12th March 1993</i>
<i>Coming into force</i>	- -	<i>5th April 1993</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 92(9) and (10) of, and Part I of Schedule 11 to, the Children Act 1989(1) hereby makes the following order:—

Title and commencement

1. This order may be cited as the Children (Allocation of Proceedings) (Amendment) Order 1993 and shall come into force on 5th April 1993.

2. The Children (Allocation of Proceedings) Order 1991(2) shall be amended in accordance with the following provisions of this Order and, in those provisions, a reference to an article by number alone shall be construed as a reference to an article so numbered in the said Order of 1991.

Child Support Act 1991

3. In article 3, at the end of paragraph (1) there shall be inserted the following:

- “(s) section 27(1) of the Child Support Act 1991(3) (declaration of parentage);
- (t) section 20 of the Child Support Act 1991 (appeals) where the proceedings are to be dealt with in accordance with the Child Support Appeals (Jurisdiction of Courts) Order 1993(4).”.

4. In article 6, 10, 12 and 13—

- (a) after the number of the article there shall be inserted “(1)”;
- (b) for the words “under the Act or under the Adoption Act 1976” there shall be substituted the words “to which this article applies”; and

(1) 1989 c. 41; paragraphs 1 and 2 of Schedule 11 were amended by the Child Support Act 1991 (c. 48), section 45(3) to (5).
(2) S.I. 1991/1677.
(3) 1991 c. 48.
(4) S.I. 1993/961.

(c) at the end there shall be inserted the following:—

“(2) This article applies to proceedings—

(a) under the Act;

(b) under the Adoption Act 1976⁽⁵⁾;

(c) of the kind mentioned in sub-paragraph (s) or (t) of article 3(1).”.

Miscellaneous amendments

5. In articles 3(3) and 4(1), for the words “made to” there shall be substituted the words “commenced in”.

6. In article 4(4), for the word “made” there shall be substituted the word “commenced”.

7. In articles 14 and 18(1), for the words “commenced in” wherever they appear there shall be substituted the words “made to”.

8. In article 20, for the word “commenced” there shall be substituted the words “made to”.

Dated 3rd March 1993

Mackay of Clashfern, C

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Children (Allocation of Proceedings) Order 1991 so as to encompass proceedings under the Child Support Act 1991 for a declaration of parentage under section 27(1) and on an appeal under section 20 (where the appeal is to be dealt with by a court in accordance with the Child Support Appeals (Jurisdiction of Courts) Order 1993. The main effect of the amendments made by the Order is to require such proceedings to be commenced in a magistrates' court and to provide for them to be transferred to other courts in certain circumstances.

The Order also makes minor drafting improvements to the 1991 Order.