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STATUTORY INSTRUMENTS

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**2008 No. 2836**

**The Allocation and Transfer of Proceedings Order 2008**

**PART 4**

**APPLICATION FOLLOWING REFUSAL TO TRANSFER FROM  
MAGISTRATES' COURT TO COUNTY COURT AND APPEAL AGAINST  
TRANSFER TO MAGISTRATES' COURT BY COUNTY COURT**

**Application following refusal to order transfer of proceedings from magistrates' court to county court**

**25.**—(1) Where a magistrates' court refuses to order the transfer of proceedings to a county court under article 15(1), an application may be made for an order transferring proceedings to a county court.

(2) An application under paragraph (1) must be made—

- (a) in relation to proceedings under the 2002 Act, to an adoption centre;
- (b) in relation to proceedings under Parts 3, 4 and 5, to a care centre; and
- (c) in any other case, to a family hearing centre.

(3) In this article, “proceedings” means the proceedings under the 1989 Act or the 2002 Act and proceedings under section 55A of the Family Law Act 1986 (declarations of parentage).

**Appeal against transfer of proceedings to magistrates' court by county court**

**26.** Where a county court orders the transfer of proceedings to a magistrates' court under article 16, an appeal may be made against that decision—

- (a) where the decision was made by a district judge or deputy district judge of a county court, to a circuit judge; or
- (b) where the decision was made by a district judge or deputy district judge of the principal registry of the Family Division, to a judge of the Family Division of the High Court.