
STATUTORY INSTRUMENTS

2011 No. 1045

The Family Procedure (Modification of Enactments) Order 2011

PART 3

AMENDMENTS TO PRIMARY LEGISLATION

Amendment of the Magistrates' Courts Act 1980

10. In section 64(1)—

- (a) in subsection (1) omit “periodical payment of money, or for the revocation, revival or variation of such an order” and substitute “variation of an order for the periodic payment of money”;
- (b) after subsection (1) insert—

“(1A) Subsection (1) does not apply to family proceedings.”;
- (c) in subsection (2) for “subsection (1) above” substitute “subsection (1) or (4A)”;
- (d) after subsection (4) insert—

“(4A) Subject to the provisions of any other enactment, the costs of and incidental to all family proceedings in any magistrates’ court (including those required to be issued by complaint and those relating to the making of a periodic payment order) shall be in the discretion of that court and that court shall have full power to determine by whom and to what extent costs are to be paid.”.