
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

12. After section 68(1) insert—

“68A Power of the magistrates' court to order disclosure of documents, inspection of property etc. in family proceedings

(1) On the application, in accordance with rules of court, of a party to any family proceedings, a magistrates' court, in such circumstances as may be prescribed, has the power to order a person who is not a party to the proceedings and who appears to the court to be likely to have in his or her possession, custody or power any documents which are relevant to any issue arising out of the proceedings—

- (a) to disclose whether those documents are in that person's possession, custody or power; and
- (b) to produce such of those documents as are in that person's possession, custody or power to the applicant or, on such conditions as may be specified in the order,—
 - (i) to the applicant's legal advisers; or
 - (ii) to the applicant's legal advisers and any medical or other professional adviser of the applicant; or
 - (iii) if the applicant has no legal adviser, to any medical or other professional adviser of the applicant.

(2) On the application, in accordance with rules of court, of a party to any family proceedings, a magistrates' court, in such circumstances as may be prescribed, has the power to make an order providing for any one or more of the following—

- (a) the inspection, photographing, preservation, custody and detention of property which is not the property of, or in the possession of, any party to the proceedings but which is the subject matter of the proceedings or as to which any question arises in the proceedings;
- (b) the taking of samples of any such property as is mentioned in paragraph (a) and the carrying out of any experiment on or with any such property.

(3) This section is without prejudice to the exercise by a magistrates' court of any power to make orders which is exercisable apart from the provisions of this section.”.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
