

# CRIME AND COURTS ACT 2013

---

## EXPLANATORY NOTES

### BACKGROUND

#### Part 2: Courts and Justice

#### *Section 17: Civil and family proceedings in England and Wales*

#### Single County Court for England and Wales

18. County courts are constituted under the County Courts Act 1984. There are approximately 170 county courts in England and Wales, prescribed by article 6 of, and Schedule 3 to, the Civil Courts Order 1983<sup>1</sup>, as amended. Each county court has a separate legal identity and serves a defined geographical area. Certain civil matters, for example in respect of proceedings in contract and tort or actions for the recovery of land, can be dealt with by all county courts, whereas other civil cases, for example family proceedings, certain contested probate actions and bankruptcy claims, are handled by designated county courts.
19. In January 2008, the Judicial Executive Board commissioned Sir Henry Brooke to conduct an inquiry into the question of civil court unification. He published his report<sup>2</sup>, entitled *Should the Civil Courts be Unified?*, in August 2008. In the report, Sir Henry recommended that consideration should be given to whether the county courts should become a single national court.
20. In March 2011, the Ministry of Justice subsequently published a consultation document (Consultation Paper CP6/2011) entitled *Solving disputes in the county courts: creating a simpler, quicker and more proportionate system*<sup>3</sup>. The consultation paper, which was aimed at reforming the civil justice system in England and Wales, sought views on whether a single county court should be established. On 9 February 2012, accompanied by a written ministerial statement (House of Commons, Official Report, column 53WS), the Government published its response to the consultation (CM 8274)<sup>4</sup>, announcing its intention to implement its proposals for the establishment of a single county court. Section 17(1) of the Act implements those proposals.

#### Single family court for England and Wales

21. Family proceedings are currently heard at first instance in the magistrates' courts (family proceedings courts), the county courts and the High Court. While the Family Procedure Rules 2010<sup>5</sup> largely govern the practices and procedures of all courts dealing with family proceedings, each court's family jurisdiction is constituted and governed by a variety of different statutes. For example, section 33(1) of the Matrimonial and Family Proceedings Act 1984 allows the Lord Chancellor to designate certain county courts as

---

1 S.I. 1983/713

2 <http://www.judiciary.gov.uk/publications-and-reports/reports/civil/civil-courts-unification>

3 <http://www.justice.gov.uk/downloads/consultations/solving-disputes-county-courts.pdf>

4 [https://consult.justice.gov.uk/digital-communications/county\\_court\\_disputes/results/solving-disputes-in-cc-response.pdf](https://consult.justice.gov.uk/digital-communications/county_court_disputes/results/solving-disputes-in-cc-response.pdf)

5 S.I. 2010/2955

“divorce county courts”, which have jurisdiction to hear and determine any matrimonial matters.

22. In March 2010, the Family Justice Review Panel, chaired by David Norgrove and commissioned by the Ministry of Justice, the Department for Education, and the Welsh Government, began their review of the family justice system in England and Wales. In November 2011 the Family Justice Review Panel published their final report, *Family Justice Review – Final Report*,<sup>6</sup> in which they recommended that a single family court, with a single point of entry, should replace the current three tiers of court. Prior to publication of the Panel’s final report the Government consulted on the Panel’s interim report and recommendation *Family Justice Review – Interim Report*<sup>7</sup>. An analysis of consultation responses was integrated into the Panel’s final report; however, in summary the majority of respondents to the consultation (75%) agreed that a single family court should be created.
23. A written ministerial statement on 6 February 2012 (House of Commons, Official Report, column WS3) announced the publication of the Government’s response to that Panel’s final report (CM 8273)<sup>8</sup>. The response noted “we [the Government] will establish a single Family Court for England and Wales, with a single point of entry, as the Review recommended”. Section 17(3) of the Act gives effect to this.

---

<sup>6</sup> <http://www.justice.gov.uk/downloads/publications/moj/2011/family-justice-review-final-report.pdf>  
<sup>7</sup> <http://www.justice.gov.uk/downloads/publications/moj/2011/family-justice-review-interim-rep.pdf>  
<sup>8</sup> <https://www.education.gov.uk/publications/eOrderingDownload/CM-8273.pdf>