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STATUTORY INSTRUMENTS

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**1991 No. 1247**

**The Family Proceedings Rules 1991**

**PART IV**

**PROCEEDINGS UNDER THE CHILDREN ACT 1989**

**Transfer from magistrates' court to county court and from county court to High Court**

**4.6.**—(1) Where an application is made, in accordance with the provisions of any Order made under Part I of Schedule 11 to the Act of 1989, to a county court for an order transferring proceedings from a magistrates' court following the refusal of the magistrates' court to order such a transfer, the applicant shall—

- (a) file the application in Form CHA58, together with a copy of the certificate issued by the magistrates' court, and
- (b) serve a copy of the documents mentioned in sub-paragraph (a) personally on all parties to the proceedings which it is sought to have transferred,

within 2 days after receipt by the applicant of the certificate.

(2) Within 2 days after receipt of the documents served under paragraph (1)(b), any party other than the applicant may file written representations.

(3) The court shall, not before the fourth day after the filing of the application under paragraph (1), unless the parties consent to earlier consideration, consider the application and either—

- (a) grant the application, whereupon the proper officer shall inform the parties of that decision, or
- (b) direct that a date be fixed for the hearing of the application, whereupon the proper officer shall fix such a date and give not less than 1 day's notice to the parties of the date so fixed.

(4) Where proceedings are transferred from a magistrates' court to a county court in accordance with the provisions of any Order under Part I of Schedule 11 to the Act of 1989, the county court shall consider whether to transfer those proceedings to the High Court in accordance with that Order and either—

- (a) determine that such an order need not be made,
- (b) make such an order,
- (c) order that a date be fixed for the hearing of the question whether such an order should be made, whereupon the proper officer shall give such notice to the parties as the court directs of the date so fixed, or
- (d) invite the parties to make written representations, within a specified period, as to whether such an order should be made; and upon receipt of the representations the court shall act in accordance with sub-paragraph (a), (b) or (c).

(5) The proper officer shall notify the parties of an order transferring the proceedings from a county court or from the High Court made in accordance with the provisions of any Order under Part I of Schedule 11 to the Act of 1989.