
STATUTORY INSTRUMENTS

1991 No. 1247

The Family Proceedings Rules 1991

PART VIII

APPEALS

Appeals from district judges

8.1.—(1) Except where paragraph (2) applies, any party may appeal from an order or decision made or given by the district judge in family proceedings in a county court to a judge on notice; and in such a case—

- (a) CCR Order 13, rule 1(10) (which enables the judge to vary or rescind an order made by the district judge in the course of proceedings), and
- (b) CCR Order 37, rule 6 (which gives a right of appeal to the judge from a judgment or final decision of the district Judge),

shall not apply to the order or decision.

(2) Any order or decision granting or varying an order (or refusing to do so)—

- (a) on an application for ancillary relief, or
- (b) in proceedings to which rules 3.1, 3.2, 3.3, 3.6 or 3.8 apply,

shall be treated as a final order for the purposes of CCR Order 37, rule 6.

(3) On hearing an appeal to which paragraph (2) above applies, the judge may exercise his own discretion in substitution for that of the district judge.

(4) Unless the court otherwise orders, any notice under this rule must be issued within 14 days of the order or decision appealed against and served not less than 14 days before the day fixed for the hearing of the appeal.

(5) Appeals under this rule shall be heard in chambers unless the judge otherwise directs.

(6) Unless the court otherwise orders, an appeal under this rule shall not operate as a stay of proceedings on the order or decision appealed against.