
STATUTORY INSTRUMENTS

2008 No. 2836

The Allocation and Transfer of Proceedings Order 2008

PART 1

PRELIMINARY

Citation, commencement, interpretation and application

1.—(1) This Order may be cited as the Allocation and Transfer of Proceedings Order 2008 and, subject to paragraph (2), shall come into force on 25th November 2008.

(2) Articles 6(a)(i), 9(1) and 20(1), in so far as they apply to section 11J(6) or 11O(7) of, and paragraphs 4 to 7 and 9 of Schedule A1 to, the 1989 Act, shall come into force on the same day as sections 4 and 5 of the Children and Adoption Act 2006(3) come into force.

(3) In this Order—

“the 1989 Act” means the Children Act 1989(1);

“the 1996 Act” means the Family Law Act 1996(2);

“the 2002 Act” means the Adoption and Children Act 2002(4);

“Convention adoption order” means an adoption order under the 2002 Act which, by virtue of regulations under section 1 of the Adoption (Intercountry Aspects) Act 1999(5) (regulations giving effect to the Convention), is made as a Convention adoption order;

“proceedings” means, unless the context otherwise requires, proceedings under—

- (a) section 55A of the Family Law Act 1986(6) (declarations of parentage);
- (b) the 1989 Act;
- (c) section 20 of the Child Support Act 1991(7) (appeals);
- (d) section 30 of the Human Fertilisation and Embryology Act 1990(8) (parental orders);
- (e) Part 4 of the 1996 Act; and
- (f) the 2002 Act.

(3) 2006 c. 20.

(1) 1989 c. 41. Section 92 is amended by paragraphs 203 and 205(1) to (3) of, and section 94(10) is amended by paragraphs 203 and 206(1) and (2) of, Schedule 4 to the [Constitutional Reform Act 2005](#) (c. 4). Schedule 11 is amended by paragraphs 203 and 210 of Schedule 4 to the [Constitutional Reform Act 2005](#), paragraphs 54 and 75 of Schedule 3 to the [Adoption and Children Act 2002](#) (c. 38), section 45(3) to (5) of the [Child Support Act 1991](#) (c. 48), and paragraph 10 of Schedule 8, and Part 9 of Schedule 9, to the [Child Support, Pensions and Social Security Act 2000](#) (c. 19).

(2) 1996 c. 27. Section 57 is amended by paragraphs 252 and 253 of Schedule 4 to the [Constitutional Reform Act 2005](#) (c. 4) and is modified by section 63M of the Family Law Act 1996 (inserted by section 1 of the [Forced Marriage \(Civil Protection\) Act 2007](#) (c. 20)) so that it applies for the purposes of Part 4A of that Act (forced marriage).

(4) 2002 c. 38.

(5) 1991 c. 18.

(6) 1986 c. 55. Section 55A was inserted by section 83(1) and (2) of the [Child Support, Pensions and Social Security Act 2000](#) (c. 19).

(7) 1991 c. 48. Section 20 was substituted by section 42 of the [Social Security Act 1998](#) (c. 14) and further substituted by section 10 of the [Child Support, Pensions and Social Security Act 2000](#) (c. 19).

(8) 1990 c. 37. Section 30 was amended by paragraphs 76 and 79 of Schedule 3 to the [Adoption and Children Act 2002](#) (c. 38).

(4) The provisions in this Order apply unless any enactment or rule provides otherwise.

Classes of county court

2. For the purposes of this Order there are the following classes of county court—
- (a) family hearing centres, being those courts against which the word yes appears in column 2 of the table in Schedule 1;
 - (b) care centres, being those courts against which the word yes appears in column 3 of that table;
 - (c) adoption centres, being those courts against which the word yes appears in column 4 of that table;
 - (d) intercountry adoption centres, being those courts against which the word yes appears in column 5 of that table; and
 - (e) forced marriage county courts, being those courts against which the word yes appears in column 6 of that table.

Principal Registry of the Family Division

3. The principal registry of the Family Division of the High Court is treated, for the purposes of this Order, as if it were—
- (a) a family hearing centre;
 - (b) a care centre;
 - (c) an adoption centre;
 - (d) an intercountry adoption centre; and
 - (e) a forced marriage county court.

Contravention of a provision of this Order

4. Where proceedings are started or transferred in contravention of a provision of this Order, the contravention does not have the effect of making the proceedings invalid.