
STATUTORY INSTRUMENTS

2011 No. 1329

**The Magistrates' Courts (Enforcement or
Variation of Orders Made in Family Proceedings
and Miscellaneous Provisions) Rules 2011**

PART 2

GENERAL PROVISION

CHAPTER 2

PROCEEDINGS WHERE THE FPR ARE APPLIED

Application of this Chapter

16. This Chapter applies in respect of rules 50 to 53, 69, 71, 74 to 76, 78 and 80.

Power of the single justice where the FPR are applied

17. Where proceedings are not treated by the court as family proceedings by virtue of section 65 of the 1980 Act, rule 2.5 of the FPR will not apply in respect of the powers of the single justice.

Power of a justices' clerk where the FPR are applied

18.—(1) Subject to the Justices' Clerks Rules 2005(1), a justices' clerk may perform all the functions which a single justice may perform in accordance with rule 2.5(1)(c)(ii) of the FPR.

(2) Where a justices' clerk—

- (a) is performing the function of a single justice in accordance with paragraph (1); and
- (b) considers, for whatever reason, that it is inappropriate to perform the function,

the justices' clerk must refer the matter to the magistrates' court which may perform the function.

(3) Paragraph (1) applies irrespective of whether proceedings are treated by the court as family proceedings by virtue of section 65 of the 1980 Act.