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STATUTORY INSTRUMENTS

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**2014 No. 879**

**The Crime and Courts Act 2013 (Family Court:  
Consequential Provision) (No.2) Order 2014**

**PART 2**

Amendments to secondary legislation

**Amendment to the County Court (Records of Proceedings) Regulations 1967**

2. In the Schedule to the County Court (Records of Proceedings) Regulations 1967(1), omit paragraph 8 from column 1 and the corresponding paragraphs (a), (b) and (c) from column 2.

**Amendments to the Magistrates' Courts (Attachment of Earnings) Rules 1971**

3. The Magistrates' Courts (Attachment of Earnings) Rules 1971(2) are amended as follows.
4. Omit rule 4.
5. In rule 6—
  - (a) in paragraph (2) omit “or 11”; and
  - (b) omit paragraph (3)(a) and (b).
6. Omit rule 8.
7. For rule 9(1), substitute—

“(1) This Rule shall apply to a complaint for the discharge or variation of an attachment of earnings order.”.
8. Omit rule 13(2).
9. In rule 14(3), omit the words from after “discharged” to the end of the paragraph.
10. In rule 15(1), omit the words from after “by a magistrates’ court” to the end of the paragraph.
11. In rule 18—
  - (a) in paragraph (1), omit “and the person entitled to receive payments under the related maintenance order”; and
  - (b) omit paragraph (3).
12. Omit rule 19.
13. In rule 23—
  - (a) for paragraph (2) substitute—

“(2) Rules 4, 9, 10 and 11 shall not apply.”; and

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(1) S.I. 1967/1194. S.I. 1988/488 makes relevant amendments.

(2) S.I. 1971/809. Relevant amending instruments are S.I. 2001/615, 2003/1236 and 2005/617.

- (b) omit paragraphs (4) and (5).

#### **Amendments to the Blood Tests (Evidence of Paternity) Regulations 1971**

- 14.** In Schedule 1 to the Blood Tests (Evidence of Paternity) Regulations 1971(3)—
- (a) in Form 1 (Direction Form), in Part I, for “Proper Officer of the Court” substitute “court officer”; and
  - (b) in Form 2 (Report by Tester), in the heading to the form, for “(Designated Officer)... Magistrates’ Court”, substitute “The family court sitting at.....”.

#### **Amendments to the Magistrates’ Courts Rules 1981**

- 15.** The Magistrates’ Courts Rules 1981(4) are amended as follows.
- 16.** In rule 2—
- (a) in paragraph (1), omit the defined terms “the Act of 1978” and “the Act of 1989”; and
  - (b) omit paragraph (3).
- 17.** Omit rules 3, 38, 39(6), 41, 43, 44 and 45.
- 18.** In rule 51, omit “, section 22 of the Act of 1978 or paragraph 41 of Schedule 6 to the Civil Partnership Act 2004”.
- 19.** Omit rules 59, 59A, 59B, 60(2) and (3), 61, 62, 63(1) and 69.
- 20.** After rule 101A insert—

#### **“Direction to a local authority under section 447(2) and (3) of the Education Act 1996**

- 101B.**—(1) For the purposes of section 447(2) and (3) of the Education Act 1996, a direction by a magistrates’ court to a local authority to apply for an education supervision order must be in writing.
- (2) Where, following such a direction, a local authority informs the court that they have decided not to apply for an education supervision order, they must do so in writing.
- (3) In this rule, “education supervision order” has the meaning assigned to it by section 36(2) of the Children Act 1989.”.
- 21.** Omit rules 105, 106 and 114.

#### **Amendments to the Insolvency Rules 1986**

- 22.** In the Insolvency Rules 1986(5) in the definition of “fine” and “family proceedings”—
- (a) in rule 5A.2; and
  - (b) in rule 12.3(2);
- for “which applies the Magistrates’ Courts Act 1980 and” substitute “which refers to proceedings in the family court and to the meaning of “family proceedings” in”.

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(3) S.I. 1971/1861. Relevant amending instruments are S.I. 2001/773 and 2008/972.  
(4) S.I. 1981/552. Relevant amending instruments are S.I. 1983/523, 1989/384, 1990/1190, 1991/1991, 1993/1183, 1998/2167, 2000/3361, 2001/610, 2003/1236, 2005/617, 2005/2930 and 2001/1329.  
(5) S.I. 1986/1925. Relevant amending instruments are S.I. 1987/1919, 1989/397, 1993/602, 2003/1730, 2005/527, 2009/642, 2010/686 and 2012/469.

### **Amendment to the County Court Remedies Regulations 1991**

23. Omit regulation 3(3)(a) of the County Court Remedies Regulations 1991(6).

### **Amendments to the Parental Responsibility Agreement Regulations 1991**

24. In the notes to the forms C(PRA1), C(PRA2) and C(PRA3) in the Schedule to the Parental Responsibility Agreement Regulations 1991(7)—

- (a) for “your local family proceedings court, or county court” substitute “a local office of the family court”; and
- (b) for “a local family proceedings court, or county court,” substitute “a local office of the family court”.

### **Amendment to the Child Support (Collection and Enforcement) Regulations 1992**

25. In regulation 25AB(1) of the Child Support (Collection and Enforcement) Regulations 1992(8), for “a county court” substitute “the family court”.

### **Amendment to the Magistrates’ Courts (Children and Young Persons) Rules 1992**

26. In the definition of “court” in rule 13(2) of the Magistrates’ Courts (Children and Young Persons) Rules 1992(9), omit “, but does not include a family proceedings court”.

### **Amendment to the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992**

27. In regulations 5(4)(a) and 6(2)(a) of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations 1992(10), for paragraphs (ii) and (iii) substitute—

“(ii) in relation to the family court, a court officer;”.

### **Amendments to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993**

28. The Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993(11) is amended as follows.

29. Schedule 2 is amended as follows.

30. In paragraph 3—

- (a) in sub-paragraph (2), in the substituted section 3(1) of the 1972 Act, for “a magistrates’ court” substitute “the family court”; and
- (b) in sub-paragraph (5), in the substituted section 3(6E), for “a magistrates’ court” substitute “the family court”.

31. In paragraph 5, in the substituted section 5 of the 1972 Act, omit the substituted subsection (3).

32. Omit paragraphs 8(4) and 9(2A).

33. In paragraph 18, after sub-paragraph (1) insert—

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(6) S.I. 1991/1222. Relevant amending instruments are S.I. 1995/206 and 2002/439.

(7) S.I. 1991/1478. S.I. 2009/2026 makes relevant amendments.

(8) S.I. 1992/1989. Relevant amending instruments are S.I. 2009/1815 and 2012/2007.

(9) S.I. 1992/2071.

(10) S.I. 1992/2645. Relevant amending instruments are S.I. 2001/161 and 2005/617.

(11) S.I. 1993/593. Relevant amending instruments are S.I. 1999/1318, 2001/410, 2005/617 and 2011/1484.

“(1A) In subsection (A1), omit “, (e)”.”.

**34.** In paragraph 21(2)(b), for “both places” substitute “each place”.

**35.** Part 1 of the 1972 Act, as it has effect as set out in Schedule 3 to the Reciprocal Enforcement of Maintenance Orders (Hague Convention Countries) Order 1993, is amended as follows.

**36.** In section 3—

- (a) in subsection (1), for “a magistrates’ court” substitute “the family court”;
- (b) in subsection (4)—
  - (i) before paragraph (a) insert—
    - “(za) a court to transfer proceedings from the family court to the High Court.”; and
  - (ii) in paragraphs (a) and (b)—
    - (aa) after “magistrates’ court” insert “in Northern Ireland”; and
    - (bb) after “High Court” insert “of Justice in Northern Ireland”;
- (c) in subsection (6E), for “a magistrates’ court” substitute “the family court”;
- (d) omit subsection (7); and
- (e) in the title, omit “magistrates”.

**37.** Omit section 5(3).

**38.** In section 8—

- (a) in subsection (2), omit “in the High Court under Part I of the Maintenance Orders Act 1958 or to an order which is for the time being registered”;
- (b) in subsection (3)—
  - (i) for “a registered order” substitute “an order registered in a court in Northern Ireland”; and
  - (ii) for “appropriate officer of the registering” substitute “clerk of that”;
- (c) omit subsection (3A);
- (d) omit subsections (4) to (4B); and
- (e) in subsection (5), for “The magistrates’ court” substitute “A magistrates’ court in Northern Ireland”.

**39.** Omit section 9(1ZA).

**40.** In section 10(3)—

- (a) after “magistrates’ court”, in the first place, insert “in Northern Ireland”; and
- (b) for the words “that part of the United Kingdom in which the registering court is” substitute “Northern Ireland”.

**41.** In section 14—

- (a) in subsection (3)—
  - (i) for “Section 97(1), (3) and (4) of the Magistrates’ Courts Act 1980” substitute “Articles 118(1), (3) and (4), 119 and 120 of the Magistrates’ Courts (Northern Ireland) Order 1981”; and
  - (ii) after “a magistrates’ court” insert “in Northern Ireland”; and
- (b) omit section 14(6).

**42.** In section 17(4)—

- (a) after “magistrates’ court”, in the first place, insert “in Northern Ireland”;
- (b) omit “acting in the same local justice area (or, in Northern Ireland,”; and
- (c) for “district)” substitute “district”.

**43.** In section 18—

- (a) before subsection (1) insert—

“(A1) Rules of court may make provision with respect to the matters that would be mentioned in any of paragraphs (b), (c) and (f) of subsection (1) as if references in those paragraphs to a magistrates’ court, or to magistrates’ courts, were references to the family court.”;

- (b) in subsection (1)—

- (i) for “Rules of court may make provision with respect to” substitute “The matters referred to in subsections (A1) and (2) are”; and

- (ii) in paragraph (a) for “local justice area”, in both places, “substitute “petty sessions district”;

- (c) in subsection (1A), for “(1)” substitute “(A1)”; and

- (d) for the title, substitute “Rules of court”.

**44.** In section 21(1), for the definition of “the appropriate court” substitute—

““the appropriate court”—

- (a) in relation to a person residing in England and Wales means the family court; and
- (b) in relation to a person residing in Northern Ireland means a magistrates’ court, and in relation to a person residing in Scotland means the sheriff court, within the jurisdiction of which that person is residing;”.

**Amendments to the Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1993**

**45.** Insofar as it remains in force for the purposes specified in paragraph 28(1) and (2) of Schedule 7 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011<sup>(12)</sup>, the Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1993<sup>(13)</sup> is amended as follows.

**46.** Schedule 1 is amended as follows.

**47.** In paragraph 5, in the substituted section 5 of the 1972 Act, omit the substituted subsection (2).

**48.** Omit paragraph 8(5).

**49.** In paragraph 19(2)(a), for “both places” substitute “each place”.

**50.** Part 1 of the 1972 Act, as it has effect as set out in Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (Republic of Ireland) Order 1993 is amended as follows.

**51.** In section 3—

- (a) in subsection (1), for “a magistrates’ court” substitute “the family court”;

- (b) in subsection (4)—

- (i) before paragraph (a) insert—

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<sup>(12)</sup> S.I. 2011/1484.

<sup>(13)</sup> S.I. 1993/594. Relevant amending instruments are S.I. 1993/594, 2001/410 and 2005/617. S.I. 1993/594 is revoked, with savings provision, by S.I. 2011/1484.

- “(za) a court to transfer proceedings from the family court to the High Court.”; and
- (ii) in paragraphs (a) and (b)—
- (aa) after “magistrates’ court” insert “in Northern Ireland”; and
- (bb) after “High Court” insert “of Justice in Northern Ireland”;
- (c) omit subsection (7)(b); and
- (d) in the title, omit “magistrates”.
- 52.** In section 5, omit subsection (2).
- 53.** In section 8—
- (a) in subsection (3)—
- (i) for “a registered order” substitute “an order registered in a court in Northern Ireland”; and
- (ii) for “appropriate officer of the registering” substitute “clerk of that”;
- (b) omit subsection (3A);
- (c) omit subsections (4) to (4B); and
- (d) in subsection (5), for “The magistrates’ court” substitute “A magistrates’ court in Northern Ireland”.
- 54.** In section 10(3)—
- (a) after “magistrates’ court”, in the first place, insert “in Northern Ireland”; and
- (b) for the words “that part of the United Kingdom in which the registering court is” substitute “Northern Ireland”.
- 55.** In section 14—
- (a) in subsection (3)—
- (i) for “Section 97(1), (3) and (4) of the Magistrates’ Courts Act 1980” substitute “Articles 118(1), (3) and (4), 119 and 120 of the Magistrates’ Courts (Northern Ireland) Order 1981”; and
- (ii) after “a magistrates’ court” insert “in Northern Ireland”; and
- (b) omit section 14(6).
- 56.** In section 17—
- (a) in the title, for “magistrates’ courts” substitute “the family court in England and Wales or in magistrates’ courts in Northern Ireland”;
- (b) in subsection (4)—
- (i) after “magistrates’ court”, in the first place, insert “in Northern Ireland”;
- (ii) omit “acting in the same local justice area (or, in Northern Ireland,”; and
- (iii) for “district” substitute “district”;
- (c) in subsection (5A), for “a magistrates’ court in England and Wales”, in both places, and for “such a court” substitute “the family court”; and
- (d) in subsection (7) for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”.
- 57.** In section 18—
- (a) before subsection (1), insert—

“(A1) Rules of court may make provision with respect to the matters that would be mentioned in any of paragraphs (b), (c), (e) and (f) of subsection (1) if references in those paragraphs to a magistrates’ court, or to magistrates’ courts, were references to the family court.”;

- (b) in subsection (1)—
  - (i) for the words before paragraph (a) substitute “The matters referred to in subsections (A1) and (2) are—”; and
  - (ii) in paragraph (a) for “local justice area”, in both places, substitute “petty sessions district”;
- (c) in subsection (1A), for “(1)” substitute “(A1)”; and
- (d) for the title, substitute “Rules of court”.

**58.** In section 21(1), for the definition of “the appropriate court” substitute—

““the appropriate court”—

- (a) in relation to a person residing in England and Wales means the family court; and
- (b) in relation to a person residing in Northern Ireland means a magistrates’ court, and in relation to a person residing in Scotland means the sheriff court, within the jurisdiction of which that person is residing.”.

### **Amendments to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995**

**59.** Insofar as it remains in force to the extent specified in article 6 of the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007(**14**), the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995(**15**) is amended as follows.

**60.** Schedule 2 is amended as follows.

**61.** In paragraph 4, in the substituted section 5 of the 1972 Act, omit the substituted subsection (3).

**62.** In paragraph 8—

- (a) in sub-paragraph (2), in the substituted section 9(1)(b) of the 1972 Act, for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”; and
- (b) after sub-paragraph (2), insert—

“(2A) Subsection (1ZA) shall be omitted.”.

**63.** In paragraph 16(3), in the substituted section 17(7) of the 1972 Act—

- (a) in the substituted paragraph (a), for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”; and
- (b) in the substituted paragraph (b), for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”.

**64.** In paragraph 17, after sub-paragraph (1) insert—

“(1A) In subsection (A1), omit “, (e)”.”.

**65.** Part 1 of the 1972 Act, as it has effect as set out in Schedule 3 to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 1995, is amended as follows.

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(14) [S.I. 2007/2005](#).

(15) [S.I. 1995/2709](#). Relevant amending instruments are [S.I. 2001/410](#), [2005/617](#), [2007/2005](#) and [2012/2814](#). [S.I. 1995/2709](#) is revoked, with savings provision, by [S.I. 2007/2005](#).

- 66.** Omit section 5(3).
- 67.** In section 8—
- (a) in subsection (3)—
    - (i) for “a registered order” substitute “an order registered in a court in Northern Ireland”;
    - and
    - (ii) for “appropriate officer of the registering” substitute “clerk of that”;
  - (b) omit subsection (3A);
  - (c) omit subsections (4) to (4B); and
  - (d) in subsection (5), for “The magistrates’ court” substitute “A magistrates’ court in Northern Ireland”.
- 68.** In section 9—
- (a) in subsection (1)(b), for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”; and
  - (b) omit subsection (1ZA).
- 69.** In section 10(3)—
- (a) after “magistrates’ court”, in the first place, insert “in Northern Ireland”; and
  - (b) for the words “that part of the United Kingdom in which the registering court is” substitute “Northern Ireland”.
- 70.** In section 14—
- (a) in subsection (3)—
    - (i) for “Section 97(1), (3) and (4) of the Magistrates’ Courts Act 1980” substitute “Articles 118(1), (3) and (4), 119 and 120 of the Magistrates’ Courts (Northern Ireland) Order 1981”; and
    - (ii) after “a magistrates’ court” insert “in Northern Ireland”; and
  - (b) omit section 14(6).
- 71.** In section 17—
- (a) in the title, for “magistrates’ courts” substitute “the family court in England and Wales or in magistrates’ courts in Northern Ireland”;
  - (b) in subsection (4)—
    - (i) after “magistrates’ court”, in the first place, insert “in Northern Ireland”;
    - (ii) omit “acting in the same local justice area (or, in Northern Ireland,”; and
    - (iii) for “district” substitute “district”;
  - (c) in subsection (5A), for “a magistrates’ court in England and Wales”, in both places, and for “such a court” substitute “the family court”; and
  - (d) in subsection (7)—
    - (i) in paragraph (a), for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”; and
    - (ii) in paragraph (b), for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”.
- 72.** In section 18—
- (a) before subsection (1), insert—



“(A1) Rules of court may make provision with respect to the matters that would be mentioned in any of paragraphs (b), (c) and (f) of subsection (1) if references in those paragraphs to a magistrates’ court, or to magistrates’ courts, were references to the family court.”;

- (b) in subsection (1)—
  - (i) for the words before paragraph (a) substitute “The matters referred to in subsections (A1) and (2) are—”; and
  - (ii) in paragraph (a) for “local justice area”, in both places, substitute “petty sessions district”;
- (c) in subsection (1A) for “(1)” substitute “(A1)”; and
- (d) for the title substitute “Rules of court”.

**73.** In section 21, for the definition of “appropriate court” substitute—

““the appropriate court”—

- (a) in relation to a person residing or having assets in England and Wales means the family court; and
- (b) in relation to a person residing or having assets in Northern Ireland means a magistrates’ court, and in relation to a person residing or having assets in Scotland means a sheriff court, within the jurisdiction of which that person is residing or has assets;”.

#### **Amendment to the Jobseeker’s Allowance Regulations 1996**

**74.** In regulation 169(3) of the Jobseeker’s Allowance Regulations 1996(16), for “within the meaning of section 150(1) of the Magistrates’ Courts Act 1980” substitute “made by the family court”.

#### **Amendment to the Civil Procedure Rules 1998**

**75.** The Civil Procedure Rules 1998(17) are amended as follows.

**76.** In rules 52.13(1)(a) and 52.13(1) and in the second note to rule 52.3(2), after “county court” insert “, family court”.

**77.** Omit rule 4(2) of Order 27 of the County Court Rules 1981 as set out in Schedule 2 to the Civil Procedure Rules 1998.

#### **Amendment to the Community Legal Service (Cost Protection) Regulations 2000**

**78.** In regulation 5(3A)(b) of the Community Legal Service (Cost Protection) Regulations 2000(18), after “High Court” insert “, family court”.

#### **Amendment to the Magistrates’ Courts Warrants (Specification of Provisions) Order 2000**

**79.** Omit article 2(b)(vi) of the Magistrates’ Courts Warrants (Specification of Provisions) Order 2000(19).

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(16) S.I. 1996/207.

(17) S.I. 1998/3132. S.I. 2000/221 makes relevant amendments.

(18) S.I. 2000/824. Relevant amending instruments are S.I. 2001/823 and 2009/2468.

(19) S.I. 2000/3278. S.I. 2004/1835 makes relevant amendments.

### **Amendment of the Justices and Justices' Clerks (Costs) Regulations 2001**

**80.** In regulation 2 of the Justices and Justices' Clerks (Costs) Regulations 2001(**20**), for the definition of "proceedings" substitute—

““proceedings” means proceedings in respect of any act or omission of—

- (a) a justice of the peace in the execution (or purported execution) of any duty as a justice of the peace; or
- (b) a justices' clerk or an assistant clerk in the execution (or purported execution) of any duty exercising, by virtue of an enactment, a function of—
  - (i) a single justice;
  - (ii) the family court; or
  - (iii) a judge of the family court.”.

### **Amendment to the Litigants in Person (Costs and Expenses) (Magistrates' Courts) Order 2001**

**81.** In article 3 of the Litigants in Person (Costs and Expenses) (Magistrates' Courts) Order 2001(**21**), omit “or under section 75 of the Courts Act 2003”.

### **Amendments to the Civil Jurisdiction and Judgments Order 2001**

**82.** Schedule 1 to the Civil Jurisdiction and Judgments Order 2001(**22**) is amended as follows.

**83.** In paragraph 1(4)—

- (a) after “particular magistrates' court” insert “in Northern Ireland”; and
- (b) for the words after “any magistrates' court” substitute “acting for the same petty sessions district as that court”.

**84.** In paragraph 3—

- (a) for sub-paragraph (5), substitute—
  - “(5) A maintenance order which by virtue of Article 39 is enforceable by a magistrates' court in England and Wales shall—
    - (a) be transmitted by the Lord Chancellor to the family court; and
    - (b) be enforceable in the family court in the same manner as a maintenance order made by that court.”;
- (b) in sub-paragraph (7), omit “England and Wales or”; and
- (c) omit sub-paragraph (8)(a).

**85.** In paragraph 5(3)—

- (a) omit “England and Wales or”;
- (b) omit “section 2A of the Maintenance Orders Act 1958 or”; and
- (c) for “enable” substitute “enables”.

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(20) [S.I. 2001/1296](#).

(21) [S.I. 2001/3438](#). [S.I. 2011/1045](#) makes relevant amendments.

(22) [S.I. 2001/3929](#). Relevant amending instruments are [S.I. 2005/617](#) and [2011/1484](#).

### **Amendment to the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004**

86. In regulation 2 of the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004(23), in the definition of “court” for “, a county court or a magistrates’ court” substitute “or the family court”.

### **Amendments to the Justices’ Clerks Rules 2005**

87. The Justices’ Clerks Rules 2005(24) are amended as follows.

88. In rule 2, for “Schedules 1 and 2” substitute “Schedule 1”.

89. In rule 3(1), omit “and paragraphs 1 to 7 of Schedule 2”.

90. Omit rule 3A and Schedule 2.

### **Amendment to the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005**

91. In rule 3(2) of the Justices of the Peace (Size and Chairmanship of Bench) Rules 2005(25), omit “, a family proceedings court”.

### **Amendments to the Fines Collection Regulations 2006**

92. In regulation 30 of the Fines Collection Regulations 2006(26)—

(a) in paragraph (a)—

(i) in sub-paragraph (i), omit “and”; and

(ii) omit sub-paragraph (ii);

(b) in paragraph (b)—

(i) in sub-paragraph (ii), omit “or 11”; and

(ii) in sub-paragraph (iii), omit paragraph (aa);

(c) in paragraph (g)(i), omit “the first occurrence of”;

(d) omit paragraph (i); and

(e) omit paragraph (j)(i).

### **Amendments to the Justices of the Peace (Training and Development Committee) Rules 2007**

93. Subject to articles 102 and 103, the Justices of the Peace (Training and Development Committee) Rules 2007(27) are amended as follows.

94. In rule 2(1)—

(a) in the definition of “approved court chairman”, omit “family proceedings courts,”;

(b) for the definition of “approved family court chairman” substitute—

““approved family court chairman” means a family justice approved in accordance with these Rules to preside in the family court where a matter is heard by more than one family justice;”;

(c) for the definition of “family election meeting” substitute—

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(23) S.I. 2004/2187.

(24) S.I. 2005/545. S.I. 2011/633 makes relevant amendments.

(25) S.I. 2005/553.

(26) S.I. 2006/501. S.I. 2013/534 makes relevant amendments.

(27) S.I. 2007/1609. Relevant amending instruments are S.I. 2011/1493 and 2012/1206.

“family election meeting” means the meeting held in accordance with rule 5(2) of the Family Court (Constitution of Committees: Family Panels) Rules 2014<sup>(28)</sup>”;

- (d) in the definition of “family justice” for “member of a family proceedings court” substitute “judge of the family court”; and
- (e) for the definition of “family panel” substitute—

“family panel” means the Committee established in accordance with rule 2 of the Family Court (Constitution of Committees: Family Panels) Rules 2014, and when a combined family panel has been formed in accordance with rule 4 of those Rules means that combined family panel”.

**95.** In rule 18(2)(a), for “the Family Proceedings Courts (Constitution of Committees and Right to Preside) Rules 2007” substitute “the Family Court (Constitution of Committees: Family Panels) Rules 2014”.

**96.** In rule 31—

- (a) in paragraph (c), for “as a justice in the family proceedings court” substitute “as a judge of the family court”; and
- (b) in paragraph (d), for “in the family proceedings court” substitute “where more than one justice is sitting as a judge of the family court”.

**97.** In rule 35—

- (a) in paragraph (2)—
- (i) in sub-paragraph (b) for “family proceedings court” substitute “family court”; and
- (ii) in sub-paragraph (d) for “a family proceedings court” substitute “the family court”; and
- (b) in paragraphs (3) and (4), for the words after “presiding” substitute “in the family court in accordance with provision made in rules under section 31D of the Matrimonial and Family Proceedings Act 1984<sup>(29)</sup>”.

**98.** In rule 37—

- (a) in paragraph (1), for “a family proceedings court or a youth court” substitute “a youth court or as a judge of the family court”;
- (b) in paragraphs (2) and (3), for “member of a family proceedings court” substitute “judge of the family court”; and
- (c) in paragraph (6), for “member of a family proceedings court or a youth court” substitute “a member of a youth court or as a judge of the family court”.

**99.** In rule 38, for “a family proceedings court or a youth court” substitute “a youth court or as a judge of the family court”.

**100.** In rules 39(1) and 41, for “a family proceedings court or youth court” substitute “a youth court or as a judge of the family court”.

**101.** In rule 40(a), for “family proceedings court” substitute “family court”.

**102.** References in the Justices of the Peace (Training and Development Committee) Rules 2007 as amended by this Order to a family panel or to a combined family panel are to be read to include such a panel established in accordance with the Family Proceedings Courts (Constitution

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<sup>(28)</sup> S.I. 2014/842.

<sup>(29)</sup> 1984 c.42. Section 31D was inserted by paragraph 1 of Schedule 10 to the Crime and Courts Act 2013.

of Committees and Right to Preside Rules 2007(30) prior to the revocation of the latter Rules by this Order.

**103.** References in rules 35(3) and (4) of the Justices of the Peace (Training and Development Committee) Rules 2007 as amended by this Order to occasions presiding in the family court are to be read to include occasions presiding in a family proceedings court in accordance with rule 10(2) of the Family Proceedings Courts (Constitution of Committees and Right to Preside Rules 2007 prior to the revocation of the latter Rules by this Order.

### **Amendments to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007**

**104.** The Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007(31) is amended as follows.

**105.** Schedule 1 is amended as follows.

**106.** In paragraph 3, in the substituted section 5 of the 1972 Act, omit subsection (3A).

**107.** Omit paragraph 6(2).

**108.** In paragraph 15—

- (a) in the substituted section 17(5A) of the 1972 Act, for “a magistrates’ court in England and Wales”, in both places, substitute “the family court”; and
- (b) in the substituted section 17(7) of the 1972 Act, for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”.

**109.** In paragraph 16, after sub-paragraph (1), insert—

“(1A) In subsection (A1), omit “, (e)”.”.

**110.** Part 1 of the 1972 Act, as it has effect as set out in Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (United States of America) Order 2007, is amended as follows.

**111.** Omit section 5(3A).

**112.** In section 8—

- (a) in subsection (2), omit “in the High Court under Part I of the Maintenance Orders Act 1958 or to an order which is for the time being registered”;
- (b) in subsection (3)—
  - (i) for “a registered order” substitute “an order registered in a court in Northern Ireland”;
  - and
  - (ii) for “appropriate officer of the registering” substitute “clerk of that”;
- (c) omit subsection (3A);
- (d) omit subsections (4) to (4B); and
- (e) in subsection (5), for “The magistrates’ court” substitute “A magistrates’ court in Northern Ireland”.

**113.** In section 10(3)—

- (a) after “magistrates’ court”, in the first place, insert “in Northern Ireland”; and
- (b) for the words “that part of the United Kingdom in which the registering court is” substitute “Northern Ireland”.

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(30) S.I. 2007/2621.

(31) S.I. 2007/2005. S.I. 2012/2814 makes relevant amendments.

**114.** In section 14—

- (a) in subsection (3)—
  - (i) for “Section 97(1), (3) and (4) of the Magistrates’ Courts Act 1980” substitute “Articles 118(1), (3) and (4), 119 and 120 of the Magistrates’ Courts (Northern Ireland) Order 1981”; and
  - (ii) after “a magistrates’ court” insert “in Northern Ireland”; and
- (b) omit section 14(6).

**115.** In section 17—

- (a) in the title, for “magistrates’ courts” substitute “the family court in England and Wales or in magistrates’ courts in Northern Ireland”;
- (b) in subsection (4)—
  - (i) after “magistrates’ court”, in the first place, insert “in Northern Ireland”;
  - (ii) omit “acting in the same local justice area (or, in Northern Ireland,); and
  - (iii) for “district” substitute “district”;
- (c) in subsection (5A), for “a magistrates’ court in England and Wales”, in both places, substitute “the family court”; and
- (d) in subsection (7), for “a magistrates’ court” substitute “the family court in England and Wales or a magistrates’ court in Northern Ireland”.

**116.** In section 18—

- (a) before subsection (1), insert—
 

“(A1) Rules of court may make provision with respect to the matters that would be mentioned in any of paragraphs (b), (c) and (f) of subsection (1) if references in those paragraphs to a magistrates’ court, or to magistrates’ courts, were references to the family court.”;
- (b) in subsection (1)—
  - (i) for “Rules of court may make provision with respect to” substitute “The matters referred to in subsections (A1) and (2) are”; and
  - (ii) in paragraph (a) for “local justice area”, in both places, substitute “petty sessions district”;
- (c) in subsection (1A), for “(1)” substitute “(A1)”; and
- (d) for the title, substitute “Rules of court”.

**117.** In section 21, for the definition of “the appropriate court” substitute—

““the appropriate court”—

- (a) in relation to a person residing or having assets in England and Wales means the family court; and
- (b) in relation to a person residing or having assets in Northern Ireland means a magistrates’ court, and in relation to a person residing or having assets in Scotland means a sheriff court, within the jurisdiction of which that person is residing or has assets;”.

### **Amendments to the Recovery of Maintenance (United States of America) Order 2007**

**118.** In article 3 of the Recovery of Maintenance (United States of America) Order 2007<sup>(32)</sup>, in the inserted section 26(3A) of the 1972 Act, for “a justice of the peace” substitute “a judge of the family court”.

### **Amendment to the Reciprocal Enforcement of Maintenance Orders (United States of America) (Scotland) Order 2007**

**119.** Part 1 of the 1972 Act, as it has effect as set out in Schedule 2 to the Reciprocal Enforcement of Maintenance Orders (United States of America) (Scotland) Order 2007<sup>(33)</sup> is amended as follows.

**120.** In section 21(1), in the definition of “the appropriate court”—

(a) after “the appropriate court” insert—

“—

(a)”;

(b) omit “in England and Wales or”; and

(c) after “or has assets” insert—

“and

(b) in relation to a person residing or having assets in England and Wales means the family court;”.

### **Amendment to the Child Support Information Regulations 2008**

**121.** In regulation 6(2)(a) of the Child Support Information Regulations 2008<sup>(34)</sup>, for paragraphs (ii) and (iii) substitute—

“(ii) in relation to the family court, a judge of that court;”.

### **Amendments to the Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009**

**122.** In the Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009<sup>(35)</sup>, omit articles 2, 4(2), 10 and 11.

### **Amendment to the Human Fertilisation and Embryology (Parental Orders) Regulations 2010**

**123.** The Human Fertilisation and Embryology (Parental Orders) Regulations 2010<sup>(36)</sup> are amended as follows.

**124.** Omit regulation 6.

**125.** Omit paragraph 6 of Schedule 4.

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<sup>(32)</sup> S.I. 2007/2006.

<sup>(33)</sup> S.S.I. 2007/354.

<sup>(34)</sup> S.I. 2008/2551. S.I. 2012/2007 makes relevant amendments.

<sup>(35)</sup> S.I. 2009/871.

<sup>(36)</sup> S.I. 2010/985.

## **Amendments to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011**

**126.** Schedule 1 to the Civil Jurisdiction and Judgments (Maintenance) Regulations 2011(37) is amended as follows.

**127.** In paragraph 1(3), for “local justice area (or, in Northern Ireland, the same petty sessions district)” substitute “petty sessions district in Northern Ireland”.

**128.** In paragraph 4—

- (a) in sub-paragraph (1)(a), for “a magistrates’ court” substitute “the family court”;
- (b) in sub-paragraph (2), after “transmitted to” insert “the family court,”;
- (c) in sub-paragraph (6)—
  - (i) in paragraph (a)—
    - (aa) for “a magistrates’ court in England and Wales” substitute “the family court”; and
    - (bb) omit the words after “that court”; and
  - (ii) in paragraph (b), for “section 150(1) of the Magistrates’ Courts Act 1980” substitute “section 1(10) of the Maintenance Enforcement Act 1991”;
- (d) in sub-paragraph (9) for “designated officer” substitute “court officer”; and
- (e) in sub-paragraph (10)—
  - (i) before paragraph (a), insert—
    - “(aa) in England and Wales, to the family court by way of application notice,”; and
  - (ii) in paragraph (a), omit “England and Wales and”.

**129.** In paragraph 6—

- (a) in sub-paragraph (1)(a), for “a magistrates’ court” substitute “the family court”;
- (b) in sub-paragraph (2), after “transmitted to” insert “the family court,”;
- (c) in sub-paragraph (7)—
  - (i) in paragraph (a)—
    - (aa) for “a magistrates’ court in England and Wales” substitute “the family court”; and
    - (bb) omit the words after “that court”; and
  - (ii) in paragraph (b), for “section 150(1) of the Magistrates’ Courts Act 1980” substitute “section 1(10) of the Maintenance Enforcement Act 1991”; and
- (d) in sub-paragraph (10)—
  - (i) for “a magistrates’ court in England and Wales or Northern Ireland” substitute “the family court or, in Northern Ireland, a magistrates’ court”; and
  - (ii) for “designated officer” substitute “court officer”.

**130.** In paragraph 7(a), for “a county court” substitute “the family court”.

**131.** In paragraph 8(3)—

- (a) in paragraph (a), for “a magistrates’ court in England and Wales or” substitute “the family court , or a magistrates’ court in”; and
- (b) in paragraph (b), omit “section 2A of the Maintenance Orders Act 1958 or”.



**132.** In paragraph 11—

- (a) in sub-paragraph (2), for “the designated officer for the magistrates’ court in the local justice area” substitute “the court officer of the family court in the Designated Family Judge area”;
- (b) in sub-paragraph (3)—
  - (i) for “designated officer” substitute “court officer”; and
  - (ii) in paragraph (b)—
    - (aa) for “magistrates’ court” substitute “family court”; and
    - (bb) for the text after “sought” substitute “under the law in force in England and Wales”;
- (c) in sub-paragraph (4), for “designated officer” in both places substitute “court officer”;
- (d) omit sub-paragraph (5);
- (e) in sub-paragraph (6)—
  - (i) for “designated officer” substitute “court officer”; and
  - (ii) for “magistrates’ court” substitute “family court”;
- (f) in sub-paragraph (7)—
  - (i) for “local justice area for which the magistrates’ court acts, the designated officer” substitute “Designated Family Judge area to which the application has been sent, the court officer”; and
  - (ii) in paragraph (a)—
    - (aa) for “another local justice area” substitute “another Designated Family Judge area”; and
    - (bb) for “designated officer of a magistrates’ court acting” substitute “court officer of the family court”;
- (g) in sub-paragraph (8)—
  - (i) for “designated officer” in both places substitute “court officer”; and
  - (ii) for “magistrates’ court” substitute “family court”;
- (h) in sub-paragraph (9)—
  - (i) for “designated officer” substitute “court officer”;
  - (ii) for “magistrates’ court” substitute “family court”; and
  - (iii) for the words after “application under the” substitute “law in force in England and Wales”; and
- (i) in sub-paragraph (10)—
  - (i) in paragraph (c), for “designated officer” substitute “court officer”;
  - (ii) in paragraph (d), for “local justice area” substitute “Designated Family Judge area”; and
  - (iii) for paragraphs (e) and (f), substitute—
    - “(e) references to the courts of England and Wales or to the family court were references to the courts of Northern Ireland;
    - (f) for sub-paragraph (3)(b) there were substituted—
      - “(b) if so, whether the magistrates’ court has power to make the decision or modification sought under—

- (i) the Domestic Proceedings (Northern Ireland) Order 1980;  
or
  - (ii) Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995.”
- (g) after paragraph (4) there were inserted—
- “(5) Where the clerk of petty sessions decides under sub-paragraph (3)(b) that the magistrates’ court does not have power to make the decision or modification sought, the clerk of petty sessions shall send the application to—
- (a) the High Court of Judicature; or
  - (b) a county court,
- as appears to the clerk of petty sessions to be appropriate.”; and
- (h) in sub-paragraph (9) for “the law in force in England and Wales” there were substituted “the Domestic Proceedings (Northern Ireland) Order 1980 or Article 15 of and Schedule 1 to the Children (Northern Ireland) Order 1995.”.

#### **Amendments to the Court Funds Rules 2011**

**133.** In rule 2(b) of the Court Funds Rules 2011~~(38)~~—

- (a) in sub-paragraph (iii), omit “or”;
- (b) in sub-paragraph (iv), for “.” substitute “; or”; and
- (c) after sub-paragraph (iv), insert—  
“~~(v) the family court.~~”.

#### **Amendment to the International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012**

**134.** Omit regulation 2 of the International Recovery of Maintenance (Hague Convention 2007) (Rules of Court) Regulations 2012~~(39)~~.

#### **Amendments to the International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012**

**135.** The International Recovery of Maintenance (Hague Convention 2007 etc.) Regulations 2012~~(40)~~ are amended as follows.

**136.** Schedule 1 is amended as follows.

**137.** Omit paragraph 1(3).

**138.** In paragraph 2—

- (a) in sub-paragraph (1), for “a magistrates’ court” substitute “the family court”;
- (b) in sub-paragraph (2), for “the magistrates’ court designated for these purposes by rules of court” substitute “the family court”;
- (c) in sub-paragraph (8)—

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**(38)** [S.I. 2011/1734](#).

**(39)** [S.I. 2012/1770](#).

**(40)** [S.I. 2012/2814](#).

- (i) for “a magistrates’ court in England and Wales” substitute “the family court”;
  - (ii) omit “save that sections 76 and 93 of the Magistrates’ Courts Act 1980 have effect as modified by section 5(5B) and (5C) of the Civil Jurisdiction and Judgments Act 1982”; and
  - (iii) for “section 150(1) of the Magistrates’ Courts Act 1980” substitute “section 1(10) of the Maintenance Enforcement Act 1991”; and
- (d) in sub-paragraph (10)—
- (i) for “a magistrates’ court in England and Wales” substitute “the family court”; and
  - (ii) for “designated officer for that court” substitute “court officer of the family court in the Designated Family Judge area in which the maintenance decision is registered”.

**139.** In paragraph 3—

- (a) in sub-paragraph (1), for “sub-paragraphs (2) and (3)” substitute “sub-paragraph (2)”; and
- (b) omit sub-paragraphs (3) and (4).

**140.** In paragraph 7—

- (a) in sub-paragraph (1), for “the designated officer for the magistrates’ court in the local justice area” substitute “the court officer of the family court in the Designated Family Judge area”;
- (b) in sub-paragraph (2)—
  - (i) for “designated officer” substitute “court officer”; and
  - (ii) for paragraph (b), substitute—
    - “(b) if so, whether the family court has the power to make the decision or modification sought under the law in force in England and Wales.”;
- (c) in sub-paragraph (3), for “designated officer” in both places substitute “court officer”;
- (d) omit sub-paragraph (4);
- (e) in sub-paragraph (5)—
  - (i) for “designated officer” in both places substitute “court officer”; and
  - (ii) for “magistrates’ court” substitute “family court”;
- (f) in sub-paragraph (6)—
  - (i) for “the local justice area for which the magistrates’ court acts, the designated officer” substitute “the Designated Family Judge area to which the application has been sent, the court officer”; and
  - (ii) in paragraph (a)—
    - (aa) for “another local justice area” substitute “another Designated Family Judge area”; and
    - (bb) for “designated officer of a magistrates’ court acting” substitute “court officer of the family court”;
- (g) in sub-paragraph (7)—
  - (i) for “designated officer” in both places substitute “court officer”; and
  - (ii) for “magistrates’ court” substitute “family court”; and
- (h) in sub-paragraph (8)—
  - (i) for “designated officer” substitute “court officer”;
  - (ii) for “magistrates’ court” substitute “family court”; and

(iii) for the words after “under the” substitute “law in force in England and Wales.”.

**141.** Schedule 2 is amended as follows.

**142.** In paragraph 2—

- (a) in sub-paragraph (1), in the definition of “maintenance decision” for “a magistrates’ court maintenance order within the meaning of section 150(1) of the 1980 Act” substitute “a maintenance order enforceable in the family court”; and
- (b) omit sub-paragraph (2)(c).

**143.** In paragraph 3—

- (a) for sub-paragraph (2), substitute—

“(2) Where payment under a maintenance decision is in arrears, the court may make a driving disqualification order on complaint made by a creditor.”;

- (b) after sub-paragraph (2), insert—

“(2A) A complaint under sub-paragraph (2) shall not be made earlier than the fifteenth day after the making of the maintenance decision to which it relates, but subject to this such a complaint may be made at any time.

(2B) Section 55 of the 1980 Act shall not apply in relation to a complaint under sub-paragraph (2).

(2C) Section 56 of the 1980 Act shall have effect in relation to a complaint under sub-paragraph (2) as if the words “if evidence has been received on a previous occasion” were omitted.

(2D) Sub-paragraph (2E) applies where, at the time and place appointed for the hearing or adjourned hearing of a complaint under sub-paragraph (2), the complainant appears but the defendant does not.

- (2E) The court may proceed in the absence of the defendant if—

- (a) it is proved to the satisfaction of the court, on oath or in such other manner as may be prescribed in rules of court, that the summons was served on the defendant within what appears to the court to be a reasonable time before the hearing or adjourned hearing; or
- (b) the defendant has appeared on a previous occasion to answer the complaint.

(2F) If a complaint under sub-paragraph (2) is substantiated on oath, any justice of the peace acting in the same local justice area as a court having jurisdiction to hear the complaint may issue a warrant for the defendant’s arrest, whether or not a summons has been issued previously.”; and

- (c) in sub-paragraph (3)(b)(ii), for “section 76(5)” substitute “section 59(4)”.

**144.** In paragraph 10, for “section 93 of the 1980 Act” substitute “paragraph 3(2) of this Schedule”.

**145.** In paragraph 3(3) of Schedule 4, for the inserted section 3(1)(ca) of the Attachment of Earnings Act 1971(41), substitute—

- “(ca) without prejudice to paragraphs (a) and (c) above, an officer of the family court if the application is to the family court to secure payments under a maintenance order described in paragraphs 13, 14, 14A or 14B of Schedule 1 and those payments are to be made to the court;”.

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**Status:** *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

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