Courts and Legal Services Act 1990

1990 CHAPTER 41

PART I

PROCEDURE ETC. IN CIVIL COURTS

Family proceedings

9   Allocation of family proceedings which are within the jurisdiction of county courts.

(1) The Lord Chancellor may, with the concurrence of the President of the Family Division, give directions that, in such circumstances as may be specified—

(a)   any family proceedings which are within the jurisdiction of county courts; or

(b)   any specified description of such proceedings,

shall be allocated to specified judges or to specified descriptions of judge.

(2) Any such direction shall have effect regardless of any rules of court.

(3) Where any directions have been given under this section allocating any proceedings to specified judges, the validity of anything done by a judge in, or in relation to, the proceedings shall not be called into question by reason only of the fact that he was not a specified judge.

(4) For the purposes of subsection (1) "county court" includes the principal registry of the Family Division of the High Court in so far as it is treated as a county court.

(5) In this section—

"family proceedings" has the same meaning as in the [M1]Matrimonial and Family Proceedings Act 1984 and also includes any other proceedings which are family proceedings for the purposes of the [M2]Children Act 1989;

"judge" means any person who—

(a)   is capable of sitting as a judge for a county court district;

(b)   is a district judge, an assistant district judge or a deputy district judge; or

2   *Courts and Legal Services Act 1990 (c. 41)*
Part I – Procedure etc. in Civil Courts
Document Generated: 2023-09-23

      (c)   is a district judge of the principal registry of the Family Division of the High Court; and

"specified" means specified in the directions.

Marginal Citations

  M1   1984 c. 42.

  M2   1989 c. 41.

10   Family proceedings in magistrates' courts and related matters.

[**F1**(1) In subsection(2) "family proceedings" means proceedings under Part I of the Domestic Proceedings Magistrates' Courts Act 1978.]

(2) [**F2**Rules made under section 144 of the **M3**Magistrates' Courts Act 1980] may make, in relation to any family proceedings, any provision which—

    (a)   falls within subsection (2) of section 93 of the **M4**Children Act 1989 (rules of court); and

    (b)   may be made in relation to relevant proceedings under section 93 of the Act of 1989.

F3(3) . . . .

F3(4) . . . .

F3(5) . . . .

Textual Amendments

  F1   S. 10(1) substituted (14.10.1991) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 11(1), **Sch. 2 para. 11(1)**; S.I. 1991/2042, **art. 2(a)(b)**

  F2   Words in s. 10(2) substituted (14.10.1991) by Maintenance Enforcement Act 1991 (c. 17, SIF 49:3), s. 11(1), **Sch. 2 para. 11(2)**; S.I. 1991/2042, **art. 2(a)(b)**

  F3   S. 10(3)-(5) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. II**; S.I. 1995/685, **art. 1(2)**

Commencement Information

  I1   S. 10 wholly in force at 1.7.1991 see s. 124(3) and S.I. 1991/1364, art. 2, **Sch.**

Marginal Citations

  M3   1980 C. 43.

  M4   1989 c. 41.

Status:
Point in time view as at 19/08/2003.

Changes to legislation:
Courts and Legal Services Act 1990, Cross Heading: Family proceedings is up to date with all changes known to be in force on or before 23 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.