



# Family Law Act 1996

## 1996 CHAPTER 27

### PART IV

#### FAMILY HOMES AND DOMESTIC VIOLENCE

##### *Jurisdiction and procedure etc.*

#### **57 Jurisdiction of courts.**

- (1) For the purposes of this Part “the court” means the High Court, a county court or a magistrates’ court.
- (2) Subsection (1) is subject to the provision made by or under the following provisions of this section, to section 59 and to any express provision as to the jurisdiction of any court made by any other provision of this Part.
- (3) The Lord Chancellor may [<sup>F1</sup>, after consulting the Lord Chief Justice,] by order specify proceedings under this Part which may only be commenced in—
  - (a) a specified level of court;
  - (b) a court which falls within a specified class of court; or
  - (c) a particular court determined in accordance with, or specified in, the order.
- (4) The Lord Chancellor may [<sup>F2</sup>, after consulting the Lord Chief Justice,] by order specify circumstances in which specified proceedings under this Part may only be commenced in—
  - (a) a specified level of court;
  - (b) a court which falls within a specified class of court; or
  - (c) a particular court determined in accordance with, or specified in, the order.
- (5) The Lord Chancellor may [<sup>F3</sup>, after consulting the Lord Chief Justice,] by order provide that in specified circumstances the whole, or any specified part of any specified proceedings under this Part is to be transferred to—
  - (a) a specified level of court;
  - (b) a court which falls within a specified class of court; or

*Status: Point in time view as at 03/04/2006. This version of this provision has been superseded.*

*Changes to legislation: Family Law Act 1996, Section 57 is up to date with all changes known to be in force on or before 09 August 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. (See end of Document for details)*

- (c) a particular court determined in accordance with, or specified in, the order.
- (6) An order under subsection (5) may provide for the transfer to be made at any stage, or specified stage, of the proceedings and whether or not the proceedings, or any part of them, have already been transferred.
- (7) An order under subsection (5) may make such provision as the Lord Chancellor thinks appropriate [<sup>F4</sup>, after consulting the Lord Chief Justice] for excluding specified proceedings from the operation of section 38 or 39 of the <sup>M1</sup>Matrimonial and Family Proceedings Act 1984 (transfer of family proceedings) or any other enactment which would otherwise govern the transfer of those proceedings, or any part of them.
- (8) For the purposes of subsections (3), (4) and (5), there are three levels of court—
- (a) the High Court;
  - (b) any county court; and
  - (c) any magistrates' court.
- (9) The Lord Chancellor may [<sup>F5</sup>, after consulting the Lord Chief Justice,] by order make provision for the principal registry of the Family Division of the High Court to be treated as if it were a county court for specified purposes of this Part, or of any provision made under this Part.
- (10) Any order under subsection (9) may make such provision as the Lord Chancellor thinks expedient [<sup>F6</sup>, after consulting the Lord Chief Justice,] for the purpose of applying (with or without modifications) provisions which apply in relation to the procedure in county courts to the principal registry when it acts as if it were a county court.
- (11) In this section “specified” means specified by an order under this section.
- [<sup>F7</sup>(12) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his functions under this section.]

#### Textual Amendments

- F1** Words in s. 57(3) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 253(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)
- F2** Words in s. 57(4) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 253(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)
- F3** Words in s. 57(5) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 253(2)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)
- F4** Words in s. 57(7) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 253(3)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)
- F5** Words in s. 57(9) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 253(4)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)
- F6** Words in s. 57(10) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 253(5)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)
- F7** S. 57(12) inserted (3.4.2006) by Constitutional Reform Act 2005 (c. 4), ss. 15, 148, **Sch. 4 para. 253(6)**; S.I. 2006/1014, **art. 2(a)**, Sch. 1 para. 11(v)

#### Marginal Citations

- M1** 1984 c. 42.

**Status:**

Point in time view as at 03/04/2006. This version of this provision has been superseded.

**Changes to legislation:**

Family Law Act 1996, Section 57 is up to date with all changes known to be in force on or before 09 August 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.