
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Magistrates' Courts Act 1980 (c. 43). (See end of Document for details)

SCHEDULES

SCHEDULE 10

THE FAMILY COURT

PART 2

THE FAMILY COURT: FURTHER AMENDMENTS

Magistrates' Courts Act 1980 (c. 43)

39 The Magistrates' Courts Act 1980 is amended as follows.

Commencement Information

II Sch. 10 para. 39 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

40 In section 58(2) (sums recoverable summarily as a civil debt) omit paragraph (a) (including the “or” at the end).

Commencement Information

I2 Sch. 10 para. 40 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

41 (1) Section 59 (orders for periodical payment: means of payment) is amended as follows.

(2) In subsection (1) (duty to exercise powers under subsection (3))—

- (a) omit the words from “then” preceding paragraph (a) to “maintenance order,” in paragraph (b), and
- (b) for “that subsection” substitute “ subsection (3) below ”.

(3) Omit subsections (2), (3)(cc), (3A), (5), (7) to (12) (maintenance orders).

(4) In subsection (3) omit paragraphs (c) to (d).

Commencement Information

I3 Sch. 10 para. 41 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

42 (1) Section 59A (orders for periodical payment: proceedings by designated officer) is amended as follows.

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- (2) In subsections (1) and (2) for “a relevant UK order” substitute “an order made by a magistrates' court”.
- (3) In subsection (7) (interpretation)—
- (a) in the definition of “the relevant designated officer”—
 - (i) after paragraph (a) insert “ and ”, and
 - (ii) omit paragraph (c) and the “and” preceding it,
 - (b) omit the definition of “relevant UK order”, and
 - (c) omit the words after that definition.

Commencement Information

I4 Sch. 10 para. 42 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 43 Omit section 59B (power of magistrates' court to impose penalty for breach of certain maintenance orders).

Commencement Information

I5 Sch. 10 para. 43 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 44 In section 60 (variation etc of orders for periodical payments)—
- (a) omit subsections (3) to (10B) (which relate to maintenance orders), and
 - (b) in subsection (11) (interpretation) omit paragraph (b) and the “and” preceding it.

Commencement Information

I6 Sch. 10 para. 44 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 45 In section 61(2) in the definition of “periodical payments order” omit the words from “, or registered” to “1958,”.

Commencement Information

I7 Sch. 10 para. 45 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 46 (1) Section 62 (payments required to be made to a child) is amended as follows.
- (2) In subsection (1) omit paragraph (b) and the “or” preceding it.
 - (3) In subsection (3) omit “or registered in”.
 - (4) Omit subsection (6) (meaning of “registered”).

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I8 Sch. 10 para. 46 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 47 In section 64 (costs)—
- (a) omit subsections (1A), (4) and (4A),
 - (b) in subsection (2) omit “or (4A)”, and
 - (c) in subsection (3) omit “Subject to subsection (4) below,”.

Commencement Information

I9 Sch. 10 para. 47 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 48 Omit sections 65 to 67, 68A, 69, 70, 71, 73, 74 and 75(2A) to (2C) (family proceedings in magistrates' courts).

Commencement Information

I10 Sch. 10 para. 48 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 49 Omit—
- (a) sections 76(4) to (6), 92(1)(a) and 93 to 95 (enforcement of maintenance orders),
 - (b) in section 80(1) the words “or has ordered the enforcement of a sum due from a person under a magistrates' court maintenance order”, and
 - (c) in section 100 (evidence) paragraph (b) and the “or” preceding it.

Commencement Information

I11 Sch. 10 para. 49 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 50 (1) Section 111A (appeals on ground of error of law etc in family proceedings in a magistrates' court) is amended as follows.
- (2) In subsection (1) for “family proceedings” substitute “ proceedings under the Child Support Act 1991 ”.
 - (3) In subsection (2) (appeal to a county court) for “a county” substitute “ the family ”.
 - (4) In subsection (3)(a) (other rights to appeal exclude right under subsection (2)) before “against” insert “ or the family court ”.
 - (5) Omit subsection (5) (meaning in the section of “family proceedings”).
 - (6) In the title for “family” substitute “ child support ”.

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I12 Sch. 10 para. 50 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

51 In section 112(2) (decisions on appeals under section 111A) for “a county” substitute “the family” in both places.

Commencement Information

I13 Sch. 10 para. 51 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

52 In section 144 (procedure rules for civil proceedings in magistrates' courts and before justices' clerks) after subsection (1) insert—

“(1ZA) Subsection (1) does not apply in relation to functions of justices' clerks given under section 31O(1)(a), or specified in section 31O(2), of the Matrimonial and Family Proceedings Act 1984 (functions in the family court).”

Commencement Information

I14 Sch. 10 para. 52 in force at 22.4.2014 by S.I. 2014/954, art. 2(d) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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