
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Paragraph 86. (See end of Document for details)

SCHEDULES

SCHEDULE 11

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Civil Jurisdiction and Judgments Act 1982 (c. 27)

- 86 (1) The Civil Jurisdiction and Judgments Act is amended as follows.
- (2) In the second sentence of section 5(1) (enforcement of maintenance orders under 1968 Convention) after “Article 32” insert “but, if the appropriate court is a magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court”.
- (3) In section 5(2) (determination of transmitted application) for “officer of that court” substitute “officer—
- (a) of the family court if the application is transmitted to that court, or
 - (b) in any other case, of the court having jurisdiction in the matter”.
- (4) Omit section 5(5A) to (5C) (enforcement in magistrates' courts in England and Wales).
- (5) In section 5(7) omit “England and Wales or”.
- (6) In section 5(8) omit paragraph (a) (including the “and” at the end).
- (7) In the second sentence of section 5A(1) (enforcement of maintenance orders under the Lugano Convention of 2007) after “Article 39” insert “but, if the appropriate court is a magistrates' court in England and Wales, the Lord Chancellor is to transmit the application to the family court”.
- (8) In section 5A(2) (determination of transmitted application) for “officer of” substitute “officer—
- (a) of the family court if the application is transmitted to that court, or
 - (b) in any other case, of”.
- (9) Omit section 5A(5) (enforcement in magistrates' courts in England and Wales).
- (10) In section 5A(7) omit “England and Wales or”.
- (11) In section 5A(9) omit paragraph (a) (including the “and” at the end).
- (12) Omit sections 6(3)(a) and 6A(3)(a) (appeals in England and Wales).
- (13) In section 7(4) (interest on arrears)—

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- (a) omit “England and Wales or”,
 - (b) omit “section 2A of the Maintenance Orders Act 1958 or”, and
 - (c) for “enable” substitute “ enables ”.
- (14) In section 15(3) (jurisdiction of magistrates' courts)—
- (a) after “particular magistrates' court” insert “ in Northern Ireland ”, and
 - (b) for “in the same local justice area (or, in Northern Ireland, for the same petty sessions district)” substitute “ for the same petty sessions district ”.
- (15) In section 36(1)(b) (registration of maintenance orders) for “county court order, a magistrates” substitute “ family ”.
- (16) In section 48(3) (rules of court relating to maintenance orders)—
- (a) in the words before paragraph (a) for “magistrates' courts,” substitute “the family court, the power to make rules of court for magistrates' courts in Northern Ireland,”,
 - (b) in paragraphs (a) and (g) after “purposes of” insert “ the family court or ”, and
 - (c) in paragraphs (f) and (h) after “which” insert “ the family court or ”.
- (17) In section 50 (interpretation) in the definition of “court of law”—
- (a) after paragraph (a) insert—
 - “(aa) in England and Wales, the Court of Appeal, the High Court, the Crown Court, the family court, the county court and a magistrates' court,”, and
 - (b) in paragraph (b) omit “England and Wales or”.

Commencement Information

- II** Sch. 11 para. 86 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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