

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Family Law Act 1996 (c. 27). (See end of Document for details)

SCHEDULES

SCHEDULE 11

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Family Law Act 1996 (c. 27)

129 The Family Law Act 1996 is amended as follows.

Commencement Information

II Sch. 11 para. 129 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)

130 In section 45(2)(c) (ex parte orders: prejudice resulting from delay in effecting service) for the words from “involved—” to “case,” substitute “involved”.

Commencement Information

I2 Sch. 11 para. 130 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)

131 In section 46(5) (power to accept undertaking instead of making occupation or non-molestation order does not affect other powers of High Court and county court) for “the county court” substitute “the family court”.

Commencement Information

I3 Sch. 11 para. 131 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)

132 In section 47 (arrest for breach of order)—

- (a) in subsection (11) (which introduces Schedule 5) for “a county court” substitute “the family court”, and
- (b) in subsection (12) (requirements to prevent person granted bail, following alleged breach of order, from interfering with witnesses etc) omit “(whether in the High Court or a county court under Schedule 5 or in a magistrates' court under section 128 or 129 of the Magistrates' Courts Act 1980)”.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Family Law Act 1996 (c. 27). (See end of Document for details)

Commencement Information

I4 Sch. 11 para. 132 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)

133 Section 50 (power of magistrates' court to suspend execution of a committal order) is repealed.

Commencement Information

I5 Sch. 11 para. 133 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)

134 Section 51 (power of magistrates' court to order hospital admission or guardianship) is repealed.

Commencement Information

I6 Sch. 11 para. 134 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)

135 (1) Section 57 (jurisdiction of courts under Part 4) is amended as follows.
 (2) In subsection (1) (default meaning of “the court”) for “the High Court, a county court or a magistrates' court” substitute “ the High Court or the family court ”.
 (3) Omit subsections (2) to (12) (jurisdiction: Lord Chancellor's powers).

Commencement Information

I7 Sch. 11 para. 135 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)

136 Section 59 (jurisdiction of magistrates' courts under Part 4) is repealed.

Commencement Information

I8 Sch. 11 para. 136 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)

137 Section 61 (appeals) is repealed.

Commencement Information

I9 Sch. 11 para. 137 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)

138 In section 63(1) (interpretation of Part 4), in the definition of “the relevant judicial authority”, for paragraphs (b) and (c) substitute—
 “(aa) where the order was made by the family court, a judge of that court.”

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Family Law Act 1996 (c. 27). (See end of Document for details)

Commencement Information

I10 Sch. 11 para. 138 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)

- 139 (1) Section 63M (jurisdiction of courts under Part 4A) is amended as follows.
- (2) In subsection (1) (default meaning of “the court”) for “a county court” substitute “the family court”.
- (3) Omit subsections (2) to (4) (application of section 57(3) to (12) with modification).

Commencement Information

I11 Sch. 11 para. 139 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)

- 140 Section 63N (power to extend jurisdiction to magistrates' courts) is repealed.

Commencement Information

I12 Sch. 11 para. 140 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)

- 141 Section 63P (appeals: Part 4A) is repealed.

Commencement Information

I13 Sch. 11 para. 141 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)

- 142 In section 63S (interpretation of Part 4A) in the definition of “the relevant judge”, in paragraph (b) for the words after “where the order was made by” substitute “the family court, a judge of that court.”

Commencement Information

I14 Sch. 11 para. 142 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)

- 143 In section 65 (rules, regulations and orders)—
- (a) in subsection (3) omit “, 63N”, and
- (b) in subsection (4) omit “or 63N”.

Commencement Information

I15 Sch. 11 para. 143 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)

- 144 (1) Paragraph 1 of Schedule 5 (powers to remand: meaning of “the court”) is amended as follows.

Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Family Law Act 1996 (c. 27). (See end of Document for details)

- (2) In the words before paragraph (a) for “a county court” substitute “ the family court ”.
- (3) In paragraph (b) for the words after “in relation to” substitute “ the family court, a judge of that court. ”

Commencement Information

I16 Sch. 11 para. 144 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)

- 145 In paragraph 1 of Schedule 7 (transfer of certain tenancies on divorce etc or on separation of cohabitants: interpretation) for the definition of “the court” substitute—

““the court” means the High Court or the family court,”.

Commencement Information

I17 Sch. 11 para. 145 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)

Changes to legislation:

There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross
Heading: Family Law Act 1996 (c. 27).