

SCHEDULES

SCHEDULE 11

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Married Women's Property Act 1882 (c. 75)

- 1 The Married Women's Property Act 1882 is amended as follows.
- 2 In section 10 (court's power to order transfer investment and dividends to husband where investment made with his money and without his consent) for "the Court" substitute "the High Court or the family court".
- 3 In section 17 (power of High Court and prescribed county court to make orders in relation to disputes between husband and wife about title to or possession of property)
—
 - (a) for "such county court as may be prescribed" substitute "the family court", and
 - (b) omit the words after "rules of court".

Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

- 4 (1) The Maintenance Orders (Facilities for Enforcement) Act 1920 is amended in accordance with paragraphs 5 to 11.
 - (2) The amendments made by paragraphs 5 to 11 cease to have effect on the coming into force of the repeal of the Maintenance Orders (Facilities for Enforcement) Act 1920 by section 22(2)(a) of the Maintenance Orders (Reciprocal Enforcement) Act 1972.
- 5 In section 1(2) (courts in which maintenance orders from Her Majesty's dominions outside the United Kingdom are to be registered) after "and, if the court was not a court of superior jurisdiction, be" insert "the family court or, in Northern Ireland,".
- 6 (1) Section 3 (power of courts in England and Wales, or Northern Ireland, to make provisional orders of maintenance against certain persons resident outside the United Kingdom) is amended as follows.
 - (2) In subsection (1) (circumstances in which provisional orders may be made) for "a court of summary jurisdiction in England or Ireland" substitute "the family court, or in Northern Ireland to a court of summary jurisdiction,".
 - (3) In subsection (4) (taking of evidence by court of summary jurisdiction at request of court in a part of Her Majesty's dominions outside the United Kingdom)—
 - (a) omit "of summary jurisdiction" in the first place, and

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- (b) after “that court or” insert “, in Northern Ireland,”.
 - (4) In subsection (5) (confirmation of order does not affect any power of court of summary jurisdiction to vary or revoke order, provided certain requirements are met)
 - (a) after “any power of” insert “the family court, or”, and
 - (b) after “summary jurisdiction” insert “in Northern Ireland,”.
 - (5) Omit subsection (7) (variation etc in a magistrates’ court in England and Wales).
- 7
- (1) Section 4 (power of court of summary jurisdiction to confirm maintenance order made outside the United Kingdom) is amended as follows.
 - (2) In subsection (1) (procedure for determining whether order should be confirmed by court of summary jurisdiction)—
 - (a) after “confirmed by” insert “the family court or by”,
 - (b) omit “England or” in the first place,
 - (c) after “send the said documents” insert “to the family court if it appears to the Lord Chancellor that the person is resident in England and Wales or”, and
 - (d) after “court of summary jurisdiction”, in the second place, insert “in Northern Ireland if it appears to the Lord Chancellor that the person is resident in Northern Ireland”.
 - (3) In subsection (5A) (exercise of powers where a magistrates’ court in England and Wales confirms a provisional order)—
 - (a) for “a magistrates” substitute “the family”, and
 - (b) for “shall” substitute “may”.
 - (4) In subsection (5B) (available powers)—
 - (a) in each of paragraphs (a) and (b) for “the designated officer for the court or for any other magistrates’ court” substitute “the family court”, and
 - (b) in paragraph (b) for “59(6) of the Magistrates’ Courts Act 1980” substitute “1(5) of the Maintenance Enforcement Act 1991”.
 - (5) In subsection (5C) (deciding on exercise of powers)—
 - (a) for “which of the” substitute “whether to exercise any of its”, and
 - (b) omit “it is to exercise”.
 - (6) In subsection (5D) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates’ Courts Act 1980” substitute “Subsection (6) of section 1 of the Maintenance Enforcement Act 1991”.
 - (7) In subsection (6) omit “Subject to subsection (6A),”.
 - (8) Omit subsection (6A) (modifications of section 60 of the Magistrates’ Courts Act 1980).
- 8
- (1) Section 4A (variation and revocation of maintenance orders) is amended as follows.
 - (2) In subsection (2) (jurisdiction of magistrates’ court where respondent resides in a part of Her Majesty’s dominions outside the United Kingdom to which the Act extends) for “a magistrates’ court in England and Wales” substitute “the family court”.

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- (3) In subsection (4) (magistrates' court hearings in absence of respondent), in paragraph (a) for "a magistrates' court in England and Wales" substitute "the family court".
- (4) In subsection (5) (application of subsection (4) to Northern Ireland with modifications) in paragraph (c) for "'a magistrates' court in England and Wales'" substitute "'the family court'".
- 9 (1) Section 6 (mode of enforcing orders) is amended as follows.
- (2) In subsection (1) (enforcement steps to be taken by court of summary jurisdiction) omit "of summary jurisdiction".
- (3) For subsection (2) substitute—
- “(2) Every such order registered in or confirmed by the family court is enforceable as if it were an order made by the family court and as if that court had had jurisdiction to make it.”
- (4) In subsection (3) (execution of a warrant in a part of the United Kingdom in which the issuing court does not have jurisdiction) after "issued by" insert "the family court or".
- 10 In section 9 (use of depositions taken outside United Kingdom) after "courts of summary jurisdiction" insert ", or the family court,".
- 11 In section 11(z) (application of section 3 to Northern Ireland) for "for subsection (7) of that section there shall be substituted" substitute "after subsection (6) of that section there shall be inserted".

Marriage Act 1949 (c. 76)

- 12 The Marriage Act 1949 is amended as follows.
- 13 In section 3(5) (marriage of persons aged 16 or 17: meaning of "the court" and provision about rules of court)—
- (a) for the words from "the county court of the district" to the second "in which any applicant or respondent resides" substitute "or the family court",
- (b) omit paragraph (b), and
- (c) in paragraph (c) for "a court of summary jurisdiction" substitute "the family court".
- 14 (1) Section 27B (provisions relating to section 1(3) marriages) is amended as follows.
- (2) In subsection (4) (certificate not to be issued if alleged that section 1(3) criteria not met, unless declaration obtained from High Court under subsection (5)) omit "from the High Court".
- (3) In subsection (5) (application to High Court for declaration) after "High Court" insert "or the family court".

Maintenance Orders Act 1950 (c. 37)

- 15 The Maintenance Orders Act 1950 is amended as follows.
- 16 In section 4(1) (court of summary jurisdiction in England has jurisdiction in proceedings for the recovery of sums under certain provisions against person residing

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- in Scotland or Northern Ireland) for “A court of summary jurisdiction in England” substitute “The family court”.
- 17 (1) In section 15(2) and (3) (service of process: endorsement by, and declarations before, justices of the peace etc) for “justice of the peace” substitute “judge of the family court”.
- (2) In Schedule 2 (forms)—
- (a) in the form numbered 1 (endorsement of summons) for “justice of the peace” substitute “judge of the family court”, and
- (b) in the form numbered 2 (declaration as to service) for “Justice of the Peace” substitute “judge of the family court”.
- 18 (1) Section 17 (procedure for registration of maintenance orders) is amended as follows.
- (2) Omit subsection (1)(a) (authority to whom application is to be made for registration of maintenance order made by court of summary jurisdiction in England).
- (3) In subsection (3)(b) (court to whose officer certified copy of maintenance order is to be sent) for the words after “in any other case” substitute “—
- (i) where the defendant appears to be in England and Wales, the family court;
- (ii) where the defendant appears to be in Northern Ireland, a court of summary jurisdiction acting for the place in which the defendant appears to be;
- (iii) where the defendant appears to be in Scotland, the sheriff court within the jurisdiction of which the defendant appears to be.”
- (4) In subsection (6) (court officer may apply, on behalf of person entitled to maintenance payments made to or through the officer, for registration of order under which they are made) for “made by a court of summary jurisdiction in England or Northern Ireland” substitute “made by the family court or a court of summary jurisdiction in Northern Ireland”.
- 19 (1) Section 18 (enforcement of registered orders) is amended as follows.
- (2) In subsection (1A) (interest)—
- (a) after “under this Part of this Act in” insert “the family court or”,
- (b) omit “England or”,
- (c) omit “Part I of the Maintenance Orders Act 1958 or”, and
- (d) omit “section 2A of the said Act of 1958 or”.
- (3) Omit subsections (2) to (2ZB) (enforcement of registered orders in magistrates’ courts).
- (4) In subsection (2A) (offence of not giving notice of change of address to proper officer) omit “England or”.
- (5) In subsection (2B) (meaning of “proper officer”) omit paragraph (a) (including the “and” at the end).
- 20 (1) Section 19 (functions of collecting officer etc) is amended as follows.
- (2) In subsection (1) (provisions in maintenance order about payment to court have no effect if order is registered)—

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- (a) for “or”, in the first place, substitute “by the family court or in”, and
 - (b) after “through or to any” insert “court or”.
- (3) In subsection (2) (court in which maintenance order registered to order payment to be made through collecting officer) omit—
 - (a) “England or” in both places, and
 - (b) “, as the case may be”.
- (4) Omit subsection (3)(a) (variation etc of orders made in England and Wales under subsection (2)).
- (5) In subsection (4) after “through or to any” insert “court or”.
- 21 In section 20(1)(a) (certificates as to arrears under registered maintenance orders)—
 - (a) after “to or through” insert “a court or”, and
 - (b) after “signed by” insert “an officer of that court or (as the case may be)”.
- 22 (1) Section 22 (discharge and variation of maintenance orders registered in summary or sheriff courts) is amended as follows.
 - (2) In subsection (1) (variation of maintenance order) for “a court of summary jurisdiction or” substitute “the family court, a court of summary jurisdiction in Northern Ireland or a”.
 - (3) For subsections (1A) to (1E) (powers of magistrates’ courts in England and Wales to vary registered orders) substitute—

“(1A) The family court may exercise the same powers in relation to an order registered in the family court under this Part of this Act as are exercisable by the family court under section 1 of the Maintenance Enforcement Act 1991 in relation to a qualifying periodical maintenance order (within the meaning of that section) which has been made by the family court, including the power under subsection (7) of that section to revoke, suspend, revive or vary any means of payment order (within the meaning of that subsection) made by virtue of this subsection.”
 - (4) In subsection (4) (court in which order registered may vary it only under subsection (1)) for “a court of summary jurisdiction or” substitute “the family court, a court of summary jurisdiction in Northern Ireland or a”.
 - (5) In subsection (5) (evidence) for “a court of summary jurisdiction or” substitute “the family court, a court of summary jurisdiction in Northern Ireland or a”.
- 23 (1) Section 24 (cancellation of registration) is amended as follows.
 - (2) In subsection (2) (notice by appropriate authority where defendant ceases to reside in England and Wales, Northern Ireland or Scotland) for “a court of summary jurisdiction in England or Northern Ireland” substitute “the family court, a court of summary jurisdiction in Northern Ireland”.
 - (3) In subsection (5A) (effect of cancellation of registration in a magistrates’ court in England and Wales)—
 - (a) in the words before paragraph (a) for “a magistrates’” substitute “the family”,
 - (b) in paragraph (a) omit “section 18(2ZA) or” and “or (1E)”, and
 - (c) in paragraph (b)—

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- (i) for “the designated officer for a magistrates’ court in England and Wales” substitute “the family court”, and
 - (ii) for “59(6) of the Magistrates’ Courts Act 1980” substitute “1(5) of the Maintenance Enforcement Act 1991”.
- (4) In subsection (6) (orders under section 19(2)) omit “England or”.
- 24 In section 25(3) (rules as to procedure of courts of summary jurisdiction) for “a court of summary jurisdiction in England or Northern Ireland” substitute “the family court or a court of summary jurisdiction in Northern Ireland”.
- 25 In section 28(1) (interpretation) in the definition of “collecting officer” omit “in relation to a court of summary jurisdiction in England, means the designated officer for the court, and”.

Matrimonial Causes (Property and Maintenance) Act 1958 (c. 35)

- 26 (1) Section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 (which extends section 17 of the Married Women’s Property Act 1882 to certain disputes relating to property in which a wife claims a beneficial interest) is amended as follows.
- (2) In subsection (1) (which refers to any right of a wife under section 17 of the 1882 Act to apply to a judge of the High Court or of a county court) for “a county court” substitute “the family court”.
- (3) In subsection (2) (extension of the judge’s power to make orders under section 17 of the 1882 Act as extended by subsection (1)) for “a county court” substitute “the family court”.

Law Reform (Miscellaneous Provisions) Act 1970 (c. 33)

- 27 In section 2(2) of the Law Reform (Miscellaneous Provisions) Act 1970 (section 17 of the Married Women’s Property Act 1882 and section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 apply to certain disputes between parties to a broken engagement) for “a county court” substitute “the family court”.

Matrimonial Proceedings and Property Act 1970 (c. 45)

- 28 (1) The Matrimonial Proceedings and Property Act 1970 is amended as follows.
- (2) In section 30(2) (order for maintenance of party to marriage made by magistrates’ court to cease to have effect on remarriage of that party) for “a magistrates’ court”, in both places, substitute “the family court”.
- (3) In section 39 (extension of section 17 of the Married Women’s Property Act 1882 to certain cases where marriage dissolved or annulled) for “a county court” substitute “the family court”.

Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 29 The Maintenance Orders (Reciprocal Enforcement) Act 1972 is amended as follows.
- 30 (1) Section 3 (magistrates’ court may make provisional maintenance order against person residing in reciprocating country) is amended as follows.

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- (2) In subsection (1) for “a magistrates’ court” substitute “the family court”.
 - (3) In subsection (4) (application not to be transferred etc)—
 - (a) before paragraph (a) insert—
 - “(za) a court to transfer proceedings from the family court to the High Court,” and
 - (b) in paragraphs (a) and (b) after “magistrates’ court” insert “in Northern Ireland”, and
 - (c) in those paragraphs after “High Court” insert “of Justice in Northern Ireland”.
 - (4) In subsection (6) (effect of order being confirmed) omit “magistrates”.
 - (5) Omit subsection (7)(b) (Northern Ireland: application of subsection (4)).
 - (6) In the title omit “magistrates”.
- 31 In section 4(6) (Scotland: application of section 3(5) and (6)) after “for references to” insert “a court that are references to the family court or”.
- 32 Omit section 5(3A) (modification of section 60 of Magistrates’ Courts Act 1980 in relation to maintenance orders to which section 5 applies).
- 33 In section 7 (confirmation of order made in reciprocating country)—
 - (a) in subsection (5A) (court to exercise one of its powers under subsection (5B) upon confirming order)—
 - (i) for “a magistrates’ court in England and Wales” substitute “the family court”, and
 - (ii) for “shall” substitute “may”,
 - (b) in subsection (5B) (available powers)—
 - (i) in each of paragraphs (a) and (b) for the words from “the designated” to “Wales” substitute “the court”,
 - (ii) in paragraph (b) for “59(6) of the Magistrates’ Courts Act 1980” substitute “1(5) of the Maintenance Enforcement Act 1991”,
 - (c) in subsection (5C) (deciding on exercise of powers)—
 - (i) for “which of the” substitute “whether to exercise any of its”, and
 - (ii) omit “it is to exercise”, and
 - (d) in subsection (5D) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates’ Courts Act 1980” substitute “Subsection (6) of section 1 of the Maintenance Enforcement Act 1991”.
- 34 In section 8 (enforcement of registered maintenance orders)—
 - (a) in subsection (3) (offence of not giving notice of change of address to appropriate officer)—
 - (i) for “a registered order” substitute “an order registered in a court in Northern Ireland”, and
 - (ii) for “appropriate officer of the registering” substitute “clerk of that”,
 - (b) omit subsection (3A) (meaning of “appropriate officer”),
 - (c) omit subsections (4) to (4B) (enforcement by magistrates’ courts in England and Wales), and

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- (d) in subsection (5) (magistrates' court to take prescribed steps) for "The magistrates' court" substitute "A magistrates' court in Northern Ireland".
- 35 Omit section 9(1ZA) (modification of section 60 of Magistrates' Courts Act 1980 in relation to registered order).
- 36 In section 10(3) (transfer to other magistrates' court)—
- (a) after "magistrates' court", in the first place, insert "in Northern Ireland", and
- (b) for the words from "that part" to "court is" substitute "Northern Ireland".
- 37 (1) In section 14(3) (compelling attendance of witnesses etc)—
- (a) for the words from "Section" to "1980" substitute "Articles 118(1), (3) and (4), 119 and 120 of the Magistrates' Courts (Northern Ireland) Order 1981", and
- (b) after "a magistrates' court" insert "in Northern Ireland".
- (2) Omit section 14(6) (Northern Ireland: modifications).
- 38 In section 17 (proceedings in magistrates' courts)—
- (a) in subsection (4) (courts in same area have same jurisdiction)—
- (i) after "magistrates' court", in the first place, insert "in Northern Ireland",
- (ii) omit the words from "acting", in the first place, to "Northern Ireland", and
- (iii) for "district" substitute "district",
- (b) in subsection (5A) (jurisdiction where respondent resides in reciprocating country) for "a magistrates' court in England and Wales", in both places, and for "such a court", substitute "the family court", and
- (c) in subsection (7) (proceedings in absence of respondent) for "a magistrates' court", in both places, substitute "the family court in England and Wales or a magistrates' court in Northern Ireland".
- 39 (1) Section 18 (magistrates' courts rules) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) Rules of court may make provision with respect to the matters that would be mentioned in any of paragraphs (b), (c), (e) and (f) of subsection (1) if references in those paragraphs to a magistrates' court, or to magistrates' courts, were references to the family court.”
- (3) In subsection (1) (provision which may be made in rules of court)—
- (a) for the words before paragraph (a) substitute "The matters referred to in subsections (A1) and (2) are—", and
- (b) in paragraph (a) for "local justice area", in both places, substitute "petty sessions district".
- (4) In subsection (1A) (further provision about rules of court in relation to England and Wales) for "(1)" substitute "(A1)".
- (5) For the title substitute "Rules of court".
- 40 In section 21(1) in the definition of "the appropriate court"—
- (a) after "“the appropriate court”" insert "—

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- (a)",
and
- (b) for "Wales or" substitute "Wales means the family court; and
(b) in relation to a person residing or having assets".
- 41 (1) Section 23 (orders registered in High Court under Maintenance Orders (Facilities for Enforcement) Act 1920) is amended as follows.
- (2) In subsection (1) (orders registered at time when 1920 Act ceases to apply)—
- (a) after "High Court", in the first place, insert "or the High Court of Justice in Northern Ireland",
- (b) for "the High Court", in the second place, substitute "subsection (1A) applies in relation to the order.
- (1A) Where the order was at that time registered in the High Court, that court may, on an application by the payer or the payee under the order or of its own motion, transfer the order to the family court, with a view to the order being registered in the family court under this Part of this Act; and where the order was at that time registered in the High Court of Justice in Northern Ireland, that court",
- (c) after "magistrates' court" insert "in Northern Ireland", and
- (d) after "registered in that" insert "magistrates".
- (3) Before subsection (2) insert—
- "(1B) Where the High Court transfers an order to the family court under this section it shall—
- (a) cause a certified copy of the order to be sent to an officer of the family court, and
- (b) cancel the registration of the order in the High Court."
- (4) In subsection (2) (certified copy to be sent to court which is to register order) after "High Court", in the first place, insert "of Justice in Northern Ireland".
- (5) In subsection (3) (officer to register order) omit "appropriate".
- (6) In subsection (4)—
- (a) for "the magistrates'" substitute "a", and
- (b) for "appropriate officer of the court" substitute "officer registering it".
- (7) Omit subsection (5) (Northern Ireland: modification).
- (8) In subsection (6) (meaning of "appropriate officer") for the words from "means—" to the end substitute ", in relation to a magistrates' court in Northern Ireland, means the clerk of the court."
- 42 In section 26(6)(a) (appropriate officer) for the words from "the designated" to the end substitute "an officer of the family court".
- 43 In section 27B (sending application to which section 27A applies to appropriate magistrates' court)—
- (a) in subsection (1) for the words from "designated" to the end substitute "family court",
- (b) in subsection (2) (attempted service of respondent)—
- (i) for "Subject to subsection (4) below, if" substitute "If",

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- (ii) for “a magistrates’ court having jurisdiction to hear it” substitute “the family court”,
 - (iii) for “designated officer for the” substitute “family”, and
 - (iv) for “he” substitute “the family court”,
 - (c) omit subsections (4) and (5) (sending on of application to another magistrates’ court), and
 - (d) in the title for “appropriate magistrates” substitute “family”.
- 44 In section 27C (applications to which section 27A applies: general)—
- (a) in subsection (1) for “a magistrates” substitute “the family”,
 - (b) omit subsection (2) (disapplication of section 59 of Magistrates’ Courts Act 1980),
 - (c) in subsection (3) (court to exercise one of its powers under subsection (4) upon making order) for “shall” substitute “may”,
 - (d) in subsection (4) (available powers)—
 - (i) in each of paragraphs (a) and (b) for the words from “the designated” to “Wales” substitute “the court”, and
 - (ii) in paragraph (b) for “59(6) of the Magistrates’ Courts Act 1980” substitute “1(5) of the Maintenance Enforcement Act 1991”,
 - (e) in subsection (5) (deciding on exercise of powers)—
 - (i) for “which of the” substitute “whether to exercise any of its”, and
 - (ii) omit “it is to exercise”,
 - (f) in subsection (6) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates’ Courts Act 1980” substitute “Subsection (6) of section 1 of the Maintenance Enforcement Act 1991”, and
 - (g) in subsection (7) (registration)—
 - (i) omit “designated officer for the”, and
 - (ii) omit “in the court”.
- 45 In section 28 (applications by spouses under the Domestic Proceedings and Magistrates’ Courts Act 1978)—
- (a) in subsection (1) (orders court may make)—
 - (i) for “The magistrates’ court” substitute “On”, and
 - (ii) after “1978” insert”, the family court”, and
 - (b) in subsection (2) (modifications of 1978 Act)—
 - (i) in paragraph (a) for “to 27” substitute “, 26”, and
 - (ii) omit paragraph (b), but not the “and” following it.
- 46 In section 28A (applications by former spouses under the Domestic Proceedings and Magistrates’ Courts Act 1978)—
- (a) in subsection (2) (jurisdiction of magistrates’ court) for the words from the beginning to “it” substitute “The family court shall have jurisdiction to hear the application”,
 - (b) in subsection (3) (court’s powers) for “magistrates’ court hearing the application” substitute “family court”, and
 - (c) in subsection (6) (modifications of 1978 Act)—
 - (i) in paragraph (e) for “and 25 to 28” substitute “25, 26 and 28”, and
 - (ii) omit paragraph (f), but not the “and” following it.

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- 47 Section 28B (certain orders under Schedule 11 to the Children Act 1989 do not apply) is repealed.
- 48 (1) Section 32 (transfer of orders) is amended as follows.
- (2) In subsection (2) (transfer to other magistrates' court)—
- (a) for “the appropriate officer”, in the first and second places, substitute “the clerk”,
 - (b) after “magistrates' court”, in the first place, insert “in Northern Ireland”,
 - (c) for the words from “that part” to “court is” substitute “Northern Ireland”, and
 - (d) for “the appropriate officer”, in the third place, substitute “that clerk”.
- (3) Omit subsection (2A) (meaning of “appropriate officer”).
- (4) In subsection (8) in the definition of “the appropriate court”—
- (a) after ““the appropriate court”” insert “—
(a)”,
and
 - (b) for “Wales or” substitute “Wales, means the family court; and
(b) in relation to a person residing”.
- 49 In section 33 (enforcement of orders)—
- (a) omit subsections (3) and (3A) (enforcement by magistrates' courts in England and Wales),
 - (b) in subsection (3B) (enforcement by courts of summary jurisdiction in Northern Ireland) after “jurisdiction”, in the first place, insert “in Northern Ireland”, and
 - (c) in subsection (4) (magistrates' court to take prescribed steps) after “court” insert “in Northern Ireland”.
- 50 In section 34 (variation and revocation of orders)—
- (a) in subsection (1) (powers of registering court etc) omit “subsection (3A) below and”,
 - (b) in subsection (3) (officer to whom application to be sent) for the words from “shall” to the end substitute “shall—
 - (a) if the registering court is the family court, send the application together with any documents accompanying it to that court;
 - (b) if the registering court is a magistrates' court in Northern Ireland, send the application together with any documents accompanying it to the clerk of that court.”, and
 - (c) omit subsection (3A) (modification of section 60 of Magistrates' Courts Act 1980 in relation to registered orders).
- 51 (1) Section 34A (variation of orders by magistrates' courts in England and Wales) is amended as follows.
- (2) In subsection (1) (application of certain provisions)—
- (a) for “a magistrates' court in England and Wales” substitute “the family court”, and
 - (b) for paragraph (a) substitute—
“(a) section 1(3A) of the Maintenance Enforcement Act 1991;”.

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- (3) In subsection (2) (court may exercise one of powers under subsection (3) upon varying order) for “a magistrates’ court in England and Wales” substitute “the family court”.
- (4) In subsection (3) (available powers)—
- (a) in each of paragraphs (a) and (b) for the words from “the designated” to “Wales” substitute “the court”, and
 - (b) in paragraph (b) for “59(6) of the Magistrates’ Courts Act 1980” substitute “1(5) of the Maintenance Enforcement Act 1991”.
- (5) Omit subsections (4) to (8) (variation by justices’ clerk).
- (6) In subsection (9) (deciding on exercise of powers)—
- (a) for “subsections (2) and (8)” substitute “subsection (2)”,
 - (b) for “which of the” substitute “whether to exercise any of its”,
 - (c) omit “it is to exercise”, and
 - (d) after “debtor” insert “or the creditor”.
- (7) In subsection (10) (power to require account to be opened) for “Subsection (4) of section 59 of the Magistrates’ Courts Act 1980” substitute “Subsection (6) of section 1 of the Maintenance Enforcement Act 1991”.
- (8) In subsection (11) (meaning of “creditor” and “debtor”) for “section 59 of the Magistrates’ Courts Act 1980” substitute “section 1 of the Maintenance Enforcement Act 1991”.
- (9) In the title for “magistrates’ courts” substitute “the family court”.
- 52 In section 35 (further provision relating to variation etc of orders by magistrates’ courts in England and Wales)—
- (a) in subsection (1) (powers exercisable notwithstanding that applicant resides outside England and Wales) for “a magistrates’ court in England and Wales” substitute “the family court”,
 - (b) in subsection (2) (powers under section 34A not exercisable) omit “, or of the clerk of the court”,
 - (c) in subsection (3) (proceedings in absence of respondent) for “a magistrates’ court in England and Wales” substitute “the family court”, and
 - (d) in the title for “magistrates’ courts” substitute “the family court”.
- 53 (1) Section 36 (admissibility of evidence given in convention country) is amended as follows.
- (2) Before subsection (1) insert—
- “(A1) A statement contained in a document mentioned in subsection (1) shall—
- (a) in any proceedings in the family court arising out of an application to which section 27A(1) of this Act applies or an application made by any person for the variation or revocation of a registered order, or
 - (b) in proceedings on appeal from proceedings within paragraph (a),
- be admissible as evidence of any fact stated to the same extent as oral evidence of that fact is admissible in those proceedings.”
- (3) In subsection (1) (statements made in convention country to be admissible)—

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- (a) for “A statement contained in—” substitute “The documents referred to in subsections (A1) and (1A) are—”,
 - (b) omit the “or” following paragraph (a) and the “or” following paragraph (b),
 - (c) after paragraph (c) insert—
 - “(1A) A statement contained in a document mentioned in subsection (1)”,
 - (d) after “magistrates’ court” insert “in Northern Ireland”, and
 - (e) omit “an application to which section 27A(1) of this Act applies.”.
- 54 In section 38 (obtaining evidence at request of court in convention country)—
- (a) in subsection (4) (application of provisions of Magistrates’ Courts Act 1980) for the words from “Section” to “1980” substitute “Articles 118(1), (3) and (4), 119 and 120 of the Magistrates’ Courts (Northern Ireland) Order 1981”,
 - (b) in subsection (4) after “a magistrates’ court” insert “in Northern Ireland”, and
 - (c) omit subsection (6) (Northern Ireland: modifications).
- 55 In section 38A(1) (rules of court) after “done by” insert “the family court or”.
- 56 In section 42 (provisional order to cease to have effect on remarriage) in subsection (1) and in the title omit “magistrates”.
- 57 In section 47(3) (interpretation: jurisdiction of magistrates’ courts) for the words from “construed—” to “in relation to”, in the second place, substitute “construed in relation to”.

Matrimonial Causes Act 1973 (c. 18)

- 58 The Matrimonial Causes Act 1973 is amended as follows.
- 59 In section 4(4)(a) (periods which may be treated for the purposes of section 1(2)(c) as periods during which the respondent has deserted the petitioner) for “or a county court” substitute “, the family court or the county court”.
- 60 In section 32(1) (arrear more than 12 months old not to be enforced without court’s permission) for “any county court” substitute “the family court”.
- 61 (1) Section 33 (orders for repayment of sums paid under certain orders) is amended as follows.
- (2) In subsection (4) (application for repayment may be made in proceedings for variation, discharge or enforcement of order, or to county court) for “a county court”, in each place, substitute “the family court”.
 - (3) Omit subsection (5) (no limits on jurisdiction of county court under subsection (4)).
- 62 (1) Section 35 (alterations of maintenance agreements where both parties are living) is amended as follows.
- (2) In subsection (1) (application for alteration may be made to the court or a magistrates’ court) omit “or to a magistrates’ court”.
 - (3) In subsection (2) (which refers to the court to which an application for an alteration is made)—
 - (a) in the words before paragraph (a) omit “to which the application is made”,
 - (b) for “subsections (3),” substitute “subsections “, and

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- (c) for “that court”, in both places, substitute “the court”.
- (4) Omit subsection (3) (limits on powers of magistrates’ court to deal with applications for alterations).
- (5) In subsections (4) and (5) for “a court” substitute “the court”.
- 63 (1) Section 36 (alterations of maintenance agreements after death of one party) is amended as follows.
 - (2) In subsection (1) (application for alteration may be made to High Court or county court) omit the words from “High” to “county”.
 - (3) In subsection (2) (court’s permission needed to make late application) omit the words from “High” to “county”.
 - (4) Omit subsections (3) and (7) (powers of county court to deal with applications for alterations).
 - (5) In subsections (4) and (5) for “a court” substitute “the court”.
- 64 (1) Section 38 (orders for repayment of periodical payments mistakenly made) is amended as follows.
 - (2) In subsection (2) (powers of the court when dealing with an application for repayment) after “On an application under this section the court” insert “to which the application is made”.
 - (3) In subsection (3) (application for repayment may be made in enforcement proceedings, or to county court) for “a county court”, in each place, substitute “the family court”.
 - (4) Omit subsection (4) (no limits on jurisdiction of county court under subsection (3)).
 - (5) In subsection (6) (liability of court officers in respect of orders for periodical payments)—
 - (a) in the words before paragraph (a) for “The designated officer for a magistrates’ court to whom any payments under a payments order are required to be made,” substitute “An officer of the family court,”, and
 - (b) in paragraph (a)—
 - (i) for “the designated officer,” substitute “an officer of the family court,”, and
 - (ii) for “in pursuance of the payments order” substitute “, in pursuance of a payments order requiring payments to be made to the court or an officer of the court,”.
 - (6) In subsection (7) (meaning of “collecting officer”) for “the registrar of a county court or the designated officer of a magistrates’ court” substitute “or the officer of the family court,”.
- 65 (1) In section 52(1) (interpretation of the Act) for the definition of “the court” substitute—
 - ““the court” (except where the context otherwise requires) means the High Court or the family court;”.

Status: This is the original version (as it was originally enacted).

- (2) The amendment made by sub-paragraph (1) does not apply for the purposes of interpreting references to “the court” in paragraph 14 of Schedule 1 to the Matrimonial Causes Act 1973.

Domicile and Matrimonial Proceedings Act 1973 (c. 45)

- 66 (1) Section 5 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of High Court and county court to entertain proceedings for divorce, judicial separation or nullity of marriage) is amended as follows.
- (2) In subsection (1A) (interpretation) in the definition of “the court” for the words after “High Court” substitute “and the family court”.
- (3) In the side-note for “county courts” substitute “family court”.

Domestic Proceedings and Magistrates’ Courts Act 1978 (c. 22)

- 67 The Domestic Proceedings and Magistrates’ Courts Act 1978 is amended as follows.
- 68 In section 1 (grounds of application to magistrates’ court for order for financial provision) for “a magistrates’ court” substitute “the family court”.
- 69 In section 6(1) (application for order for payments agreed between parties to a marriage) for “a magistrates’ court” substitute “the family court”.
- 70 In section 7(1) (powers of court where parties living apart by agreement) for “a magistrates’ court” substitute “the family court”.
- 71 (1) Section 19 (interim maintenance orders) is amended as follows.
- (2) In subsection (1) (courts’ powers)—
- (a) in paragraph (a)—
- (i) for “the magistrates’ court” substitute “the family court”, and
- (ii) omit the words from “or on refusing” to the end; and
- (b) omit paragraphs (b) and (c) (High Court and county court powers).
- (3) In subsection (3) (date from which payment may be required to be made) omit the words after “section 2, 6 or 7 of this Act”.
- (4) In subsection (5)(c) (interim order ceases to have effect on final order of magistrates’ court or dismissal of application) for “a magistrates’ court” substitute “the family court”.
- (5) In subsection (6) (interim order may be continued in force by order of court) for the words from “the magistrates’ court which made the order” to “reheard,” substitute “the family court”.
- (6) Omit subsection (9) (interim order of High Court or county court on ordering rehearing by magistrates’ court to be treated, for certain purposes, as an order of that magistrates’ court).
- 72 In section 20 (variation, revival and revocation of orders for periodical payments) in each of subsections (1) to (3) and (5) for “a magistrates’ court” substitute “the family court”.
- 73 (1) Section 20ZA (variation of orders for periodical payments: further provision) is amended as follows.

Status: This is the original version (as it was originally enacted).

- (2) In subsections (1) and (7) (making provision as to payment when exercising power to vary) for “paragraphs (a) to (d) of section 59(3) of the Magistrates’ Courts Act 1980” substitute “section 1(4) and (4A) of the Maintenance Enforcement Act 1991”.
- (3) Omit subsections (2) to (5) and (9) (power of justices’ clerk to vary order).
- (4) In subsection (6) (power to require account to be opened)—
 - (a) for “Subsection (4) of section 59 of the Magistrates’ Courts Act 1980” substitute “Subsection (6) of section 1 of the Maintenance Enforcement Act 1991”, and
 - (b) for “subsections (1) and (5)” substitute “subsection (1)”.
- (5) Omit subsection (8) (duty to exercise powers in particular way).
- (6) In subsection (10) (powers under section only exercisable if payer resident in England and Wales)—
 - (a) omit “, or of a justices’ clerk,”, and
 - (b) for the words from “which” to the end substitute “unless, at the time when the order was made, the person required to make the payments was ordinarily resident in England and Wales.”
- 74 In section 20A(1) (application by child for revival of periodical payments order)—
 - (a) in the words before paragraph (a), for “a magistrates’ court” substitute “the family court”, and
 - (b) in the words after paragraph (b) omit “which made the order”.
- 75 Omit section 22 (variation of instalments of lump sum).
- 76 Omit section 23(2) (certain powers of a magistrates’ court do not apply to orders under Part 1).
- 77 In section 25(4) (magistrates’ court’s power to determine date on which order ceased to have effect because the parties were living together) for “a magistrates’ court” substitute “the family court”.
- 78 Section 27 (refusal of order in case more suitable for High Court) is repealed.
- 79 (1) Section 28 (powers of High Court and county court relation to certain orders under Part 1) is amended as follows.
 - (2) In subsection (1) (power of High Court or county court in matrimonial proceedings to direct that order of magistrates’ court is to cease to have effect)—
 - (a) for “making by a magistrates’ court” substitute “making by the family court”,
 - (b) for “a county court” substitute “the family court”, and
 - (c) for “made by a magistrates’ court” substitute “under this Part”.
 - (3) In subsection (3)—
 - (a) for “a county court” substitute “the family court”,
 - (b) for “a magistrates’ court” substitute “the family court”.
- 80 Section 29 (appeals) is repealed.
- 81 (1) Section 30 (provisions as to jurisdiction and procedure) is amended as follows.
 - (2) Omit subsections (1) and (1A) (limits on jurisdiction of magistrates’ courts to deal with applications under Part 1).

Status: This is the original version (as it was originally enacted).

- (3) In subsection (5) (jurisdiction of magistrates' court under Part 1 exercisable notwithstanding that a party to proceedings is not domiciled in England and Wales) for "a magistrates' court" substitute "the family court".
- (4) Omit subsection (6) (interpretation of subsections (1) and (1A)).
- 82 Section 31 (constitution of courts) is repealed.
- 83 (1) Section 32 (enforcement etc of orders for payment of money) is amended as follows.
- (2) Omit subsection (1) (order under Part 1 to be enforced as a magistrates' court maintenance order).
- (3) In subsection (2) (power to order payment to a person on another's behalf)—
- (a) for the words from the beginning to "a magistrates' court making" substitute "The family court when making", and
- (b) omit the words after "to that other person".
- (4) In subsection (4) (arrears more than 12 months old not to be enforced without court's permission) for "High Court or any county" substitute "family".
- 84 (1) Section 35 (orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage or formation of civil partnership) is amended as follows.
- (2) In subsection (1) (circumstances in which court may exercise powers under subsection (2)) for "the court" substitute "the family court".
- (3) In subsection (2) (power to order repayment or partial repayment, or to dismiss application) for "The court" substitute "The family court".
- (4) In subsection (4) (application to be made in enforcement proceedings, or to county court)—
- (a) for "shall be made to a county court, except that such an application may" substitute "may (but need not)",
- (b) omit "in the High Court or a county court", and
- (c) omit the words after "of this Act".
- (5) Omit subsection (6) (no limits on jurisdiction of county court under subsection (4)).
- (6) In subsection (7) (liability of court officers)—
- (a) in the words before paragraph (a)—
- (i) for "The designated officer for a magistrates' court to whom any payments under an order made under section 2(1)(a), 6 or 7 of this Act are required to be made," substitute "An officer of the family court", and
- (ii) for "the first-mentioned order" substitute "an order made under section 2(1)(a), 6 or 7 of this Act",
- (b) in paragraph (a)—
- (i) for "the designated officer," substitute "an officer of the family court", and
- (ii) for "in pursuance of the first mentioned order" substitute "in pursuance of an order made under section 2(1)(a), 6 or 7 of this Act requiring payments to be made to the court or an officer of the court", and

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- (c) in the words after paragraph (b) for “first mentioned order”, in both places, substitute “order made under section 2(1)(a), 6 or 7 of this Act”.

85 In section 88 (interpretation)—

- (a) in subsection (1) (defined terms), omit the definitions of “family proceedings” and “magistrates’ court maintenance order”, and
- (b) omit subsection (4) (powers of magistrates’ courts acting in a local justice area).

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)—

- (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

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- (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”.

Matrimonial and Family Proceedings Act 1984 (c. 42)

- 87 The Matrimonial and Family Proceedings Act 1984 is amended as follows.
- 88 In section 27 (interpretation of Part 3: financial relief in England and Wales after overseas divorce etc) in the definition of “the court” for the words after “High Court or” substitute “the family court”.
- 89 In section 32 (meaning of “family business” etc) omit the definitions of “civil partnership cause” and “the 1973 Act”.
- 90 Sections 33 to 36D (jurisdiction of county court in matrimonial causes and civil partnership causes) are repealed.
- 91 In section 37 (directions as to distribution and transfer of family business and proceedings between the High Court and county court) for “county courts” substitute “the family court”.
- 92 (1) Section 38 (transfer of family proceedings from High Court to county court) is amended as follows.
 - (2) In subsection (1) (High Court’s power to transfer proceedings) for “a county court” substitute “the family court.”
 - (3) In subsection (2) (proceedings which are transferable under the section)—
 - (a) in the words before paragraph (a), for “to a county court” substitute “to the family court”,
 - (b) in paragraph (a) (proceedings commenced in High Court that are within jurisdiction of county court) for the words after “jurisdiction of” substitute “the family court”, and
 - (c) in paragraph (c) (certain proceedings transferred to the High Court) omit the words from “from” to “county court”.
 - (4) Omit subsections (3) to (3B) (identifying county court to which transfer to be made).

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- (5) In subsection (5) (transferee court has jurisdiction), in the words before paragraph (a), for the words after “to” substitute “the family court under this section, the family court—”.
- (6) In the heading omit “to county court”.
- 93 (1) Section 39 (transfer of family proceedings to High Court from county court) is amended as follows.
 - (2) In subsection (1) (power to transfer) for “a county court, the county court may,” substitute “the family court, the family court may.”
 - (3) In subsection (2) (proceedings which are transferable under the section) for paragraphs (a) and (b) substitute—
 - “(a) all family proceedings commenced in the family court which are within the jurisdiction of the High Court, and
 - (b) all family proceedings transferred from the High Court under section 38 above.”
 - (4) In the heading omit “from county court”.
- 94 Section 42 (county court proceedings in principal registry of Family Division) is repealed.

Family Law Act 1986 (c. 55)

- 95 The Family Law Act 1986 is amended as follows.
- 96 In section 55(1) (application for declaration as to marital status may be made to High Court or county court) for “a county court” substitute “the family court”.
- 97 In section 55A(1) (application for declaration of parentage may be made to High Court, county court or magistrates’ court) for “, a county court or a magistrates’ court” substitute “or the family court”.
- 98 (1) Section 56 (declarations of legitimacy or legitimation) is amended as follows.
 - (2) In subsection (1) (application for declaration of legitimacy may be made to High Court or county court) for “a county court” substitute “the family court”.
 - (3) In subsection (2) (application for declaration of legitimation may be made to High Court or county court) for “a county court” substitute “the family court”.
- 99 In section 57(1) (application for declaration as to adoption effected overseas may be made to High Court or county court) for “a county court” substitute “the family court”.
- 100 Omit section 60(5) (appeals in relation to magistrates’ courts declarations under section 55A).

Matrimonial Proceedings (Transfers) Act 1988 (c. 18)

- 101 In section 1(1) of the Matrimonial Proceedings (Transfers) Act 1988 (which modifies section 38 of the Matrimonial and Family Proceedings Act 1984 (“the 1984 Act”)), in the paragraph (d) to have effect as if inserted into section 38(2) of the 1984 Act, after “from” insert “the family court or”.

Children Act 1989 (c. 41)

- 102 The Children Act 1989 is amended as follows.
- 103 Omit section 11J(13) (section 11J is without prejudice to section 63(3) of the Magistrates' Courts Act 1980 as it applies in relation to contact orders).
- 104 In section 14(1) (enforcement of residence orders in magistrates' courts) omit "under section 63(3) of the Magistrates' Courts Act 1980".
- 105 Omit section 15(2) (disapplication of powers of magistrates' courts in relation to maintenance orders).
- 106 In section 38B(4) (court's power to accept undertaking relating to interim care order is without prejudice to other powers of High Court and county court) for "county court" substitute "family court".
- 107 In section 44B(4) (court's power to accept undertaking relating to emergency protection order is without prejudice to other powers of High Court and county court) for "county court" substitute "family court".
- 108 In section 83(5) (direction to obtain information for research purposes) for "the designated officer for each magistrates' court to which the direction is expressed to relate" substitute "an officer of the family court".
- 109 (1) Section 92 (jurisdiction of courts) is amended as follows.
- (2) Omit subsections (1) to (5) (which relate to family proceedings in magistrates' courts).
- (3) Omit subsection (6) (which introduces Part 1 of Schedule 11).
- (4) In subsection (7) (meaning of "the court") for "the High Court, a county court or a magistrates' court" substitute "the High Court or the family court".
- (5) In subsection (8) (which qualifies subsection (7)) omit the words from "the provision" to "Schedule 11 and to".
- (6) Omit subsections (9) to (10A) (Lord Chancellor's power by order to provide for principal registry of Family Division of High Court to be treated as a county court for specified purposes).
- 110 In section 93(2) omit paragraphs (d), (f), (g), (i) and (j) (rules of court: magistrates' courts).
- 111 Section 94 (appeals) is repealed.
- 112 Schedule 1 (financial provision for children) is amended as follows.
- 113 In paragraph 1(1) (financial provision for children: orders against parents)—
- (a) for "may—" substitute "may make one or more of the orders mentioned in sub-paragraph (2).", and
- (b) omit paragraphs (a) and (b).
- 114 In paragraph 5 (provisions relating to lump sums), omit sub-paragraphs (2) and (4) (limits on amounts which may be ordered by magistrates' courts).
- 115 (1) Paragraph 6A (variation etc of orders for periodical payments) is amended as follows.
- (2) In sub-paragraph (1)—
- (a) for "a magistrates'" substitute "the family", and

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- (b) for “sub-paragraphs (7) and (8)” substitute “sub-paragraph (7)”.
- (3) In sub-paragraphs (1) and (7) (making provision as to payment when exercising power to vary) for “paragraphs (a) to (d) of section 59(3) of the Magistrates’ Courts Act 1980” substitute “section 1(4) and (4A) of the Maintenance Enforcement Act 1991”.
- (4) Omit sub-paragraphs (2) to (5) and (10) (power of justices’ clerk to vary order).
- (5) In sub-paragraph (6) (power to require account to be opened)—
 - (a) for “Subsection (4) of section 59 of the Magistrates’ Courts Act 1980” substitute “Subsection (6) of section 1 of the Maintenance Enforcement Act 1991”, and
 - (b) for “sub-paragraphs (1) and (5)” substitute “sub-paragraph (1)”.
- (6) Omit sub-paragraph (8) (duty to exercise powers in particular way).
- (7) In sub-paragraph (9) (powers under paragraph only exercisable if payer resident in England and Wales)—
 - (a) omit “, or of a justices’ clerk,” and
 - (b) for the words from “which” to end substitute “unless at the time when the order was made the person required to make the payments was ordinarily resident in England and Wales.”
- 116 Omit paragraph 10(6) (limits on powers of magistrates’ courts to deal with applications for alteration of maintenance agreements).
- 117 In paragraph 11 (alteration of maintenance agreement after death of one of the parties)—
 - (a) in sub-paragraph (1) (application to be made to High Court or county court) for “a county court” substitute “the family court”,
 - (b) in sub-paragraph (3) (power of High Court and county court to extend time limit for application) for “a county court” substitute “the family court”, and
 - (c) omit sub-paragraph (5) (limits on jurisdiction of county court).
- 118 In paragraph 12 (enforcement of orders for maintenance)—
 - (a) in sub-paragraph (1) (person obliged to make maintenance payments to give notice of change of address to person specified in magistrates’ court order) for “a magistrates’ court” substitute “the family court”, and
 - (b) omit sub-paragraph (3) (enforcement of orders made by magistrates’ courts).
- 119 In paragraph 13 (High Court or county court may order settlement of instrument by conveyancing counsel) for “a county court” substitute “the family court”.
- 120 Omit paragraph 24(1) of Schedule 2 (enforcement of contribution orders made by magistrates’ courts).
- 121 Omit Part 1 of Schedule 11 (jurisdiction).

Child Support Act 1991 (c. 48)

- 122 The Child Support Act 1991 is amended as follows.
 - 123 In section 10(5) (magistrates’ court rules: statements as to maintenance assessments)
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Status: This is the original version (as it was originally enacted).

- (a) for “may be made under section 144 of the Magistrates’ Courts Act 1980 (rules of procedure) requiring” substitute “of court may require”, and
 - (b) for “a magistrates’ court” substitute “the family court”.
- 124 In section 32L(10) (orders preventing avoidance: interpretation), in paragraph (a) of the definition of “the court”, after “High Court” insert “or the family court”.
- 125 In section 45(2)(a) (power of Lord Chancellor to provide for certain appeals to be made to a court: meaning of “court”) for the words after “England and Wales” substitute “, the High Court or the family court; and”.
- 126 In section 48(1) (rights of audience for authorised officer of Commission) after “before” insert “the family court or”.

Criminal Justice Act 1991 (c. 53)

- 127 In section 60(3) of the Criminal Justice Act 1991 (applications under section 25 of Children Act 1989 in certain cases) for “92(2) of that Act or section 65 of the 1980” substitute “92(7) of that”.

Social Security Administration Act 1992 (c. 5)

- 128 (1) In section 106 of the Social Security Administration Act 1992 (recovery of expenditure on benefit from person liable for maintenance)—
- (a) in subsections (1) and (2) for “a complaint” substitute “an application”,
 - (b) in subsection (1) (complaint by Secretary of State to magistrates’ court) for “a magistrates’ court” substitute “the family court”,
 - (c) in subsection (3) for “complaint” substitute “application”,
 - (d) omit subsection (5) (enforcement of orders made by magistrates’ courts), and
 - (e) in subsection (6) (application to Scotland) for the words after “Scotland,” substitute “for the references to the family court there shall be substituted references to the sheriff.”
- (2) The amendments made by sub-paragraph (1) cease to have effect on the coming into force of the repeal of section 106 of the Social Security Administration Act 1992 by Schedule 7 to the Welfare Reform Act 2009.

Family Law Act 1996 (c. 27)

- 129 The Family Law Act 1996 is amended as follows.
- 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”.
- 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”.
- 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)”.

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- 133 Section 50 (power of magistrates' court to suspend execution of a committal order) is repealed.
- 134 Section 51 (power of magistrates' court to order hospital admission or guardianship) is repealed.
- 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).
- 136 Section 59 (jurisdiction of magistrates' courts under Part 4) is repealed.
- 137 Section 61 (appeals) is repealed.
- 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.”
- 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).
- 140 Section 63N (power to extend jurisdiction to magistrates' courts) is repealed.
- 141 Section 63P (appeals: Part 4A) is repealed.
- 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."
- 143 In section 65 (rules, regulations and orders)—
- (a) in subsection (3) omit ", 63N", and
- (b) in subsection (4) omit "or 63N".
- 144 (1) Paragraph 1 of Schedule 5 (powers to remand: meaning of "the court") is amended as follows.
- (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."
- 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.”.

Crime and Disorder Act 1998 (c. 37)

- 146 The Crime and Disorder Act 1998 is amended as follows.
- 147 (1) Section 11 (child safety orders) is amended as follows.
- (2) In subsection (1) (application to magistrates' court for child safety order) for "a magistrates' court" substitute "the family court".

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- (3) In subsection (6) (proceedings for child safety order to be family proceedings for the purposes of certain enactments) omit “or section 65 of the Magistrates’ Courts Act 1980 (“the 1980 Act”)”.
- 148 (1) Section 12 (child safety orders: supplemental) is amended as follows.
- (2) In subsection (1) (information to be obtained by magistrates’ court before making child safety order) for “a magistrates’ court” substitute “the family court”.
- (3) In subsection (2) (explanation to be given by magistrates’ court to parent or guardian) for “a magistrates’ court” substitute “the family court”.
- (4) In subsection (6) (powers of magistrates’ court where child has failed to comply with child safety order) omit “or another magistrates’ court acting in the same local justice area”.
- 149 Omit section 13 (appeals to county court against child safety orders).
- 150 In section 13B(7) (parental compensation orders: offence) for “the 1980 Act” substitute “the Magistrates’ Courts Act 1980 (“the 1980 Act”)”.

Adoption and Children Act 2002

- 151 The Adoption and Children Act 2002 is amended as follows.
- 152 In section 13 (information concerning adoption)—
- (a) in subsection (2) (court officers who are to provide information) for paragraphs (a) and (b) substitute—
- “(aa) the relevant officer of the family court, and”
- (b) in subsection (3) (meaning of “relevant officer” in relation to county court and High Court) for “a county” substitute “the family”.
- 153 Omit section 55(2) (revocation of adoptions on legitimation: interpretation in relation to magistrates’ courts).
- 154 In section 60 (disclosure of information to adopted adult)—
- (a) in subsection (2)(a) (High Court power by order to prohibit disclosure) after “High Court” insert “or family court”,
- (b) in subsection (3) (supplementary provision about orders under subsection (2)(a)) after “High Court” insert “or family court”.
- 155 In section 92(1) (steps which may not be taken except by an adoption agency or in pursuance of High Court order) after “High Court” insert “or the family court”.
- 156 In section 95(1)(d) (offences relating to payment for steps taken in contravention of section 92(1)) after “High Court” insert “or family court”.
- 157 In section 101(1) (proceedings in High Court or county court may be heard in private) for “a County Court” substitute “the family court”.
- 158 Omit section 141(5) (rules of procedure: magistrates’ courts).
- 159 In section 144(1) (interpretation), for the definition of “court” substitute—
- ““court” means the High Court or the family court,”

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Gender Recognition Act 2004 (c. 7)

- 160 In section 8 of the Gender Recognition Act 2004 (appeals against decision of Gender Recognition Panel etc) in subsections (1) and (5) after “High Court” insert “, family court”.

Civil Partnership Act 2004 (c. 33)

- 161 The Civil Partnership Act 2004 is amended as follows.
- 162 For section 37(4)(b) (in Chapter 2 of Part 2 “the court” includes certain county courts) substitute—
 “(b) the family court.”
- 163 In section 46(5)(a) (periods which may be treated for the purposes of section 44(5)(d) as periods during which respondent has deserted applicant) for “or a county court” substitute “, the family court or the county court”.
- 164 In section 58 (application for declaration may be made to High Court or county court) for “a county court” substitute “the family court”.
- 165 (1) Section 66 (disputes between civil partners about property) is amended as follows.
- (2) For subsection (1)(b) (application may be made to county court prescribed by rules of court) substitute—
 “(b) the family court.”
- (3) Omit subsection (3) (no limits on jurisdiction of county court under subsection (2)).
- 166 For section 220(b) (in sections 221 to 224 “the court” includes certain county courts) substitute—
 “(b) the family court.”
- 167 (1) Part 2 of Schedule 1 (special provisions about civil partnerships which are prohibited unless paragraph 2(1) conditions are met) is amended as follows.
- (2) In paragraph 6(2) (civil partnership schedule not to be issued if alleged that paragraph 2(1) conditions not met, unless High Court declaration obtained under paragraph 7) omit “High Court”.
- (3) In paragraph 7 (application to High Court for declaration) after “High Court” insert “or the family court”.
- 168 (1) Paragraph 15 of Schedule 2 (civil partnership of persons aged 16 or 17: meaning of “the court” and provision about rules of court) is amended as follows.
- (2) In sub-paragraph (1) (“the court” includes certain county courts and magistrates’ courts)—
 (a) after paragraph (a) insert “or”, and
 (b) for paragraphs (b) and (c) substitute—
 “(c) the family court.”
- (3) In sub-paragraph (2) (rules of court)—
 (a) omit paragraph (b), and
 (b) in paragraph (c) for “a magistrates’ court” substitute “the family court”.
- 169 Schedule 5 (financial relief in the High Court or a county court etc) is amended as follows.

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- 170 In paragraph 63(2) (payment of certain arrears under certain orders unenforceable without leave of the court) for “any county court” substitute “the family court”.
- 171 (1) Paragraph 64 (orders for repayment in certain cases of sums paid under certain orders) is amended as follows.
- (2) In sub-paragraph (7) (application may be made in certain proceedings, or to county court) for “a county court”, in each place, substitute “the family court”.
- (3) Omit sub-paragraph (8) (no limits on jurisdiction of county court under sub-paragraph (7)).
- 172 (1) Paragraph 65 (orders for repayment in certain cases of sums paid after cessation of order by reason of formation of subsequent civil partnership or marriage) is amended as follows.
- (2) In sub-paragraph (6) (application may be made in certain proceedings, or to county court) for “a county court”, in each place, substitute “the family court”.
- (3) Omit sub-paragraph (7) (no limits on jurisdiction of county court under sub-paragraph (6)).
- (4) In sub-paragraph (8)(a) (liability of court officers in respect of orders for periodical payments)—
- (a) for “the designated officer for a magistrates’ court to whom any payments under a payments order are required to be made” substitute “an officer of the family court”, and
- (b) for “in pursuance of the payments order” substitute “, in pursuance of a payments order requiring payments to be made to the court or an officer of the court,”.
- (5) In sub-paragraph (10) (interpretation) for paragraphs (b) and (c) substitute “or
- (aa) the officer of the family court,”.
- 173 In paragraph 69 (alteration of maintenance agreements where both parties are living)
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- (a) in sub-paragraph (1) (courts to which application for alteration may be made) omit “or, subject to sub-paragraph (6), to a magistrates court”, and
- (b) in sub-paragraph (6) (power to make order for alteration is subject to paragraphs 70 and 71) for “paragraphs 70 and” substitute “paragraph”.
- 174 Omit paragraph 70 (limits on powers of magistrates’ court to deal with applications for alterations).
- 175 In paragraph 73 (alterations of maintenance agreements after death of one party)—
- (a) in sub-paragraph (2) (application for alteration may be made to High Court or county court) omit the words from “High” to “county”, and
- (b) in sub-paragraph (4) (court’s permission needed to make late application) omit the words from “High” to “county”.
- 176 For paragraph 80(3)(b) (in Schedule 5 “the court” includes certain county courts) substitute—
- “(b) the family court.”
- 177 For the Schedule title substitute “Financial relief: provision corresponding to provision made by Part 2 of the Matrimonial Causes Act 1973”.

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- 178 Schedule 6 (financial relief in magistrates' courts etc) is amended as follows.
- 179 In paragraph 1(1) (grounds of application to magistrates' court for order for financial provision) for "a magistrates' court" substitute "the family court".
- 180 Omit paragraph 8 (refusal of order in case more suitable for High Court).
- 181 In paragraph 9(1) (application for order for payments agreed between parties to a civil partnership) for "a magistrates' court" substitute "the family court".
- 182 In paragraph 15(1) (powers of court where parties living apart by agreement) for "a magistrates' court" substitute "the family court".
- 183 (1) Paragraph 20 (circumstances in which interim orders may be made) is amended as follows.
- (2) In sub-paragraph (2) (circumstances in which magistrates' court may make order)—
- (a) for "A magistrates' court" substitute "The family court", and
- (b) omit paragraph (b) (interim order may be made on refusal of order on grounds that case more suitable for High Court) and the "or" preceding it.
- (3) Omit sub-paragraph (3) (circumstances in which High Court may make interim order).
- 184 Omit paragraph 23 (interim orders: payments which can be treated as having been paid on account).
- 185 (1) Paragraph 24 (when interim order ceases to have effect) is amended as follows.
- (2) In sub-paragraph (1)(c) (interim order ceases to have effect on final order of magistrates' court or dismissal of application) for "a magistrates' court" substitute "the family court".
- (3) In sub-paragraph (2) (interim order may be continued in force by order of court)—
- (a) in paragraph (a) for "the magistrates' court which made the order, or" substitute "the family court," and
- (b) omit paragraph (b).
- 186 Omit paragraph 25(1) (interim order of High Court on ordering rehearing by magistrates' court to be treated, for certain purposes, as an order of that magistrates' court).
- 187 In paragraph 29(6) (magistrates' court's power to determine date on which order ceased to have effect because the parties were living together) for "a magistrates' court" substitute "the family court".
- 188 In paragraph 30 (variation, revocation, suspension and revival of orders for periodical payments) in each of sub-paragraphs (1) and (2) for "a magistrates' court" substitute "the family court".
- 189 In paragraph 31 (power to order lump sum on variation) in each of sub-paragraphs (1) and (2) for "a magistrates' court" substitute "the family court".
- 190 In paragraph 35(1) (powers exercisable on varying an order) for "59(3)(a) to (d) of the Magistrates' Courts Act 1980 (c. 43)" substitute "1(4) and (4A) of the Maintenance Enforcement Act 1991".
- 191 Omit paragraph 36 (variation by justices' clerk).
- 192 In paragraph 37 (exercise of powers)—

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- (a) in sub-paragraph (1) for “59(3)(a) to (d) of the 1980” substitute “1(4) and (4A) of the 1991”, and
 - (b) omit sub-paragraph (2).
- 193 In paragraph 38 (further provision about exercise of powers)—
- (a) in sub-paragraph (1)—
 - (i) for “59(4) of the 1980” substitute “1(6) of the 1991”,
 - (ii) for “paragraphs 35 and 36(4)” substitute “paragraph 35”, and
 - (iii) for “59” substitute “1 of the 1991 Act”, and
 - (b) in sub-paragraph (2)—
 - (i) omit “, or of a justices’ clerk,”, and
 - (ii) for the words from “which” to the end substitute “unless, at the time when the order was made, the person required to make the payments was ordinarily resident in England and Wales.”
- 194 In paragraph 39 (who may make application) for “, 31 or 36” substitute “or 31”.
- 195 In paragraph 40(1) (application by child for revival of periodical payments order) in the words before paragraph (a), for “a magistrates’ court” substitute “the family court”.
- 196 Omit paragraphs 41 and 42 (variation by, and other powers of, a magistrates’ court).
- 197 (1) Paragraph 44 (orders for repayment in certain cases of sums paid after cessation of order by reason of formation of subsequent civil partnership or marriage) is amended as follows.
- (2) In sub-paragraph (4) (court’s power to order repayment or partial repayment, or to dismiss application) for “the court” substitute “the family court”.
 - (3) In sub-paragraph (6) (application may be made in enforcement proceedings, or to county court)—
 - (a) after “may” insert “(but need not)”,
 - (b) omit “in the High Court or a county court”, and
 - (c) omit the words after paragraph (a) (including the “but” at the end of that paragraph).
 - (4) Omit sub-paragraph (7) (no limits on jurisdiction of county court under sub-paragraph (6)).
 - (5) In sub-paragraph (8) (liability of court officers)—
 - (a) in paragraph (a)—
 - (i) for “the designated officer for a magistrates’ court to whom any payments under an order made under paragraph 2(1)(a), or Part 2 or 3, are required to be made” substitute “an officer of the family court”, and
 - (ii) for “in pursuance of the order” substitute “, in pursuance of an order under paragraph 2(1)(a), or Part 2 or 3, requiring payments to be made to the court or an officer of the court,”, and
 - (b) in paragraph (b)—
 - (i) for “the order” substitute “an order”, and
 - (ii) for “after that date” substitute “, after the date on which that order ceased to have effect because of the formation of a subsequent civil partnership or marriage by the person entitled to payments under it,”.

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- 198 In paragraph 46 (application of certain provisions of the Domestic Proceedings and Magistrates' Court Act 1978)—
- (a) in paragraph (a) (powers of the High Court and a county court in relation to certain orders) for “a county court” substitute “the family court”, and
 - (b) omit paragraphs (b) and (c) (appeals and constitution of courts).
- 199 (1) Paragraph 47 (jurisdiction and procedure) is amended as follows.
- (2) Omit sub-paragraph (1) (limits on powers of magistrates' courts to deal with applications for orders under Schedule 6).
 - (3) In sub-paragraph (1A) (jurisdiction of magistrates' courts where jurisdiction to be determined by reference to the Maintenance Regulation etc) for “a magistrates' court” substitute “the family court”.
 - (4) In sub-paragraph (2) (jurisdiction of magistrates' court exercisable notwithstanding that a party is not domiciled in England and Wales) for “a magistrates' court” substitute “the family court”.
- 200 For the Schedule title substitute “Financial relief: provision corresponding to provision made by the Domestic Proceedings and Magistrates' Courts Act 1978”.
- 201 In Schedule 7, in the definition of “the court” in paragraph 19 (in Schedule 7 “the court” includes certain county courts) for the words after “High Court” substitute “or the family court”.

Childcare Act 2006 (c. 21)

- 202 The Childcare Act 2006 is amended as follows.
- 203 In section 72 (protection of children in an emergency)—
- (a) in subsection (1) (application to justice of the peace for emergency order) for “a justice of the peace” substitute “the family court”, and
 - (b) in subsection (2) (grounds for granting application for emergency order) for “the justice”, in both places, substitute “the court”.
- 204 In section 79 (power of constable to assist in exercise of powers of entry)—
- (a) omit subsection (4) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 79), and
 - (b) in subsection (5) (meaning of “the court”) for the words after “High Court” substitute “or the family court”.
- 205 In section 98F (power of constable to assist in exercise of powers of entry)—
- (a) omit subsection (5) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 98F), and
 - (b) for subsection (6) (meaning of “the court”) substitute—
- “(6) In this section “court” means the High Court or the family court.”

Human Fertilisation and Embryology Act 2008 (c. 22)

- 206 In section 54(9)(a) of the Human Fertilisation and Embryology Act 2008 (parental orders: application of the Children Act 1989) for the words after “England and Wales” substitute “—
- (i) the court” means the High Court or the family court, and

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- (ii) proceedings on the application are to be “family proceedings” for the purposes of the Children Act 1989.”

Children and Families (Wales) Measure 2010 (nawm 1)

- 207 The Children and Families (Wales) Measure 2010 is amended as follows.
- 208 In section 34 (protection of children in an emergency)—
- (a) in subsection (1) (application to justice of the peace for emergency order) for “a justice of the peace” substitute “the family court”, and
 - (b) In subsection (2) (grounds for granting application for emergency order) for “the justice”, in both places, substitute “the court”.
- 209 In section 43 (power of constable to assist in exercise of powers of entry)—
- (a) omit subsection (4) (which applies Schedule 11 to the Children Act 1989 to proceedings under section 43), and
 - (b) in subsection (5) (meaning of “the court”) for the words after “High Court” substitute “or the family court”.