
STATUTORY INSTRUMENTS

2009 No. 871

The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2009

Amendment of the Magistrates' Courts' Act 1980

- 4.—(1) The Magistrates' Courts Act 1980(1) is amended as follows.
- (2) In section 111 (Statement of case by magistrates' court), after subsection (6) insert—
- “(7) This section does not apply in relation to family proceedings within the meaning of section 111A of this Act”.
- (3) After section 111 insert—

“111A Appeals on ground of error of law etc in family proceedings

- (1) This section applies in relation to family proceedings in a magistrates' court.
- (2) Any person who was a party to any proceeding before the court, or is aggrieved by the order, determination or other proceeding of the court, may question the proceeding on the ground that it is wrong in law or is in excess of jurisdiction by appealing to a county court.
- (3) But a person may not appeal under subsection (2) in respect of a decision if—
- (a) the person has a right of appeal to a county court against the decision otherwise than under this section, or
- (b) the decision is final by virtue of any enactment passed after 31st December 1879.
- (4) A notice of appeal under subsection (2) shall be filed within 21 days after the day on which the decision of the magistrates' court was given.
- (5) In this section “family proceedings” means —
- (a) proceedings which, by virtue of section 65 of this Act, are or may be treated as family proceedings for the purposes of this Act; and
- (b) proceedings under the Child Support Act 1991.”.
- (4) In section 112 (Effect of decision of High Court on case stated by magistrates' court)—
- (a) for the heading substitute “Effect of decisions made on case stated or on appeal”;
- (b) renumber the existing text as subsection (1);
- (c) after subsection (1), insert —
- “(2) Any order, determination or other proceeding of a magistrates' court varied by a county court on an appeal under section 111A, and any judgment or order of a county court on such an appeal, may be enforced as if it were a decision of the magistrates' court from which the appeal was brought.”.