
STATUTORY INSTRUMENTS

2010 No. 985

**The Human Fertilisation and Embryology
(Parental Orders) Regulations 2010**

Family Proceedings Rules: England and Wales

7. Until section 75 of the Courts Act 2003⁽¹⁾ (Family Procedure Rules) comes into force in relation to parental orders, section 141 of the 2002 Act as applied by regulation 2 and Schedule 1 is to have effect as if—

- (a) in subsection (1), the reference to Family Procedure Rules were a reference to rules of court made under section 40 of the Matrimonial and Family Proceedings Act 1984⁽²⁾; and
- (b) that subsection did not apply in relation to proceedings before Magistrates' Courts, but the powers to make rules conferred by section 144 of the Magistrates' Courts Act 1980⁽³⁾ included powers to make provision in respect of any of the matters mentioned in that subsection.

(1) 2003 c.39.

(2) Section 40 is prospectively repealed by the Courts Act 2003 (c.39), section 109(1) and (3), Schedule 8, paragraph 278(a) and Schedule 10. Section 40 was amended by the Courts and Legal Services Act 1990 (c.41), section 125(3) and Schedule 18, paragraph 50; the Civil Procedure Act 1997 (c.12), section 10 and Schedule 2, paragraph 3(a); the Adoption and Children Act 2002 (c.39), section 139(1) and (3), Schedule 3, paragraph 44 and Schedule 5; the Children Act 2004 (c.31), section 62(5); the Civil Partnership Act 2004 (c.33), section 261(1) and Schedule 27, paragraph 95; the Constitutional Reform Act 2005 (c.4), sections 12(2), 15(1), 59(5), 146, Schedule 1, Part 2, paragraph 18(a) and (b), Schedule 4, Part 2, paragraphs 379, 380(1) to (4), Schedule 11, Part 1, paragraph 1(2), Part 2, paragraph 4(1) and (3), Schedule 18, Part 1 and Part 2; and by S.I. 2005/2744.

(3) Section 144 was amended by the Courts and Legal Services Act 1990 (c.41), section 125(3) and Schedule 18, paragraph 25; the Access to Justice Act 1999 (c.22), section 78(2), Schedule 11, paragraphs 26 and 29; the Courts Act 2003 (c.39), section 109(1) and (3), Schedule 8, paragraph 245(1) to (5) and Schedule 10; the Constitutional Reform Act 2005 (c.4), sections 15(1), 59(5), Schedule 4, Part 1, paragraphs 99, 102(1), (2), (3)(a), (3)(b), and (4) to (6), Schedule 11, Part 2, paragraph 4(1) and (3); and the Legal Services Act 2007 (c.29), section 208(1), Schedule 21, paragraphs 42, 43(a) and (b).