Draft Order laid before Parliament under section 58(4)(j) of the Crime and Courts Act 2013, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

FAMILY PROCEEDINGS
SENIOR COURTS OF ENGLAND AND WALES
FAMILY COURT, ENGLAND AND WALES

The Crime and Courts Act 2013 (Family Court: Consequential Provision) Order 2014

Made - - - - ***

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order in exercise of the powers conferred by sections 58(12)(c) and 59 of the Crime and Courts Act 2013(**1**).

In accordance with section 58(4)(j) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Crime and Courts Act 2013 (Family Court: Consequential Provision) Order 2014 and comes into force on the day on which section 17(3) of the Crime and Courts Act 2013 is brought fully into force.

Amendments to the Administration of Justice Act 1970

2. Schedule 8 to the Administration of Justice Act 1970(**2**) is amended as follows.

3. In paragraphs 11, 13, 13B(1) and 13C for "a magistrates' court" substitute "the family court".

4. In paragraph 13A for "magistrates' court" substitute "court in England and Wales".

(**1**) 2013 c.22.

(**2**) 1970 c.31. In Schedule 8, paragraph 11 was inserted by paragraph 6 of the Schedule to the Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18), paragraph 13 was inserted by Part 1 of Schedule 12 to the Civil Jurisdiction and Judgments Act 1982 (c.27), paragraph 13A was inserted by S.I. 2001/3929 and amended by S.I. 2007/1655, paragraph 13B was inserted by S.I. 2011/1484 and paragraph 13C was inserted by S.I. 2012/2814.

Amendments to the Attachment of Earnings Act 1971

5. In Schedule 1 to the Attachment of Earnings Act 1971(**3**)—

(a) in paragraphs 11, 13, 14A(1) and 14B for "a magistrates' court" substitute "the family court";

(b) in paragraph 14 for "magistrates' court" substitute "court in England and Wales";

(c) in paragraph 15 for the words within brackets substitute "financial relief: provision corresponding to provision made by Part 2 of the Matrimonial Causes Act 1973"; and

(d) in paragraph 16 for the words within brackets substitute "financial relief: provision corresponding to provision made by the Domestic Proceedings and Magistrates' Courts Act 1978".

Amendments to the Maintenance Orders (Reciprocal Enforcement) Act 1972

6. The Maintenance Orders (Reciprocal Enforcement) Act 1972(**4**) is amended as follows.

7. In section 8(2) omit "in the High Court under Part I of the Maintenance Orders Act 1958 or to an order which is for the time being registered".

8. In the title to section 17(**5**), for "magistrates' courts" substitute "the family court in England and Wales or in magistrates' courts in Northern Ireland".

9. In section 33(2) omit "in the High Court under Part I of the Maintenance Orders Act 1958 or to an order which is for the time being registered".

10. In section 35(1A)(**6**), omit paragraph (b) and the "and" which precedes it.

11. Despite the repeals made by articles 7 and 9, sections 8(1) and 33(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 do not apply to an order which is, and has been at all times since the day before the date this Order comes into force, registered in the High Court under Part 1 of the Maintenance Orders Act 1958(**7**).

Amendments to the Solicitors Act 1974

12. In section 68(2) of the Solicitors Act 1974(**8**)—

(a) for "shall" substitute "and the family court each"; and

(b) at the end insert "or (as the case may be) the family court".

(**3**) 1971 c.32. In Schedule 1, paragraph 11 was inserted by paragraph 7 of the Schedule to the Maintenance Orders (Reciprocal Enforcement) Act 1972, paragraph 13 was inserted by paragraph 6 of Part 1 of Schedule 12 to the Civil Jurisdiction and Judgments Act 1982, paragraph 14 was inserted by S.I. 2011/3929 and amended by S.I. 2007/1655, paragraph 14A was inserted by S.I. 2011/1484, paragraph 14B was inserted by S.I. 2012/2814, paragraphs 15 and 16 were inserted by paragraph 35 of Schedule 27 to the Civil Partnership Act 2004 (c.33) and paragraph 15 was amended by paragraph 25 of Part 2 of Schedule 9 to the Crime and Courts Act 2013.

(**4**) 1972 c.18.

(**5**) Section 17 was amended by Schedule 3 to the Domestic Proceedings and Magistrates' Courts Act 1978 (c.22), paragraph 10 of Part 2 of Schedule 1 to the Maintenance Orders (Reciprocal Enforcement) Act 1992 (c.56), paragraph 154 of Schedule 8 to the Courts Act 2003 (c.39), paragraphs 29 and 38 of Schedule 11 to the Crime and Courts Act 2013 and by S.I. 1981/1675, 1995/755 and 2012/2814.

(**6**) Section 35(1A)(b) was inserted by S.I. 2012/2814.

(**7**) 1958 c.39. Part 1 was amended by sections 27 and 48 of, and Schedule 11 to, the Administration of Justice Act 1970 (c.31), paragraph 4 of the Schedule to the Maintenance Orders (Reciprocal Enforcement) Act 1972, paragraphs 1 to 4 of Schedule 3 and Part 4 of Schedule 5 to the Administration of Justice Act 1977 (c.38), Schedules 11 and 12 to the Civil Jurisdiction and Judgments Act 1982, paragraph 5 of Schedule 1 to the Matrimonial and Family Proceedings Act 1984 (c.42), paragraph 18 of Schedule 2 to the Family Law Reform Act 1987, paragraphs 7 to 11 of Schedule 1 to the Maintenance Enforcement Act 1991 (c.17), the Statute Law (Repeals) Act 1993 (c.50), Schedules 13 and 15 to the Access to Justice Act 1999 (c.22), paragraphs 98 to 101 of Schedule 8 to the Courts Act 2003, paragraph 22 of Schedule 27 to the Civil Partnership Act 2004, paragraphs 3 to 10 of Schedule 10 to the Crime and Courts Act 2013, and by S.I. 2001/3929, 2007/1655, 2009/871, 2011/1484 and 2012/2814.

(**8**) 1974 c.47. Section 68(2) was amended by paragraphs 52 and 130 of Schedule 9 to the Crime and Courts Act 2013.

Amendment to the Domestic Proceedings and Magistrates' Courts Act 1978

13. In the title to section 28 of the Domestic Proceedings and Magistrates' Courts Act 1978(**9**) for "county court" substitute "family court".

Amendments to the Charging Orders Act 1979

14. Section 1 of the Charging Orders Act 1979(**10**) is amended as follows.

15. In subsection (2)(b), after "maintenance order of the High Court" insert "or an order for costs made in family proceedings in the High Court".

16. After subsection (8) insert—

> "(9) In this section "family proceedings" means proceedings in the Family Division of the High Court which are business assigned, by or under section 61 of (and Schedule 1 to) the Senior Courts Act 1981(**11**), to that Division of the High Court and no other.".

Amendment to the Administration of Justice Act 1982

17. In section 38(1) of the Administration of Justice Act 1982(**12**), after paragraph (a) insert—

"(aa) the family court;".

Amendment to the Administration of Justice Act 1985

18. In paragraph 27(b) of Schedule 2 to the Administration of Justice Act 1985(**13**), after "county court" insert "or the family court".

Amendment to the Courts and Legal Services Act 1990

19. In section 15(3) of the Courts and Legal Services Act 1990(**14**), after "the High Court" insert ", the family court".

Amendment to the Taxation of Chargeable Gains Act 1992

20. In section 61(3)(a) of the Taxation of Chargeable Gains Act 1992(**15**), before "and statutory deposits" insert ", money in the family court".

(**9**) 1978 c.22. Section 28 was amended by paragraph 28 of Schedule 8, and by Schedule 10, to the Family Law Act 1996 (c.27) and by paragraphs 67 and 79 of Schedule 11 to the Crime and Courts Act 2013.

(**10**) 1979 c.53. Section 1 was amended by Schedule 3 to the Administration of Justice Act 1982 (c.53) and by section 93 of the Tribunals, Courts and Enforcement Act 2007 (c.15).

(**11**) 1981 c.54. Section 61 was amended by paragraphs 114 and 129 of Part 1 of Schedule 4 to the Constitutional Reform Act 2005 (c.4). Paragraph 3 of Schedule 1 was amended by section 5 of the Marriage (Prohibited Degrees of Relationship) Act 1986 (c.16), paragraph 26 of Schedule 1 and paragraph 51(b) of Schedule 8 to the Family Law Act 1986 (c.55), Schedule 4 to the Family Law Reform Act 1987 (c.42), paragraph 9 of Schedule 11, paragraph 45(3) of Schedule 13 and paragraph 1 of Schedule 14 to the Children Act 1989 (c.41), paragraph 51(a) of Schedule 8 to the Family Law Act 1996, paragraph 1 of Schedule 12 to the Welfare Reform and Pensions Act 1999 (c.30), paragraph 70 of Schedule 27 to the Civil Partnership Act 2004, paragraph 3 of Schedule 2 to the Childcare Act 2006 (c.21), paragraph 1 of Part 1 of Schedule 2 to the Forced Marriage (Civil Protection) Act 2007 (c.20), paragraph 21 of Part 1 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c.22), paragraphs 3 and 4 of Schedule 1 to the Children and Families (Wales) Measure 2010 (2010 nawm 1), paragraphs 54 and 63 of Schedule 10 to the Crime and Courts Act 2013, and by S.I. 1991/1210, 1993/622, 2004/3418, 2005/265 and 2010/1898.

(**12**) 1982 c.53. Section 38(1) is amended by paragraph 52 of Schedule 9 to the Crime and Courts Act 2013.

(**13**) 1985 c.61.

(**14**) 1990 c.41. Section 15(3) was amended by paragraphs 31 and 34 of Schedule 9 to the Crime and Courts Act 2013.

(**15**) 1992 c.12. Section 61(3) was amended by paragraph 30 of Schedule 11 to the Constitutional Reform Act 2005 and by paragraph 131 of Schedule 9 to the Crime and Courts Act 2013.