



Courts and Legal Services Act 1990

1990 CHAPTER 41

PART I

PROCEDURE ETC. IN CIVIL COURTS

Family proceedings

9 Allocation of family proceedings which are within the jurisdiction of county courts

- (1) The Lord Chancellor may, with the concurrence of the President of the Family Division, give directions that, in such circumstances as may be specified—
 - (a) any family proceedings which are within the jurisdiction of county courts; or
 - (b) any specified description of such proceedings,shall be allocated to specified judges or to specified descriptions of judge.
- (2) Any such direction shall have effect regardless of any rules of court.
- (3) Where any directions have been given under this section allocating any proceedings to specified judges, the validity of anything done by a judge in, or in relation to, the proceedings shall not be called into question by reason only of the fact that he was not a specified judge.
- (4) For the purposes of subsection (1) “county court” includes the principal registry of the Family Division of the High Court in so far as it is treated as a county court.
- (5) In this section—

“family proceedings” has the same meaning as in the Matrimonial and Family Proceedings Act 1984 and also includes any other proceedings which are family proceedings for the purposes of the Children Act 1989;

“judge” means any person who—

 - (a) is capable of sitting as a judge for a county court district;
 - (b) is a district judge, an assistant district judge or a deputy district judge; or

Status: This is the original version (as it was originally enacted).

(c) is a district judge of the principal registry of the Family Division of the High Court; and

“specified” means specified in the directions.

10 Family proceedings in magistrates' courts and related matters

- (1) In this section “family proceedings” has the meaning given by section 65(1) of the Magistrates' Courts Act 1980.
- (2) For the purpose of giving effect to any enactment mentioned in that section, rules made under section 144 of that Act may make, in relation to any family proceedings, any provision which—
 - (a) falls within subsection (2) of section 93 of the Children Act 1989 (rules of court); and
 - (b) may be made in relation to relevant proceedings under section 93 of the Act of 1989.
- (3) In section 35 of the Justices of the Peace Act 1979 (composition of committee of magistrates for inner London area), in subsection (3)—
 - (a) in paragraph (b) for the words “three members of the juvenile court panel” there shall be substituted “one member of the juvenile court panel”; and
 - (b) after that paragraph there shall be inserted the following paragraph—
 - “(bb) two members chosen, in such manner as may be prescribed by rules made for the purposes of this subsection, from any family panel or combined family panel for the inner London area”.
- (4) At the end of that section there shall be added the following subsection—
 - “(7) No rules shall be made under subsection (3)(bb) above except on the advice of, or after consultation with, the rule committee established under section 144 of the Magistrates' Courts Act 1980.”
- (5) In section 37(1)(a) of that Act (justices' clerks) after the words “juvenile courts” there shall be inserted “and family proceedings courts”.