
DRAFT STATUTORY INSTRUMENTS

2014 No.

The Access to Justice Act 1999 (Destination of Appeals) (Family Proceedings) Order 2014

Appeals to the family court

2.—(1) Paragraph (3) applies to an appeal—

- (a) under section 31K(1) of the 1984 Act⁽¹⁾ (appeals from the family court in cases where no other right of appeal exists); or
- (b) under section 13(2A) of the Administration of Justice Act 1960⁽²⁾ (appeals in cases of contempt of court) from a decision or order of the family court.

(2) Paragraph (3) does not apply if the person, or any of the persons, who made the decision or order was when making the decision or order deployed in the family court otherwise than as the holder of an office referred to in paragraph (3).

(3) The appeal lies to the family court (instead of to the Court of Appeal) if it is from a decision or order made by—

- (a) the Senior District Judge of the Family Division;
- (b) a district judge of the Principal Registry of the Family Division;
- (c) the Chief Taxing Master;
- (d) a Taxing Master of the Senior Courts;
- (e) a person appointed to act as a deputy for any person holding an office referred to in paragraph (b) or (d), or to act as a temporary additional officer in any such office;
- (f) a district judge;
- (g) a deputy district judge appointed under section 102 of the Senior Courts Act 1981⁽³⁾ or section 8 of the County Courts Act 1984⁽⁴⁾;
- (h) a Chamber President, or a Deputy Chamber President, of a chamber of the Upper Tribunal or of a chamber of the First-tier Tribunal;
- (i) a judge of the Upper Tribunal by virtue of appointment under paragraph 1(1) of Schedule 3 to the 2007 Act;
- (j) a transferred-in judge of the Upper Tribunal (see section 31(2) of the 2007 Act);

(1) Section 31K was inserted by paragraph 1 of Part 1 of Schedule 10 to the Crime and Courts Act 2013 (c.22).

(2) 1960 c.65. Section 13(2A) was inserted by paragraphs 15(1) and (2) of Part 2 of Schedule 10 to the Crime and Courts Act 2013.

(3) 1981 c.54. Amendments were made by paragraph 3 (1) to (5) of Schedule 11 to the Tribunals, Courts and Enforcement Act 2007 (c.15). Subsections (1) and (1B) were amended and subsections 5(ZA) to (5ZE) were inserted by Part 4, paragraphs 36(1) to (4) of Schedule 13 to the Crime and Courts Act 2013. Subsection (5) was substituted by paragraph 15(3) of Schedule 8 to the Judicial Pensions and Retirement Act 1993 (c.8). Subsection (6) was repealed by the Courts and legal Services Act 1990 (c. 41), Schedule 20.

(4) 1984 c.28. Amendments were made by paragraphs 5, 7(1) to (5) of Schedule 11 to the Tribunals, Courts and Enforcement Act 2007. Subsections (1), (1ZB), (1A) and (4) were amended and subsections (3A) to (3E) were inserted by paragraphs 37(1) to (6) of Part 4 of Schedule 13 to the Crime and Courts Act 2013. Subsections (1), (1B) to (1D) are to be amended or repealed at a date to be appointed by paragraphs (1) and (6) of Part 1 of Schedule 9 to the Crime and Courts Act 2013. Subsection (1A) was inserted by paragraph 17(1) of Schedule 6 to the Judicial Pensions and Retirement Act 1993 and subsection (2) was repealed by Schedule 9 to that Act. Subsection (3) was amended by paragraph 42 of Schedule 18 to the Courts and Legal Services Act 1990.

- (k) a deputy judge of the Upper Tribunal (whether under paragraph 7 of Schedule 3(5) to, or section 31(2) of, the 2007 Act) ;
 - (l) a judge of the First-tier Tribunal by virtue of appointment under paragraph 1(1) of Schedule 2 to the 2007 Act(6);
 - (m) a transferred-in judge of the First-tier Tribunal (see section 31(2) of the 2007 Act);
 - (n) a member of a panel of Employment Judges established for England and Wales or for Scotland(7);
 - (o) a person appointed under section 30(1)(a) or (b) of the Courts-Martial (Appeals) Act 1951(8) (assistants to the Judge Advocate General);
 - (p) a District Judge (Magistrates' Courts);
 - (q) two or three justices of the peace;
 - (r) a single justice of the peace;
 - (s) a justices' clerk or an assistant to a justices' clerk; or
 - (t) an authorised court officer.
- (4) Paragraph (3) has effect subject to any requirement to obtain permission to appeal.

(5) Paragraph 7 of Schedule 3 was amended by paragraphs 42 and 46 (1) and (6) to (8) of Part 4 of Schedule 13 to the Crime and Courts Act 2013.

(6) Paragraph 1(1) of Schedule 2 was amended by paragraphs 42, 45(1) and (2) of Part 4 of Schedule 13 to the Crime and Courts Act 2013.

(7) See regulation 8 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 (S.I. 2013/1237).

(8) 1951 c. 46. Section 30(1)(b) was amended by paragraph 5 of Part 2 of Schedule 6 to the Armed Forces Act 2001(c.19).