



Children Act 1975

1975 CHAPTER 72

PART V

MISCELLANEOUS AND SUPPLEMENTAL

Supplemental

101 Appeals etc.

[^{F1}(1) Where any application has been made under this Act [^{F2}or the relevant adoption provisions] to a county court, the High Court may, at the instance of any party to the application, order the application to be removed to the High Court and there proceeded with on such terms as to costs as it thinks proper.]

(2) Subject to subsection (3), where on an application to a magistrates' court under this Act [^{F3}or the relevant adoption provisions] the court makes or refuses to make an order, an appeal shall lie to the High Court.

(3) Where an application is made to a magistrates' court under this Act [^{F3}or the relevant adoption provisions], and the court considers that the matter is one which would more conveniently be dealt with by the High Court, the magistrates' court shall refuse to make an order, and in that case no appeal shall lie to the High Court.

[^{F4}(4) Any order made on an appeal under subsection (2) from a decision of a magistrates' court on an application under Part II (other than an order directing that an application shall be re-heard by a magistrates' court) shall for the purposes of the enforcement of the order and for the purposes of sections 35, 35A and 36 be treated as if it were an order of the magistrates' court from which the appeal was brought and not of the High Court.]

[^{F5}(5) In this section "the relevant adoption provisions" means sections 34, 34A and 35(2) of the ^{M1}Adoption Act 1958.]

*Changes to legislation: There are currently no known outstanding effects
for the Children Act 1975, Section 101. (See end of Document for details)*

Textual Amendments

- F1** S. 101(1) repealed (E.W.) by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), ss. 46(3), 47, **Sch. 3**
- F2** Words inserted (E.W.) by virtue of Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3) Schs. 1, 2 para. 49 and Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 9, **Sch. 2 para. 27(a)(i)**
- F3** Words inserted (E.W.) by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 9, **Sch. 2 para. 27(a)(ii)**
- F4** S. 101(4) added (E.W.) by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), s. 71, **Sch. 1**
- F5** S. 101(5) added by Health and Social Services and Social Security Adjudications Act 1983 (c. 41, SIF 113:3), s. 9, **Sch. 2 para. 27(b)**

Marginal Citations

- M1** 1958 c. 5(49:11).

Changes to legislation:

There are currently no known outstanding effects for the Children Act 1975, Section 101.