



Matrimonial and Family Proceedings Act 1984

1984 CHAPTER 42

PART V

FAMILY BUSINESS: DISTRIBUTION AND TRANSFER

Rules of court and fees

40 Family proceedings rules.

- (1) Subject to subsection (2) below, the power to make rules of court for the purposes of family proceedings in the High Court or county courts shall be exercisable by the Lord Chancellor together with any four or more of the following persons, namely—
- (a) the President of the Family Division,
 - (b) one puisne judge attached to that Division,
 - [^{F1}(c) one district judge of the principal registry of that Division,
 - (d) two Circuit judges,
 - (e) one district judge appointed under the County Courts Act 1984,
 - (f) two persons who have a Supreme Court qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990), and
 - (g) two persons who have been granted by an authorised body, under Part II of that Act, the right to conduct litigation in relation to all proceedings in the Supreme Court.]
- (2) Subsection (1) above is without prejudice to the powers of the following authorities to make rules in respect of the matters referred to below and rules in respect of those matters shall continue to be made by those authorities and shall not be made by the authority constituted by subsection (1) above.

The rules and rule-making authorities are—

Status: Point in time view as at 14/03/1997.

Changes to legislation: There are currently no known outstanding effects for the Matrimonial and Family Proceedings Act 1984, Cross Heading: Rules of court and fees. (See end of Document for details)

- (a) adoption rules made by the Lord Chancellor under section 9(3) of the ^{M1}Adoption Act 1958, section 12(1) of the ^{M2}Adoption Act 1968 or section 66(1) of the ^{M3}Adoption Act 1976;
 - (b) probate rules made by the President of the Family Division with the concurrence of the Lord Chancellor under section 127 of the ^{M4}Supreme Court Act 1981.
- (3) The persons to act in pursuance of subsection (1) above with the Lord Chancellor, other than the President of the Family Division, shall be appointed by the Lord Chancellor for such time as he may think fit.
- [^{F2}(3A) Rules made under this section may make different provision for different cases or different areas, including different provision—
- (a) for a specific court, or
 - (b) for specific proceedings, or a specific jurisdiction,
- specified in the rules.]
- (4) Rules made under this section may, in relation to county court rules, do anything which, as special rules, they are authorised by section 84 of the Supreme Court Act 1981 to do in relation to Supreme Court Rules and may—
- (a) modify or exclude the application of any provision of the County Courts Act 1984; and
 - (b) provide for the enforcement in the High Court of orders made in a divorce county court.
- (5) Rules of court under this section shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament; and the ^{M5}Statutory Instruments Act 1946 shall apply to a statutory instrument containing such rules as if the rules had been made by a Minister of the Crown.

Textual Amendments

- F1** S. 40(1)(c)–(g) substituted by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(3), **Sch. 18 para. 50**
- F2** S. 40(3A) inserted (14.3.1997) by 1997 c. 12, s. 10, **Sch. 2 para. 3(a)**; S.I. 1997/841, **art. 2**

Commencement Information

- I1** S. 40 wholly in force at 14.10.1991 see s. 47(1)(e); S.I. 1991/1211, **art. 2(a)**.

Marginal Citations

- M1** 1958 c. 5.
M2 1968 c. 53.
M3 1976 c. 36.
M4 1981 c. 54.
M5 1946 c. 36.

41 Fees in family proceedings.

The fees to be taken in any family proceedings in the High Court or any county court shall be such as the Lord Chancellor with the concurrence of the Treasury may prescribe from time to time by order made by statutory instrument.

Status: Point in time view as at 14/03/1997.

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Commencement Information

I2 S. 41 wholly in force at 14.10.1991 see s. 47(1)(e); [S.I. 1991/1211](#), [art. 2\(a\)](#).

Status:

Point in time view as at 14/03/1997.

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial and Family Proceedings Act 1984, Cross Heading: Rules of court and fees.