



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,
 - (c) one registrar of the principal registry of that Division,
 - (d) two Circuit Judges,
 - (e) one registrar appointed under the County Courts Act 1984,
 - (f) two practising barristers, and
 - (g) two practising solicitors, of whom one shall be a member of the Council of the Law Society and the other a member of the Law Society and also of a local law society.
- (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Status: This is the original version (as it was originally enacted).

- (a) adoption rules made by the Lord Chancellor under section 9(3) of the Adoption Act 1958, section 12(1) of the Adoption Act 1968 or section 66(1) of the 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 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.
- (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 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.