



Family Law Act 1996

1996 CHAPTER 27

PART IV

FAMILY HOMES AND DOMESTIC VIOLENCE

Jurisdiction and procedure etc.

61 Appeals

- (1) An appeal shall lie to the High Court against—
 - (a) the making by a magistrates' court of any order under this Part, or
 - (b) any refusal by a magistrates' court to make such an order,but no appeal shall lie against any exercise by a magistrates' court of the power conferred by section 59(2).
- (2) On an appeal under this section, the High Court may make such orders as may be necessary to give effect to its determination of the appeal.
- (3) Where an order is made under subsection (2), the High Court may also make such incidental or consequential orders as appear to it to be just.
- (4) Any order of the High Court made on an appeal under this section (other than one directing that an application be re-heard by a magistrates' court) shall, for the purposes—
 - (a) of the enforcement of the order, and
 - (b) of any power to vary, revive or discharge orders,be treated as if it were an order of the magistrates' court from which the appeal was brought and not an order of the High Court.
- (5) The Lord Chancellor may by order make provision as to the circumstances in which appeals may be made against decisions taken by courts on questions arising in connection with the transfer, or proposed transfer, of proceedings by virtue of any order under section 57(5).

Status: This is the original version (as it was originally enacted).

- (6) Except to the extent provided for in any order made under subsection (5), no appeal may be made against any decision of a kind mentioned in that subsection.