



Courts Act 2003

2003 CHAPTER 39

PART 7

PROCEDURE RULES AND PRACTICE DIRECTIONS

Family Procedure Rules and practice directions

81 Practice directions relating to family proceedings

- (1) [^{F1}Directions may be given in accordance with Part 1 of Schedule 2 to the Constitutional Reform Act 2005] as to the practice and procedure of—
- [^{F2}(za) the civil division of the Court of Appeal,
 - (zb) the High Court,
 - (a) county courts, and
 - (b) magistrates' courts,
- in family proceedings.
- (2) Directions as to the practice and procedure of those courts in family proceedings [^{F3}given otherwise than under subsection (1) may not be given without the approval of—
- (a) the Lord Chancellor, and
 - (b) the Lord Chief Justice.]
- [^{F4}(2A) Directions as to the practice and procedure of any relevant court in family proceedings (whether given under subsection (1) or otherwise) may provide for any matter which, by virtue of paragraph 3 of Schedule 1 to the Civil Procedure Act 1997, may be provided for by Civil Procedure Rules.]
- (3) The power to give directions under subsection (1) includes power—
- (a) to vary or revoke directions as to the practice and procedure of [^{F5}any relevant court](or any of them) in family proceedings, whether given [^{F6}under subsection (1) or otherwise] ,
 - (b) to give directions containing different provision for different cases (including different areas), and

Status: Point in time view as at 03/04/2006. This version of this provision has been superseded.

Changes to legislation: Courts Act 2003, Section 81 is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) to give directions containing provision for a specific court, for specific proceedings or for a specific jurisdiction.

[^{F7}(4) Subsection (2)(a) does not apply to directions to the extent that they consist of guidance about any of the following—

- (a) the application or interpretation of the law;
 (b) the making of judicial decisions.

(5) Subsection (2)(a) does not apply to directions to the extent that they consist of criteria for determining which judges may be allocated to hear particular categories of case; but the directions may, to that extent, be given only—

- (a) after consulting the Lord Chancellor, and
 (b) with the approval of the Lord Chief Justice.]

[^{F8}(5) In this section—

“Civil Procedure Rules” has the same meaning as in the Civil Procedure Act 1997;

“relevant court” means a court listed in subsection (1).]

Textual Amendments

- F1** Words in s. 81(1) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 13, [Sch. 2 para. 9\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 7
- F2** S. 81(1)(za)(zb) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 344\(2\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F3** Words in s. 81(2) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 13, [Sch. 2 para. 9\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 7
- F4** S. 81(2A) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 344\(3\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F5** Words in s. 81(3) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 344\(4\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(aa)
- F6** Words in s. 81(3)(a) substituted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 13, [Sch. 2 para. 9\(4\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 7
- F7** S. 81(4)(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 13, [Sch. 2 para. 9\(5\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 7
- F8** S. 81(5) inserted (3.4.2006) by [Constitutional Reform Act 2005 \(c. 4\)](#), s. 15, [Sch. 4 para. 344\(5\)](#); [S.I. 2006/1014](#), [art. 2\(a\)](#), Sch. 1 para. 11(aa)

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