
STATUTORY INSTRUMENTS

1991 No. 1426 (L.19)

MAGISTRATES' COURTS

**The Family Proceedings Courts (Constitution)
(Metropolitan Area) Rules 1991**

Made - - - - 11th June 1991
Laid before Parliament 1st July 1991
Coming into force in accordance with article 1

The Lord Chancellor, in exercise of the powers conferred on him by section 144 of the Magistrates' Courts Act 1980⁽¹⁾, after consultation with the Rule Committee appointed under the said section 144, hereby makes the following Rules:

Citation, commencement and revocations

1.—(1) These Rules may be cited as the Family Proceedings Courts (Constitution) (Metropolitan Area) Rules 1991 and shall come into force on 14th October 1991, except that for the purposes of rules 4(1) and (4) and 7(3), these Rules shall come into force on 12th August 1991.

(2) Subject to paragraph (3), the rules mentioned in the Schedule to these Rules are hereby revoked.

(3) Nothing in these Rules shall affect any proceedings which are pending (within the meaning of paragraph 1 of Schedule 14 to the Act of 1989) immediately before these Rules come into force.

Interpretation

2. In these Rules, unless a contrary intention appears—

any reference to a rule shall be construed as a reference to a rule contained in these Rules and any reference in a rule to a paragraph shall be construed as a reference to a paragraph of that rule;

“inner London area” has the meaning assigned to it by section 2(1)(a) of the Act of 1979;

“justice” means a justice of the peace who is not a stipendiary magistrate;

“metropolitan area” means the inner London area and the City of London;

“panel” means “family panel”, within the meaning of section 92 of the Act of 1989;

(1) 1980 c. 43, as extended by section 67 of that Act.

“stipendiary magistrate” means a metropolitan stipendiary magistrate appointed under section 31 of the Act of 1979;

“the Act of 1979” means the Justices of the Peace Act 1979(2).

“the Act of 1989” means the Children Act 1989(3).

Extent

3. These Rules do not apply outside the metropolitan area.

Formation of panel

4.—(1) There shall be one panel for the metropolitan area which, subject to paragraph (4), shall be formed of justices who are nominated from time to time by the Lord Chancellor in accordance with these Rules.

(2) The justices who are first nominated to form the panel constituted under paragraph (1) shall serve thereon for a term commencing on 14th October 1991 and expiring on 31st December 1993 and succeeding justices shall, subject to paragraph (3) below, serve for a term of three years commencing on 1st January in the year following the expiry of the term of previous justices.

(3) The number of justices who are nominated under paragraph (1) shall be such as the Lord Chancellor thinks sufficient for family proceedings courts in the metropolitan area and he may, at any time, subject to rule 5, nominate one or more additional justices to the panel who shall serve thereon for a term commencing on a date determined by the Lord Chancellor and ending at the end of the period for which the other justices to the panel were nominated.

(4) The Lord Chancellor may nominate one or more stipendiary magistrates to the panel and every such nomination shall be for a specified period and shall be revocable by the Lord Chancellor.

Eligibility and removal

5.—(1) A justice shall not be nominated to the panel unless-

- (a) he is a justice who acts for the metropolitan area;
- (b) he has acted as a justice for a minimum period of one year;
- (c) he has indicated that he is willing to serve as a member of the panel and, where he is nominated for a term commencing on 14th October 1991, has undertaken that he intends to serve as a member of the panel for the full term specified in rule 4(2) above; and
- (d) he is suitable, in the opinion of the Lord Chancellor, to serve as a member of the panel.

(2) A justice shall be eligible for nomination to the panel whether or not he-

- (a) has been a member of the panel before, or
- (b) is, or has been, a member of any other panel.

(3) The Lord Chancellor may remove from the panel any justice who, in his opinion, is unsuitable to serve on a family proceedings court.

Vacancies in membership of panel

6. If a vacancy occurs in the membership of the panel, the Lord Chancellor may, subject to rule 5(1), nominate a justice to fill the vacancy who shall serve on the panel for a term commencing on

(2) 1979 c. 55.

(3) 1989 c. 41.

a date determined by the Lord Chancellor and ending at the end of the period for which the other members were nominated.

Composition and chairmen of family proceedings courts

7.—(1) The members of the panel shall meet as often as may be necessary but not less than twice a year to make arrangements connected with the sitting of family proceedings courts and to discuss questions connected with the work of those courts.

(2) The justices to sit in each family proceedings court shall be chosen from the panel in such manner as the panel determine so as to ensure that section 66(2) and (3) of the Magistrates' Courts Act 1980 (which provides how a family proceedings court for the metropolitan area is to be constituted) is complied with (except where a single justice is authorised to discharge the functions of a magistrates' court).

(3) A family proceedings court which does not include a stipendiary magistrate (whether sitting alone or as chairman) shall sit under the chairmanship of a justice for the inner London area being a person nominated by the Lord Chancellor to act as court chairman.

(4) If at any sitting of a family proceedings court which does not include a stipendiary magistrate (whether sitting alone or as chairman), a chairman is available to act as chairman but considers that it would be appropriate for another member of the court to act as chairman at that sitting, he may nominate that member to act as chairman at the sitting provided that the chairman who makes the nomination sits as a member of the court throughout the sitting.

(5) If at any sitting of a family proceedings court which does not include a stipendiary magistrate (whether sitting alone or as chairman), no justice nominated under paragraph (3) is available to act as chairman owing to illness or other emergency, any justice who is a member of the panel may, with the consent of the Lord Chancellor, act temporarily as chairman.

Dated 11th June 1991

Mackay of Clashfern, C.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE

Rule 1(2)

REVOCATIONS

Rules revoked	References
The Domestic Courts (Constitution) (Inner London) Rules 1979	S.I. 1979/758
The Domestic Courts (Constitution) (Inner London) (Amendment) Rules 1983	S.I. 1983/677
The Domestic Courts (Constitution) (Inner London) (Amendment) Rules 1988	S.I. 1988/869

EXPLANATORY NOTE

(This note is not part of the Rules)

These Rules, which only apply in the inner London area and the City of London, are made as a consequence of the introduction, by the Children Act 1989, of family proceedings in magistrates' courts which, from 14th October 1991, replace domestic proceedings and thereby create a need for family panels to be constituted in place of domestic court panels.

Rule 4 provides that there shall be one family panel for the inner London area and the City of London to which justices shall be nominated by the Lord Chancellor. This Rule also specifies the length of their term of service and that of future members of the panel. The Lord Chancellor may nominate one or more metropolitan stipendiary magistrates to the panel.

Rule 5 sets out the eligibility requirements for appointment to the panel and enables the Lord Chancellor to remove from a panel any unsuitable justice.

Rule 7 provides for the composition and chairmanship of family proceedings courts.

These Rules revoke the Domestic Courts (Constitution) (Inner London) Rules 1979 and relevant amending statutory instruments. Nothing in these Rules affects any proceedings which are pending (within the meaning of paragraph 1 of Schedule 14 to the Act of 1989) immediately before these Rules come into force. These Rules shall come into force on 14th October 1991 except that for the purposes of rules 4(1) and (4) and 7(3) they shall come into force on 12th August 1991.