
STATUTORY INSTRUMENTS

1997 No. 1896

**The Family Law Act 1996 (Part IV)
(Allocation of Proceedings) Order 1997**

TRANSFER OF PROCEEDINGS

Transfer from family proceedings court to county court

8.—(1) A family proceedings court may, on application or of its own motion, transfer proceedings under Part IV to a county court where it considers that—

- (a) it would be appropriate for those proceedings to be heard together with other family proceedings which are pending in that court; or
- (b) the proceedings involve—
 - (i) a conflict with the law of another jurisdiction;
 - (ii) some novel and difficult point of law;
 - (iii) some question of general public interest; or
- (c) the proceedings are exceptionally complex.

(2) A family proceedings court must transfer proceedings under Part IV to a county court where—

- (a) a child under the age of eighteen is the respondent to the application or wishes to become a party to the proceedings; or
- (b) a party to the proceedings is a person who, by reason of mental disorder within the meaning of the Mental Health Act 1983⁽¹⁾, is incapable of managing and administering his property and affairs.

(3) Except where transfer is ordered under paragraph (1)(a), the proceedings shall be transferred to the nearest county court.