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STATUTORY INSTRUMENTS

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**1997 No. 1897 (L. 33)**

**FAMILY LAW**

**The Children (Allocation of Proceedings) (Amendment) Order 1997**

<i>Made</i>	- - - -	<i>28th July 1997</i>
<i>Laid before Parliament</i>		<i>31st July 1997</i>
<i>Coming into force</i>		
<i>As to all provisions except articles 2 to 4</i>		<i>1st September 1997</i>
<i>Articles 2 to 4</i>		<i>1st October 1997</i>

The Lord Chancellor, in exercise of the powers conferred on him by section 92(9) and (10) of, and Part I of Schedule 11 to, the Children Act 1989<sup>(1)</sup>, hereby makes the following Order:—

**1.**—(1) This Order may be cited as the Children (Allocation of Proceedings) (Amendment) Order 1997 and shall come into force on 1st September 1997 except for articles 2 to 4 which shall come into force on 1st October 1997.

(2) In this Order, an article or Schedule referred to by number means the article or Schedule so numbered in the Children (Allocation of Proceedings) Order 1991<sup>(2)</sup>.

**2.** After article 9(3) there shall be inserted the following new paragraph—

“(4) This article shall apply (with the necessary modifications) to proceedings brought under Parts I and II as it applies where a magistrates' court refuses to transfer proceedings under article 7.”.

**3.** Article 11 shall stand as paragraph (1) of that article and, after it, there shall be inserted the following new paragraph—

“(2) Paragraph (1) shall apply (with the necessary modifications) to proceedings under Parts I and II brought in, or transferred to, a county court as it applies to proceedings transferred to a county court under article 7(1).”.

**4.** For article 20 there shall be substituted the following—

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(1) 1989 c. 41.

(2) S.I.1991/1677; the relevant amending instruments are S.I.1993/624, 1994/2164, 3138 and 1995/1649.

**“Lambeth, Shoreditch and Woolwich County Courts**

**20.** Notwithstanding articles 14, 16 and 17, an application for an order under section 4 or 8 or under the Adoption Act 1976(3) may be made to and tried in Lambeth, Shoreditch or Woolwich County Court.”.

**5.** In Schedule 1, under the heading “**Western Circuit**”, after “Portsmouth County Court”, there shall be inserted “Salisbury County Court”.

**6.** In Schedule 2, under the heading “**Western Circuit**”, in column (ii), for “Bournemouth County Court” where it appears opposite Salisbury Petty Sessions Area, there shall be substituted “Swindon County Court”.

Dated 28th July 1997

*Irvine of Lairg, C.*

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order amends the Children (Allocation of Proceedings) Order 1991 which provides for the allocation of proceedings between the High Court, the county courts and the magistrates' courts of proceedings relating to children.

Article 2 extends the power of county courts to review the refusal by a magistrates' court of the transfer of proceedings to a county court.

Article 3 extends the power to provide for cases to be transferred from county courts to magistrates' courts.

Article 4 makes Shoreditch County Court one of the particular county courts in which proceedings may be taken and enables the three named county courts to make orders under section 4 of the Children Act 1989 (acquisitions of parental responsibility by father).

Article 5 nominates Salisbury County Court a family hearing centre and article 6 provides that the care centre for the Salisbury Petty Sessions Area is Swindon County Court in place of Bournemouth County Court.