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STATUTORY INSTRUMENTS

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**2010 No. 2955**

**The Family Procedure Rules 2010**

**PART 2**

**APPLICATION AND INTERPRETATION OF THE RULES**

**Power to perform functions conferred on the court by these rules and practice directions**

**2.5.**—(1) Where these rules or a practice direction provide for the court to perform any function then, except where any rule or practice direction, any other enactment or any directions made by the President of the Family Division under section 9 of the Courts and Legal Services Act 1990(1), provides otherwise, that function may be performed—

- (a) in relation to proceedings in the High Court or in a district registry, by any judge or district judge of that Court including a district judge of the principal registry;
- (b) in relation to proceedings in a county court, by any judge or district judge including a district judge of the principal registry when the principal registry is treated as if it were a county court; and
- (c) in relation to proceedings in a magistrates' court—
  - (i) by any family proceedings court constituted in accordance with sections 66 and 67 of the Magistrates' Courts Act 1980(2); or
  - (ii) by a single justice of the peace who is a member of the family panel in accordance with Practice Direction 2A.

(The Justices' Clerks Rules 2005 make provision for a justices' clerk or assistant clerk to carry out certain functions of a single justice of the peace.)

(2) A deputy High Court judge and a district judge, including a district judge of the principal registry, may not try a claim for a declaration of incompatibility in accordance with section 4 of the Human Rights Act 1998(3).

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(1) **1990 c.41.** Section 9 was amended by section 15(1) of and paragraphs 211 and 213 of Schedule 4 to the Constitutional Reform Act 2005.

(2) Section 66 was substituted by section 78(2) of and paragraphs 26 and 27 of Schedule 11 to the Access to Justice Act 1999 (c.22) and section 109(1) of and paragraphs 215 of Schedule 8 to the Courts Act 2003. Section 67 was substituted by section 49(1) of the Courts Act 2003 and amended by section 15(1) of and paragraphs 99, 101(1), (2), (3), (4) and (5) of the Constitutional Reform Act 2005.

(3) **1998 c.42.** Section 4 was amended by section 40(4) of and paragraphs 66(1) and (2) of Schedule 9 to the Constitutional Reform Act 2005 and section 378(1) of and paragraph 156 of Schedule 16 to the Armed Forces Act 2006 (c.52) and section 67(1) of and paragraph 43 of Schedule 6 to the Mental Capacity Act 2005.