
EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments which are consequential upon the establishment of the single county court, and of the family court, as provided for in section 17 of, and Schedules 9, 10 and 11 to, the Crime and Courts Act 2013 (c. 22).

Article 2 amends section 74 of the County Courts Act 1984 (c. 28) so that provisions in respect of interest on judgments or orders will apply in the family court as well as the county court.

Article 3(2) amends paragraph 2(1) of Schedule 2 to the Access to Justice Act 1999 (c. 22) to enable the Lord Chancellor to fund advocacy in the family court. Article 3(3) amends paragraph 2(3) of Schedule 2 to that Act to reflect the transfer of jurisdiction over family proceedings to the family court.

Articles 4 to 8 amend the County Court (Interest on Judgment Debts) Order 1991 (S.I. 1991/1184) (“the 1991 Order”). The amendments are made in light of the amendment made to section 74 of the County Courts Act 1984. The amendments to the 1991 Order mean that in specified circumstances interest will be carried in respect of a judgment or order of, or registered in, the family court. Reference to registered judgments or orders is included to reflect the fact that various enactments make provision for certain orders or judgments made in different courts or jurisdictions to be registered in the family court for enforcement purposes.

In addition, the amendments made by articles 5, 7 and 8(a) amend references in the 1991 Order from “a county court” to “the county court” to reflect the creation of a single county court for England and Wales.

An impact assessment for this Order is annexed to the Explanatory Memorandum, which is available alongside this Order at www.legislation.gov.uk.