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STATUTORY INSTRUMENTS

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**2014 No. 840**

The Family Court (Composition and  
Distribution of Business) Rules 2014

**PART 5**

Distribution of business of the family court

**Allocation of emergency applications**

**16.**—(1) In this rule—

“the 1986 Act” means the Family Law Act 1986 <sup>M1</sup>;

“the 1989 Act” means the Children Act 1989 <sup>M2</sup>; and

“the 1996 Act” means the Family Law Act 1996 <sup>M3</sup>.

(2) An application of a type referred to in paragraph (3) shall be allocated to the first available judge of the family court who—

(a) where applicable, is authorised to conduct the type of business to which the application relates; and

(b) would not be precluded by Schedule 2 from dealing with the application.

(3) The types of applications are those—

(a) under—

(i) section 33 of the 1986 Act <sup>M4</sup> (disclosure of information as to the whereabouts of a child);

(ii) section 34 of the 1986 Act <sup>M5</sup> (order authorising the taking charge and delivery of a child);

(iii) section 44(1) of the 1989 Act (emergency protection order);

(iv) section 44(9)(b) of the 1989 Act (varying a direction in an emergency protection order given under section 44(6) of the 1989 Act);

(v) section 45(4) of the 1989 Act (extending the period during which an emergency protection order is to have effect);

(vi) section 45(8) of the 1989 Act (to discharge an emergency protection order);

(vii) section 45(8A) of the 1989 Act <sup>M6</sup> (to vary or discharge an emergency protection order in so far as it imposes an exclusion requirement on a person who is not entitled to apply for the order to be discharged);

(viii) section 45(8B) of the 1989 Act <sup>M7</sup> (to vary or discharge an emergency protection order in so far as it confers powers of arrest attached to an exclusion requirement);

(ix) section 48(9) of the 1989 Act (warrant to assist in discovery of children who may be in need of emergency protection);

*Status: Point in time view as at 08/04/2024.*

*Changes to legislation: There are currently no known outstanding effects for the The Family Court (Composition and Distribution of Business) Rules 2014, Section 16. (See end of Document for details)*

- (x) section 50 of the 1989 Act <sup>M8</sup> (recovery of abducted children);
  - (xi) section 102(1) of the 1989 Act (warrant for a constable to assist in the exercise of certain powers to search for children or inspect premises);
  - (xii) Part 4 of the 1996 Act <sup>M9</sup> which are made without notice, except where the applicant is under 18 or where an application for an occupation order under section 33 of that Act requires a determination of a question of property ownership;
  - (xiii) section 41 of the Adoption and Children Act 2002 <sup>M10</sup> (recovery order); <sup>F1</sup>...
  - (xiv) section 79 of the Childcare Act 2006 <sup>M11</sup> (warrant for a constable to assist in the exercise of powers of entry); <sup>F2</sup>...
  - <sup>F3</sup>(xv) the Protection Measures Regulation made within or in connection with an application under sub-paragraph (xii); <sup>F4</sup>...
  - (xvi) Article 11 of the Protection Measures Regulation for adjustment of an incoming protection measure except where the applicant is aged under 18; or <sup>F5</sup>or]
  - <sup>F6</sup>(xvii) Part 3 of the Domestic Abuse Act 2021 which are made without notice, except where the applicant is aged under 18;]
- (b) which are not referred to in paragraph (a) but which require the immediate attention of the court.
- (4) An application of a type listed in paragraph (5) shall be allocated to the first available judge of the family court, other than lay justices, who, where applicable, is authorised to conduct the type of business to which the application relates.
- (5) The types of application are those under—
- (a) Part 4 of the 1996 Act which are made without notice and where the applicant is aged under 18 or where an application for an occupation order under section 33 of that Act requires a determination of a question of property ownership;
  - (b) Part 4A of the 1996 Act <sup>M12</sup> which are made without notice<sup>F7</sup>;
  - <sup>F8</sup>(c) the Protection Measures Regulation made within or in connection with an application under sub-paragraph (a) or (b);
  - (d) Article 11 of the Protection Measures Regulation for adjustment of an incoming protection measure where the applicant is aged under 18<sup>F9</sup>;
  - <sup>F10</sup>(e) Part 1 of Schedule 2 to the Female Genital Mutilation Act 2003 which are made without notice<sup>F11</sup>;
  - <sup>F12</sup>(f) Part 3 of the Domestic Abuse Act 2021 which are made without notice and where the applicant is aged under 18.]

#### Textual Amendments

- F1** Word in rule 16(3)(a)(xiii) omitted (11.1.2015) by virtue of [The Family Court \(Composition and Distribution of Business\) \(Amendment\) Rules 2014 \(S.I. 2014/3297\)](#), rules 1, **4(a)(i)**
- F2** Word in rule 16(3)(a)(xiv) omitted (11.1.2015) by virtue of [The Family Court \(Composition and Distribution of Business\) \(Amendment\) Rules 2014 \(S.I. 2014/3297\)](#), rules 1, **4(a)(i)**
- F3** Rule 16(3)(a)(xv)(xvi) inserted (11.1.2015) by [The Family Court \(Composition and Distribution of Business\) \(Amendment\) Rules 2014 \(S.I. 2014/3297\)](#), rules 1, **4(a)(ii)**
- F4** Word in rule 16(3)(a)(xv) omitted (8.4.2024) by virtue of [The Family Court \(Composition and Distribution of Business\) \(Amendment\) Rules 2024 \(S.I. 2024/258\)](#), rules 1(2), **2(2)(a)(i)**

- F5** Word in rule 16(3)(a)(xvi) inserted (8.4.2024) by The Family Court (Composition and Distribution of Business) (Amendment) Rules 2024 (S.I. 2024/258), rules 1(2), **2(2)(a)(ii)**
- F6** Art. 16(3)(a)(xvii) inserted (8.4.2024) by The Family Court (Composition and Distribution of Business) (Amendment) Rules 2024 (S.I. 2024/258), rules 1(2), **2(2)(a)(iii)**
- F7** Semicolon in rule 16(5)(b) substituted for full stop (11.1.2015) by The Family Court (Composition and Distribution of Business) (Amendment) Rules 2014 (S.I. 2014/3297), rules 1, **4(b)(i)**
- F8** Rule 16(5)(c)(d) inserted (11.1.2015) by The Family Court (Composition and Distribution of Business) (Amendment) Rules 2014 (S.I. 2014/3297), rules 1, **4(b)(ii)**
- F9** Semicolon in rule 16(5)(d) substituted for full stop (17.7.2015) by The Family Court (Composition and Distribution of Business) (Amendment) Rules 2015 (S.I. 2015/1421), rules 1, **3(a)**
- F10** Rule 16(5)(e) inserted (17.7.2015) by The Family Court (Composition and Distribution of Business) (Amendment) Rules 2015 (S.I. 2015/1421), rules 1, **3(b)**
- F11** Rule 16(5)(e); semicolon substituted for full stop (8.4.2024) by The Family Court (Composition and Distribution of Business) (Amendment) Rules 2024 (S.I. 2024/258), rules 1(2), **2(2)(b)(i)**
- F12** Rule 16(5)(f) inserted (8.4.2024) by The Family Court (Composition and Distribution of Business) (Amendment) Rules 2024 (S.I. 2024/258), rules 1(2), **2(2)(b)(ii)**

#### Marginal Citations

- M1** 1986 c.55.
- M2** 1989 c.41.
- M3** 1996 c.27.
- M4** Section 33 was amended by paragraph 62 of Schedule 13 to the Children Act 1989, paragraph 41 of Schedule 4 to the [Children \(Scotland\) Act 1995 \(c.36\)](#) and paragraph 124 of Schedule 27 to the Civil Partnership Act 2004.
- M5** Section 34 was amended by paragraphs 62 and 70 of Schedule 13 to the Children Act 1989 and by [S.I. 1995/756](#).
- M6** Section 45(8A) was inserted by paragraph 4 of Schedule 6 to the Family Law Act 1996.
- M7** Section 45(8B) was inserted by paragraph 4 of Schedule 6 to the Family Law Act 1996.
- M8** Section 50 was amended by paragraph 131 of Schedule 27 to the Civil Partnership Act 2004.
- M9** Relevant amendments to Part 4 of the 1996 Act were made by section 2 of, and paragraphs 34 and 35 of Schedule 10 to, the [Domestic Violence, Crime and Victims Act 2004 \(c.28\)](#), **paragraphs 4, 6, 8, 9** and 11 of Schedule 9 to the Civil Partnership Act 2004, paragraph 253 of Schedule 4 to the Constitutional Reform Act 2005 and paragraphs 130, 135 and 136 of Schedule 11 to the Crime and Courts Act 2013.
- M10** [2002 c.38](#).
- M11** [2006 c.21](#). Section 79 was amended by paragraph 114 of Schedule 14 to the [Education and Inspections Act 2006 \(c.40\)](#) and by paragraph 204 of Schedule 11 to the Crime and Courts Act 2013.
- M12** Part 4A was inserted by section 1 of the [Forced Marriage \(Civil Protection\) Act 2007 \(c.20\)](#) and was amended by paragraphs 139 to 142 of Schedule 11 to the Crime and Courts Act 2013.

**Status:**

Point in time view as at 08/04/2024.

**Changes to legislation:**

There are currently no known outstanding effects for the The Family Court (Composition and Distribution of Business) Rules 2014, Section 16.