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STATUTORY INSTRUMENTS

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**2014 No. 840**

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

**PART 2**

Composition of the family court

**Composition: general**

3.—(1) Subject to rules in this Part, the family court shall be composed of—

- (a) one of the following—
  - (i) a judge of district judge level;
  - (ii) a judge of circuit judge level; or
  - (iii) a judge of High Court judge level; or
- (b) two or three lay justices.

(2) Where paragraph (1)(b) applies, the court shall include, so far as is practicable, both a man and a woman.

**Composition: allocation decision**

4. When making a decision on allocation to which rule 20 applies, the family court shall be composed of one or more of the following —

- (a) a judge of district judge level;
- (b) a judge of circuit judge level.

**Composition: appeals heard by a judge of district judge level**

5.—(1) Subject to rule 7, the family court shall be composed of a judge of district judge level when hearing an appeal from the decision of the Secretary of State where an appeal is brought under—

- (a) regulation 25AB(1) of the Child Support (Collection and Enforcement) Regulations 1992 (Appeals) <sup>M1</sup>;
- (b) section 20(1) (a) or (b) of the 1991 Act to a court by virtue of article 3 of the Child Support Appeals (Jurisdiction of Courts) Order 2002 <sup>M2</sup> (Parentage appeals to be made to courts).

(2) The family court may be composed of a judge of district judge level when hearing applications in the course of appeal proceedings against decisions of persons referred to in rule 6(2)(b) to (d) or decisions of the court referred to in rule 6(3).

(3) The family court shall be composed of a costs judge or a district judge of the High Court when hearing an appeal against the decision of an authorised court officer.

*Status: Point in time view as at 06/04/2020.*

*Changes to legislation: There are currently no known outstanding effects for the The Family Court (Composition and Distribution of Business) Rules 2014, PART 2. (See end of Document for details)*

#### Modifications etc. (not altering text)

- C1** Rules 5-7 applied (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court Transitional and Saving Provision\) Order 2014 \(S.I. 2014/956\)](#), arts. 1, **10(2)**

#### Marginal Citations

- M1** [S.I. 1992/1989](#). Relevant amending instruments are [S.I. 2009/1815](#) and 2012/2007.  
**M2** [S.I. 2002/1915](#). Relevant amending instrument is [S.I. 2008/2683](#).

### Composition: appeals heard by a judge of circuit judge level or a judge of High Court level

6.—(1) Subject to rule 7, when hearing an appeal from the decisions of persons referred to in paragraph (2) or the court referred to in paragraph (3), the family court shall be composed of—

- (a) a judge of circuit judge level; or
  - (b) a judge of High Court level where there is a need for such a level of judge to hear the appeal to make most effective and efficient use of local judicial resource and the resource of the High Court bench.
- (2) The persons referred to in paragraph (1) are—
- (a) a judge of district judge level;
  - (b) two or three lay justices;
  - (c) a lay justice; or
  - (d) [<sup>F1</sup>a person nominated by the Lord Chancellor who is authorised to exercise functions under section 31O(1) of the Matrimonial and Family Proceedings Act 1984].

(3) The court referred to in paragraph (1) is a magistrates' court where an appeal is brought under section 111A of the Magistrates' Courts Act 1980 <sup>M3</sup> (appeals on ground of error of law in child support proceedings).

#### Textual Amendments

- F1** Words in [rule 6\(2\)\(d\)](#) substituted (6.4.2020) by [The Courts and Tribunals \(Judiciary and Functions of Staff\) Act 2018 \(Consequential, Transitional and Saving Provision\) Regulations 2020 \(S.I. 2020/100\)](#), reg. 1(2), [Sch. para. 16\(3\)](#) (with reg. 4)

#### Modifications etc. (not altering text)

- C1** Rules 5-7 applied (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court Transitional and Saving Provision\) Order 2014 \(S.I. 2014/956\)](#), arts. 1, **10(2)**

#### Marginal Citations

- M3** [1980 c.43](#). Section 111A was inserted by [S.I. 2009/871](#) and was amended by paragraph 52 of Schedule 9 to, and paragraph 50 of Schedule 10 to, the Crime and Courts Act 2013.

### Composition: appeals heard by a judge of High Court level

7.—(1) The family court shall be composed of a judge of High Court level when hearing an appeal from the decision of—

- (a) the Senior District Judge of the Family Division in financial remedy proceedings;

- (b) a district judge of the Principal Registry of the Family Division in financial remedy proceedings or a person appointed to act as deputy or as a temporary additional officer for such a district judge in these proceedings;
  - (c) a costs judge; or
  - (d) the Gender Recognition Panel where an appeal is brought under section 8(1) of the Gender Recognition Act 2004 <sup>M4</sup> (Appeals etc.).
- (2) The family court shall be composed of a judge of High Court level (instead of a judge of district judge level or a judge of circuit judge level) where there is—
- (a) an appeal against a decision referred to in rules 5 and 6; and
  - (b) the Designated Family Judge or a judge of High Court level considers that the appeal would raise an important point of principle or practice.

**Modifications etc. (not altering text)**

**C1** Rules 5-7 applied (22.4.2014) by [The Crime and Courts Act 2013 \(Family Court Transitional and Saving Provision\) Order 2014 \(S.I. 2014/956\)](#), arts. 1, **10(2)**

**Marginal Citations**

**M4** [2004 c.7](#). Section 8(1) was amended by section 250 of the [Civil Partnership Act 2004 \(c.33\)](#) and by paragraph 8 of Part 1 of Schedule 5 to the [Marriage \(Same Sex Couples\) Act 2013 \(c.30\)](#).

**Composition: matters part heard**

- 8.**—(1) Paragraph (2) applies where a hearing—
- (a) was before two or three lay justices; and
  - (b) was part heard.
- (2) The court which resumes the hearing shall, wherever possible, be composed of the same lay justices as dealt with the previous part of the hearing.

**Status:**

Point in time view as at 06/04/2020.

**Changes to legislation:**

There are currently no known outstanding effects for the The Family Court (Composition and Distribution of Business) Rules 2014, PART 2.