EXPLANATORY MEMORANDUM TO

THE CHILDREN (ALLOCATION OF PROCEEDINGS) (AMENDMENT) ORDER 2007

2007 No. 774

1. This explanatory memorandum has been prepared by Her Majesty's Courts Service and is laid before Parliament by Command of Her Majesty.

2. Description

This Order amends Schedule 2 to the Children (Allocation of Proceedings) Order 1991 (S.I. 1991/1667), which allocates care centres to local justice areas grouped according to region, and Schedule 3 to that Order, which designates certain county courts as adoption centres. The amendments make Wrexham County Court a care centre and an adoption centre with effect from 2nd April 2007, make Wales a separate Region and move some of the entries to the North West Region from the Wales Region.

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

Part 1 of schedule 11 to the Children Act 1989 enables the Lord Chancellor, having consulted with the Lord Chief Justice, to make an order specifying a class of court described by reference to a description of proceedings. Article 2 of the Children (Allocation of Proceedings) Order 1991 sets out the various classes of county court and refers to Schedule 2, which lists the courts designated as care centres and Schedule 3, which lists the courts designated as adoption centres.

5. Extent

This instrument applies to England and Wales.

6. European Convention on Human Rights

As this instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

In order to ensure the smooth separation of North Wales and Cheshire from 2 April 2007, all North Powys public law work is committed to Chester under the Children (Allocation of Proceedings) Order 1991, and Chester handles all specialist adoptions for Wrexham and Welshpool County Courts. Therefore, to enable North Powys public law work to go to Wrexham County Court an

amendment to that Order was needed. This will enable North Wales to achieve jurisdictional separation from Cheshire from 2 April 2007.

8. Impact

The Lord Chancellor took the decision in the summer of 2006 to merge Cheshire with Merseyside and create HMCS Wales in order to give effect to the view that, as far as is possible, cases originating in North Wales should be managed and heard there. Whilst lack of courtroom space will mean that for some time, a minority of cases will continue to be heard in Chester, this order will change the presumption that they will be heard there, thereby reducing the distance travelled by the majority of court users and ensuring that partner agencies are dealing in Wales with the Welsh system and in England with an English one.

9. Contact

Please contact Vincent Ramkissoon at Her Majesty's Court Service on 020 7210 1457 or e-mail vincent.ramkissoon@hmcourts-service.gsi.gov.uk regarding the instrument.