Draft Order laid before Parliament under section 58(4)(j) of the Crime and Courts Act 2013, for approval by resolution of each House of Parliament.

D R A F T S T A T U T O R Y I N S T R U M E N T S

2014 No.

FAMILY PROCEEDINGS

CIVIL PROCEEDINGS

FAMILY COURT, ENGLAND AND WALES

COUNTY COURT, ENGLAND AND WALES

The Crime and Courts Act 2013 (County Court and Family Court: Consequential Provision) Order 2014

Made - - - - ***

Coming into force in accordance with article 1

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 59 of the Crime and Courts Act 2013(**a**).

In accordance with section 58(4)(j) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Crime and Courts Act 2013 (County Court and Family Court: Consequential Provision) Order 2014 and comes into force on the day after the day on which it is made.

Amendment to the County Courts Act 1984

2. In section 74 of the County Courts Act 1984(**b**), after subsection (5A) insert—

"(5B) This section applies in relation to the family court as it applies in relation to the county court.".

(**a**) 2013 c. 22.
(**b**) 1984 c. 28. Section 74 was amended by section 2 of the Private International Law (Miscellaneous Provisions) Act 1995 (c. 42) and by section 17 of, paragraphs 1 and 10 of Schedule 9 to, the Crime and Courts Act 2013.

Amendments to the Access to Justice Act 1999

3.—(1) Paragraph 2 of Schedule 2 to the Access to Justice Act 1999(**a**) is amended as follows.

(2) In sub-paragraph (1)(**b**), after paragraph (e) insert "(ea) the family court,".

(3) In sub-paragraph (3)(**c**)—

(a) in paragraph (a), omit the words from "section 22" to the end; and

(b) omit paragraphs (b) to (h).

Amendments to the County Courts (Interest on Judgment Debts) Order 1991

4. The County Courts (Interest on Judgment) Debts Order 1991(**d**) is amended as follows.

5. In article 1(2) for the definition of "relevant judgment" substitute—

""relevant judgment" means—

(a) a judgment or order of the county court for the payment of a sum of money—

(i) of not less than £5,000; or

(ii) in respect of a debt which is a qualifying debt for the purposes of the Late Payment of Commercial Debts (Interest) Act 1998(**e**); or

(b) a judgment or order of, or registered in, the family court for the payment of a sum of money of not less than £5,000,

and, in relation to a judgment debt, means the judgment or order which gives rise to the judgment debt.".

6. In article 2, after paragraph (4), insert—

"(5) A judgment debt under a relevant judgment of, or registered in, the family court does not carry interest under this Order if by virtue of any other enactment it does not carry interest.".

7. In article 4(1), for "a county court" substitute "the county court or the family court".

8. In article 5—

(a) in paragraph (2), for "a county" substitute "the appropriate"; and

(b) after paragraph (2), insert—

"(3) In paragraph (2) "the appropriate court" means—

(a) the county court if the judgment debt is under a relevant judgment of the county court;

(b) the family court if the judgment debt is under a relevant judgment of, or registered in, the family court.".

(**a**) 1999 c. 22. Schedule 2 to the Access to Justice Act 1999 was repealed by section 39 of, and paragraph 51 of Schedule 5 to, the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10), subject to savings in S.I. 2013/534.

(**b**) Sub-paragraph (1) was amended by section 125 of, and paragraph 19(1) of Schedule 15 and Part 1 of Schedule 16 to, the Terrorism Act 2000 (c. 11); section 116 of the Nationality, Immigration and Asylum Act 2002 (c. 41); sections 40 and 146 of, and paragraph 68(3) of Schedule 9 and Part 5 of Schedule 18 to, the Constitutional Reform Act 2005 (c. 4); S.I. 2008/2833; and S.I. 2010/21.

(**c**) Sub-paragraph (3) was amended by sections 83 and 85 of, and paragraph 15 of Schedule 8 and Part 9 of Schedule 9 to, the Child Support, Pensions and Social Security Act 2000 (c. 19); section 2(3) of the Anti-terrorism, Crime and Security Act 2001 (c. 24); section 456 of, and paragraph 36(3) of Schedule 11 to, the Proceeds of Crime Act 2002 (c. 29); section 139 of, and paragraph 102 of Schedule 3 to, the Adoption and Children Act 2002 (c. 38); section 261(1) of, and paragraph 156 of Schedule 27 to the Civil Partnership Act 2004 (c. 33); section 56 of, and paragraph 38 of Schedule 6 to, the Human Fertilisation and Embryology Act 2008 (c. 22); and S.I. 2000/822.

(**d**) S.I. 1991/1184 (L. 12). Relevant amending instruments are S.I. 1996/2516 and 1998/2400.

(**e**) 1998 c. 20.

Signed by authority of the Lord Chancellor

Name
Parliamentary Under Secretary of State
Date Ministry of Justice

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.

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