1963 No. 1323

MAGISTRATES' COURTS

The Metropolitan Magistrates' Courts (Domestic Proceedings) Order 1963

Made - - - - *29th July* 1963
Coming into Operation *1st September* 1963

At the Court at Buckingham Palace, the 29th day of July 1963

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in pursuance of section 119(4), (5) and (6) of the Magistrates' Courts Act 1952(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

1. Magistrates' courts shall be constituted for the City of London and the metropolitan stipendiary court area for the purpose of the hearing and determination of domestic proceedings.

2.—(1) Subject as provided in paragraph (4) of this Article, a court constituted under this Order (hereafter in this Order referred to as a "domestic proceedings court") shall consist of a chairman and two other members, and, so far as is practicable, shall include both a man and a woman.

(2) The chairman of a domestic proceedings court shall be either a metropolitan stipendiary magistrate or a justice of the peace for the county of London who has been nominated by the Secretary of State as a person qualified to act as such a chairman, and shall be selected by the chief magistrate of the metropolitan stipendiary courts.

(3) The members of a domestic proceedings court other than the chairman shall be justices of the peace for the county of London selected by the aforesaid chief magistrate from a panel of justices nominated for the purpose from time to time by the Secretary of State.

(4) Where it appears to the chairman of a court that the court cannot without adjournment be fully constituted in accordance with paragraph (1) of this Article and that adjournment would be inexpedient in the interests of justice, he may sit with one justice selected from the panel referred to in paragraph (3) of this Article (whether a man or a woman) or, if he is a metropolitan stipendiary magistrate, he may sit alone.

(5) The Secretary of State, in nominating justices as persons qualified to act as chairmen of a domestic proceedings court, and in nominating members of the panel referred to in paragraph (3) of this Article, shall have regard to the previous experience of the persons available, and every such nomination shall be for three years or such lesser period as may be determined by the Secretary of State at the time of nomination and shall be revocable by the Secretary of State.

(a) 15 & 16 Geo. 6 & 1 Eliz. 2. c. 55.

3. Domestic proceedings courts shall sit in the court room at Walton Street, Chelsea, London, S.W.3, on Tuesday and Thursday of each week and at The Court House, 58B, Bow Road, London, E.3, on Wednesday and Friday of each week, unless any such day is a day on which the metropolitan stipendiary courts are closed or 26th December, and domestic proceedings courts shall also sit in the aforesaid places on such other days as may be necessary, and the said court room at Walton Street and the said Court House shall be open for the purpose of sittings of such courts from ten o'clock in the forenoon or such other time as may be necessary and for so long as may be necessary:

Provided that if a place at which a domestic proceedings court would sit is, on a day on which it would otherwise sit there, occupied for some other purpose, the court on that day may sit in any metropolian stipendiary court or in any place for the time being specified as a place where a juvenile court for the metropolitan stipendiary court area shall sit.

4. In this Order the expression "domestic proceedings" means proceedings—

(*a*) under the Guardianship of Infants Acts 1886 and 1925(a);

(*b*) under section 3 or section 4 of the Maintenance Orders (Facilities for Enforcement) Act 1920(b);

(*c*) under section 4(3) of the Family Allowances Act 1945(c), or under that subsection as applied by section 19(2) of the National Insurance Act 1946(d);

(*d*) under section 3 of the Marriage Act 1949(e);

(*e*) on an application for an affiliation order made under the Affiliation Proceedings Act 1957(f), section 44 of the National Assistance Act 1948(g), or section 26 of the Children Act 1948(h);

(*f*) under the Matrimonial Proceedings (Magistrates' Courts) Act 1960(i),

other than proceedings (not being proceedings in respect of which an order has been made under section 8(3) of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 that they shall be treated as domestic proceedings) for the enforcement of an order made under any of the enactments mentioned in paragraphs (*a*) and (*f*) of this Article, or for the variation of any provision for the payment of money contained in an order made under any of those enactments, or in an order made or confirmed under the enactments mentioned in paragraph (*b*) of this Article, or proceedings for the enforcement, revocation, revival or variation of an affiliation order.

5.—(1) The Metropolitan Magistrates' Courts (Domestic Proceedings) Order 1958(j) and the Metropolitan Magistrates' Courts (Domestic Proceedings) Order 1959(k) are hereby revoked.

(2) Any further proceedings in or arising out of any proceedings begun before the date when this Order comes into operation before a court constituted under an Order revoked by this Order may be continued, or, as the case may be, taken before a domestic proceedings court in like manner as if this Order had not been made and that court had been constituted under the Orders revoked as aforesaid.

(a) 49 & 50 Vict. c. 27 and 15 & 16 Geo. 5. c. 45. (b) 10 & 11 Geo. 5. c. 33.
(c) 8 & 9 Geo. 6. c. 41. (d) 9 & 10 Geo. 6. c. 67. (e) 12, 13 & 14 Geo. 6. c. 76.
(f) 5 & 6 Eliz. 2. c. 55. (g) 11 & 12 Geo. 6. c. 29. (h) 11 & 12 Geo. 6. c. 43.
(i) 8 & 9 Eliz. 2. c. 48. (j) S.I. 1958/2181 (1958 I, p. 1382).
(k) S.I. 1959/1775 (1959 I, p. 1623).

6. This Order may be cited as the Metropolitan Magistrates' Courts (Domestic Proceedings) Order 1963 and shall come into operation on 1st September 1963.

W. G. Agnew.

EXPLANATORY NOTE

(This Note is not part of the Order, but is intended to indicate its general purport.)

This Order replaces with amendments the Orders revoked by Article 5(1). The principal amendments are that the magistrates' courts which hear domestic proceedings for the City of London and the metropolitan stipendiary court area may have as chairman either a metropolitan stipendiary magistrate or a justice of the peace for the county of London instead of, as heretofore, only the former, and that a court will sit at The Court House in Bow Road, London, E.3, as well as at Walton Street, Chelsea, London, S.W.3, or, if those places are not available, in any metropolitan stipendiary court or metropolitan juvenile court.