

THE MAGISTRATES' ASSOCIATION

FAMILY COURTS COMMITTEE

Functions of the Court in the Family Procedure Rules and Practice Directions which may be performed by a single Justice of the Peace

Thank you for the opportunity to comment. This response is from the Association's Family Courts Committee.

The view of the Family Courts Committee is that decisions which are purely administrative can be made by a legal advisor, whereas a judicial decision must be made by a justice or a bench. It is on this basis that we have listed below who we feel should make decision in each case. The list is as numbered as in Table 1 and 2 of Schedule 2.

We do have questions as to how this will work in practice, particularly as the number of legal advisers who are experienced in family court work is decreasing.

Schedule 2

Family etc

1. Bench
2. Single justice or bench
3. Single justice or bench
4. Single justice or bench
5. Bench - need to specify what is required
6. Bench

TABLE 1

- | | |
|-------|---------------------------------|
| 8.20 | (4) Single justice |
| 12.3 | (2) Single justice |
| | (3) Single justice |
| | (4) Single justice. |
| | (5) Bench |
| | (8) Bench |
| 12.16 | (2) - |
| | (4) - LA |
| | (6) - LA. |
| 12.31 | Bench |
| 12.32 | Bench |
| 13.3 | Single justice |
| 13.4 | Single justice. |
| 13.5 | Single justice |
| 13.20 | LA |
| 14.3 | Single justice & single justice |

14.5	Bench
14.25	LA
16.19	Bench
16.24	Bench
16.28	Bench
16.31	Bench
27.4	Bench
27.10	Single justice
27.11	Single justice
29	LA

TABLE 2 - Bench