



RESPONSE OF THE FAMILY JUSTICE COUNCIL TO THE CONSULTATION ON THE CONTENTS OF A NEW DESTINATION OF APPEALS ORDER

The Money and Property Committee of the Family Justice Council has considered the consultation document and provides the following response on behalf of the Family Justice Council.

Question 1: Do you agree that the scope of the order should be extended in this way?

Answer: Yes

The Committee agrees that the scope of the destination of appeals order should be extended to cover appeals from decisions in magistrates' courts which are related to family proceedings (or child support).

Question 2 Should a Practice Direction be issued to place an obligation on the magistrates' courts to give reasons for its decision and retain notes of evidence?

Answer: This may be helpful to clarify the situation.

Question 3: Does the order as drafted achieve the objective of diverting all appeals from family proceedings in magistrates' courts to the county courts?

Answer: The Committee makes the following points:

- There should be a role for the designated family judge to deal with incoming appeal on paper and allocate to the appropriate level of judiciary.
- There should be provision for transfer to the High Court if appropriate.
- The order should refer to **ticketed** judges. The Committee is concerned that the present wording would permit any judge or recorder to deal with matters such as adoption and could also lead to the unsatisfactory position of a recorder adjudicating on an appeal from a District Judge (Magistrates' Court).

- Enforcement of family orders should also be included within the scope of the order.