

Crime and Courts Bill

Fact Sheet: New civil courts for England and Wales

SINGLE COUNTY COURT FOR ENGLAND AND WALES

1. County courts are constituted under the County Courts Act 1984. There are currently approximately 170 county courts in England and Wales, each with its own separate legal identity and serving a defined geographical area. County Courts deal with a variety of civil legal proceedings, including:
 - Actions of contract and tort,
 - Claims for recovery of debts,
 - Claims for recovery of land and cases where title to land is in question,
 - Injunctions and declarations relating to land,
 - Equity proceedings,
 - Family provision proceedings,
 - Admiralty proceedings,
 - Bankruptcy proceedings, and
 - Probate proceedings.
2. Some of these matters, for example contract and tort or actions for the recovery of land, can be dealt with by all county courts, whereas other civil cases, for example certain contested probate actions and bankruptcy claims, are handled by designated county courts.
3. The Government is committed to providing a civil justice system where businesses can operate effectively, the rights of individuals adequately protected and the efficient enforcement of courts judgments. The removal of geographical jurisdictional boundaries from the county courts to create a single county court with a national jurisdiction is one way of achieving these aims. The objective is to enable disputes to be resolved more efficiently and effectively with proportionate costs and procedures.
4. To this end the Government published, in March 2011, a consultation document entitled *Solving disputes in the County court: creating a simpler, quicker and more proportionate system: A consultation on reforming civil justice in England and Wales*¹. The consultation document sought views on various measures including the establishment of a single county court for England and Wales. There were a total of 319 responses to the consultation of which 161 respondents answered the question in relation to the establishment of a single county court; of these 84% agreed that a single county court should be established as against 16% who disagreed.
5. The Government published its response to the consultation on 9 February 2012². In an accompanying written ministerial statement (House of Commons,

¹ <http://www.justice.gov.uk/consultations/consultation-cp6-2011.htm>

² <http://www.justice.gov.uk/downloads/consultations/solving-disputes-in-cc-response.pdf>

Official Report of 9 February 2012, column 53WS), the Government announced its intention to establish a single county court for England and Wales. Clause 16 of the Bill gives effect to this.

6. Clause 16 makes provision for the removal of geographical jurisdictional boundaries from the county court structure and creates a single county court with a national jurisdiction for the whole of England and Wales. The new court will sit at various locations within England and Wales and will operate in a way similar to the way in which the High Court and the Crown Court operates which also sits at different locations with court offices attached to them. .

SINGLE FAMILY COURT FOR ENGLAND AND WALES

7. Family proceedings are currently dealt with in the High Court, county courts and magistrates' courts. The Senior Courts Act 1981 and Magistrates' Courts Act 1980 define 'family proceedings' as including proceedings for:
 - Divorce,
 - Dissolution of civil partnerships,
 - Residence and contact orders relating to children,
 - Care and supervision orders relating to children,
 - Adoption of children, and
 - Orders under Part 4 of the Family Law Act 1996 (family homes and domestic violence).
8. Some of these matters, for example, proceedings for divorce and related financial matters, may only be dealt with in the High Court or in designated divorce county courts. Others, such as proceedings for care and supervision orders under the Children Act 1989, are generally commenced in magistrates' courts.
9. The Government is committed to reforming the family justice system to better support the needs of the children and families who find themselves coming into contact with it. The creation of a single family court will remove the confusion caused for court users who are currently confronted with three tiers of court and will enable cases to be allocated to the appropriate level of judiciary without the need to transfer proceedings to a different level of court, thereby reducing cost and delay.
10. The Government commissioned the Family Justice Review to examine how the family justice system could be reformed to better support the needs of children and families. The final report of the independently-chaired Review Panel, published in November 2011, argued that the family justice system did not function as a coherent system and was plagued by inefficiencies and delay.

11. As part of its proposals for transforming the system, it recommended that a Single Family Court should be created, instead of there being the three different types of court that currently hear family proceedings (being the High Court, county courts and magistrates' courts). The Report argued that there were wide variations nationally in how different cases are allocated to courts and that this caused confusion and uncertainty for families about where cases will be heard. This complexity was particularly difficult for litigants in person to navigate. It also argued that the current system was rigid making it more difficult for Her Majesty's Courts and Tribunal Service (HMCTS) to realise efficiencies in processing applications.
12. The Family Justice Review Panel consulted on the proposal to establish a single Family Court with a single point of entry in its Interim Report in March 2011. A specific question was included in the consultation, 'Do you agree that there should be a single family court?' The question was answered by a total of **412 respondents**, including members of the public, academics, medical and legal professionals, voluntary organisations and professional bodies. Of these, **309 (75%)** respondents answered Yes and **23 (6%)** answered No. Of the remaining respondents, **1 (0.2%)** gave a partial response and **79 (19%)** respondents did not answer directly but provided general comments.
13. A written ministerial statement of 6 February 2012 (House of Commons, Official Report, column WS3) announced the publication of the Government's response to that Panel's final report³. The response noted "*we [the Government] will establish a single Family Court for England and Wales, with a single point of entry, as the Review recommended*".
14. Clause 16 establishes the family court and enables the Government and judiciary to bring forward secondary legislation governing the operations, functions, distribution of business and procedures of the new court. The Ministry of Justice, HMCTS and the judiciary are currently developing proposals for how the single Family Court will work in practice.

Ministry of Justice
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³<https://www.education.gov.uk/publications/eOrderingDownload/CM-8273.pdf>