



# Matrimonial Causes Act 1973

## 1973 CHAPTER 18

### PART III

#### PROTECTION, CUSTODY, ETC., OF CHILDREN

#### **44 Power to provide for supervision of children**

- (1) Where the court has jurisdiction by virtue of this Part of this Act to make an order for the custody of a child and it appears to the court that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may, as respects any period during which the child is, in exercise of that jurisdiction, committed to the custody of any person, order that the child be under the supervision of an officer appointed under this section as a welfare officer or under the supervision of a local authority.
- (2) Where the court makes an order under this section for supervision by a welfare officer, the officer responsible for carrying out the order shall be such probation officer as may be selected under arrangements made by the Secretary of State ; and where the order is for supervision by a local authority, that authority shall be the council of a county other than a metropolitan county, or of a metropolitan district or London borough selected by the court and specified in the order or, if the Common Council of the City of London is so selected and specified, that Council.
- (3) The court shall not have power to make an order under this section as respects a child who in pursuance of an order under section 43 above is in the care of a local authority.
- (4) Where a child is under the supervision of any person in pursuance of this section the jurisdiction possessed by a court to vary any financial provision order in the child's favour or any order made with respect to his custody or education under this Part of this Act shall, subject to any rules of court, be exercisable at the instance of that court itself.
- (5) The court shall have power from time to time by an order under this section to vary or discharge any provision made in pursuance of this section.

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*Status: This is the original version (as it was originally enacted).*

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- (6) Subject to the following provisions of this subsection, until 1st April 1974 subsection (2) above shall have effect as if for the words " other than a metropolitan county, or of a metropolitan district" there were substituted the words " county borough " .

An order (or orders) made under section 273(2) of the Local Government Act 1972 may appoint an earlier date (or, as the case may be, different dates for different purposes or areas) on which subsection (2) above shall cease to have effect as mentioned above.