



Domestic Proceedings and Magistrates' Courts Act 1978

CHAPTER 22

DOMESTIC PROCEEDINGS AND MAGISTRATES' COURTS ACT 1978

PART I

MATRIMONIAL PROCEEDINGS IN MAGISTRATES' COURTS

Powers of court to make orders for financial provision for parties to a marriage and children of the family

- 1 Grounds of application for financial provision.
- 2 Powers of court to make orders for financial provision.
- 3 Matters to which court is to have regard in exercising its powers under s. 2.
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- 5 Age limit on making orders for financial provision for children and duration of such orders.
- 6 Orders for payments which have been agreed by the parties.
- 7 Powers of court where parties are living apart by agreement.

Powers of court as to the custody etc. of children

- 8 Restriction on making of orders under this Act: welfare of children.
- 9 Matrimonial Proceedings in Magistrates' Courts
- 10 Matrimonial Proceedings in Magistrates' Courts
- 11 Matrimonial Proceedings in Magistrates' Courts
- 12 Matrimonial Proceedings in Magistrates' Courts
- 13 Matrimonial Proceedings in Magistrates' Courts
- 14 Matrimonial Proceedings in Magistrates' Courts

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15 Matrimonial Proceedings in Magistrates' Courts

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16 Matrimonial Proceedings in Magistrates' Courts

17 Matrimonial Proceedings in Magistrates' Courts

18 Matrimonial Proceedings in Magistrates' Courts

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19 Interim orders.

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20 Variation, revival and revocation of orders for periodical payments.

20ZA Variation of orders for periodical payments: further provisions.

20A Revival of orders for periodical payments.

21 Matrimonial Proceedings in Magistrates' Courts

22 Variation of instalments of lump sum.

23 Supplementary provisions with respect to variation and revocation of orders.

24 Matrimonial Proceedings in Magistrates' Courts

25 Effect on certain orders of parties living together.

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26 Reconciliation.

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27 Refusal of order in case more suitable for High Court.

28 Powers of High Court and family court in relation to certain orders under Part I.

29 Appeals.

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30 Provisions as to jurisdiction and procedure.

31 Constitution of courts.

32 Enforcement etc. of orders for payment of money.

33 Matrimonial Proceedings in Magistrates' Courts

34 Matrimonial Proceedings in Magistrates' Courts

35 Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage or formation of civil partnership .

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36 Meaning of custody in Guardianship of Minors Acts 1971 and 1973.

37 Further provisions relating to orders for custody.

38 Amendment of provisions relating to age limits on orders for custody etc.

39 Restriction on removal of minor from England and Wales.

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40 Access to minors by grandparents.

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- 41
 42 Duration of orders for maintenance.
 43 Further provisions as to orders for maintenance.
 44 Maintenance for minors in care of local authorities.

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- 49 Jurisdiction of magistrates' courts.
 50 Provisions which may be contained in affiliation orders.
 51 Persons entitled to payments under affiliation orders.
 52 Age limit on making of affiliation orders and duration of orders.
 53 Variation and revocation of affiliation orders.

Amendments of Maintenance Orders (Reciprocal Enforcement) Act 1972

- 54 Date of operation of orders under Part I of Maintenance Orders (Reciprocal Enforcement) Act 1972.
 55 Interpretation of Part I of Maintenance Orders (Reciprocal Enforcement) Act 1972 as respects Scotland.
 56 Magistrates' courts having jurisdiction to hear applications for affiliation orders under s. 27 of Maintenance Orders (Reciprocal Enforcement) Act 1972.
 57 Complaint by spouse in convention country for recovery in England and Wales of maintenance from other spouse.
 58 Complaint by former spouse in convention country for recovery in England and Wales of maintenance from other spouse.
 59 Complaint by former wife in convention country for recovery in Northern Ireland of maintenance from former husband.
 60 Further amendments of Maintenance Orders Reciprocal Enforcement) Act 1972 as respects Scotland.
 61 Eligibility for Legal Aid in Scotland for proceedings under Maintenance Orders Reciprocal Enforcement) Act 1972.

Amendments of the Matrimonial Causes Act 1973

- 62 Amendment of s. 4 of Matrimonial Causes Act 1973.
 63 Amendment of s. 27 of Matrimonial Causes Act 1973.

Amendments of the Children Act 1975

- 64 Extension of powers of court to make orders for maintenance and access under s. 34 of the Children Act 1975.

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- 65 Further provisions as to maintenance of child subject to custodianship order.
- 66 Revocation and variation of orders for periodical payments.
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- 68 Amendment of s. 36 of Children Act 1975.
- 69 Custodianship order made on application under Part I of this Act or under Guardianship of Minors Act 1971.
- 70 Restriction on removal of child from England and Wales.
- 71 Orders made on appeal from a magistrates' court.

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- 72 Alteration in age limits for certain orders made on refusal of adoption order.
- 73 Hearing in private of adoption proceedings.
- 74 Provisions relating to Convention adoption orders.

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PART V

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- 87 Expenses.
- 88 Interpretation.
- 89 Transitional provisions, amendments, repeals and commencement.
- 90 Short title and extent.

SCHEDULES

SCHEDULE 1 — Transitional Provisions

- 1 This Act (including the repeals and amendments made by it)...
- 2 Any order made or other thing done under the Matrimonial...
- 3 The amendment by this Act of any enactment shall not...
- 3A Any order for the payment of money in force under...
- 4 Any reference in paragraph 1 above to an application made...
- 5 A provision contained in section 72 . . . of...
- 6, 7
- 8 A provision of Schedule 2 to this Act which relates...

SCHEDULE 2 — Minor and Consequential Amendments

The Sheriff Courts (Scotland) Act 1907 (c. 51)

- 1 In section 5 of the Sheriff Courts (Scotland) Act 1907—...

The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

- 2 In section 3(4) of the Maintenance Orders Act 1920 for...
- 3–5

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The National Assistance Act 1948 (c. 29)

- 6 In section 43(4) of the National Assistance Act 1948 for...
- 7 In section 44(2) of that Act for the words “having...
- 8

The Marriage Act 1949 (c. 76)

- 9 In section 3(5) of the Marriage Act 1949 for the...

The Justices of the Peace Act 1949 (c. 101)

- 10 In section 13(4) of the Justices of the Peace Act...

The Maintenance Orders Act 1950 (c. 37.)

- 11 In section 3(2) of the Maintenance Orders Act 1950 for...
- 12 In section 15(1)(a) of that Act for sub-paragraph (ii) there...
- 13 In section 16(2)(a) of that Act, for sub-paragraph (ii) there...
- 14 In section 22(1) of that Act after the words “person...
- 15

The Affiliation Proceedings Act 1957 (c. 55)

- 16 In section 9(2) of the Affiliation Proceedings Act 1957 for...

The Adoption Act 1958 (7 & 8 Eliz. 2 c. 5)

- 17 In section 32(2) of the Adoption Act 1958 for the...
- 18 In section 34A(3) of that Act— (a) for the words...

The County Courts Act 1959 (c. 22)

- 19 In section 109(2) of the County Courts Act 1959—
- 20
- 21

The Health Services and Public Health Act 1968 (c. 46)

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- 25

The Administration of Justice Act 1970 (c. 31)

- 26 In Schedule 8 of that Act in paragraph 3 for...

The Local Authority Social Services Act 1970 (c. 42)

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The Matrimonial Proceedings and Property Act 1970 (c. 45)

- 28 In section 30(2) of the Matrimonial Proceedings and Property Act...

The Guardianship of Minors Act 1971 (c. 3)

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- 30
- 31

The Attachment of Earnings Act 1971 (c. 32)

- 32 In Schedule 1 to the Attachment of Earnings Act 1971...

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 33 In section 8(3) of the Maintenance Orders (Reciprocal Enforcement) Act...
- 34
- 35
- 36
- 37 In section 42(1) of that Act for the words “section...

The Matrimonial Causes Act 1973 (c. 18)

- 38 In section 4(1) of the Matrimonial Causes Act 1973 after...
- 39 In section 47(2)(e) of that Act for the words “the...
- 40 In section 50(2)(b) of that Act for the words “the...

The Guardianship Act 1973 (c. 29)

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The Children Act 1975 (c. 72)

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The Adoption Act 1976 (c. 36)

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- 51 In section 63(4) of that Act the words “to remove...
- 52

The Domestic Violence and Matrimonial Proceedings Act 1976 (c. 50)

- 53

The Supplementary Benefits Act 1976 (c. 71)

- 54 In section 19(2) of the Supplementary Benefits Act 1976 for...

SCHEDULE 3 — Enactments Repealed

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Changes and effects yet to be applied to :

- s. 5(2)(a) amended (temp.) (prosp.) by 1996 c. 56 s. 582(1)(4)Sch. 37 Pt. 2 para. 138Sch. 40 para. 1
- s. 7(1) repealed in part (prosp.) by 1996 c. 27 s. 18(2)66(3)Sch. 10
- s. 16-18 repealed (prosp.) by 1996 c. 27 s. 66(3)Sch. 10
- s. 26(2) by 2000 c. 43 Sch. 7 para. 57(a)(b)
- s. 28(1) amended (prosp.) by 1996 c. 27 s. 66(1)Sch. 8 Pt. 1 para. 28
- s. 28(2)63(3)Sch. 2 para. 3853 repealed (prosp.) by 1996 c. 27 s. 66(3)Sch. 10
- s. 88 repealed in part by 1999 c. 22 Sch. 15 Pt. 5(1)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(c)(d) repealed (prosp.) by 1996 c. 27 s. 18(1)66(3)Sch. 10