

SCHEDULES

SCHEDULE 1

Section 89.

TRANSITIONAL PROVISIONS

- 1 This Act (including the repeals and amendments made by it) shall not have effect in relation to any application made under any enactment repealed or amended by this Act if that application is pending at the time when the provision of this Act which repeals or amends that enactment comes into force.
- 2 Any order made or other thing done under the Matrimonial Proceedings (Magistrates' Courts) Act 1960 which is in force: immediately before the coming into force of Part I of this Act shall not be affected by the repeal by this Act of that Act, and the provisions of that Act shall after the coming into force of the said Part I apply in relation to such an order, and to an order made under that Act by virtue of paragraph 1 above, subject to the following modifications—
 - (a) on a complaint for the revocation of the order the court shall not be bound under section 8 of that Act to revoke the order by reason of an act of adultery committed by the person on whose complaint the order was made ;
 - (b) on a complaint for the variation, revival or revocation of the order, the court, in exercising its powers under the said section 8 in relation to a provision of the order requiring the payment of money, shall have regard to any change in any of the matters to which the court would have been required to have regard when making that order if the order had been made on an application under section 2 of this Act;
 - (c) where the order contains a provision for the legal custody of a child, the court shall have power, on a complaint made by a grandparent of the child, to vary that order under the said section 8 by the addition to the order of a provision requiring access to the child to be given to that grandparent;
 - (d) where the court, by virtue of paragraph (c) above, varies the order by the addition of a provision requiring access to a child to be given to a grandparent, the court shall have power to vary or revoke that provision on a complaint made—
 - (i) by that grandparent, or
 - (ii) by either party to the marriage in question, or
 - (iii) where the child is not a child of both the parties to the marriage, by any person who though not a party to the marriage is a parent of the child, or
 - (iv) where under the order a child is for the time being committed to the legal custody of some person other than one of the parents or a party to the marriage, by the person to whose legal custody the child is committed by the order.
- 3 The amendment by this Act of any enactment shall not affect the operation of that enactment in relation to any order made or having effect as if made under the Matrimonial Proceedings (Magistrates' Courts) Act 1960 (including an order made under that Act by virtue of paragraph 1 above) or in relation to any decision of a

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magistrates' court made on an application for such an order or for the variation, revival or revocation of such an order.

- 4 Any reference in paragraph 1 above to an application made under an enactment repealed by this Act shall be construed as including a reference to an application which is treated as a complaint under section 1 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 by virtue of section 27 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 and any reference in paragraph 2 or 3 above to an order made under the Matrimonial Proceedings (Magistrates' Courts) Act 1960 shall be construed as including a reference to an order which is made under that Act by virtue of section 28 of the Maintenance Orders (Reciprocal Enforcement) Act 1972.
- 5 A provision contained in section 72 or in any of sections 79 to 82 of this Act shall not apply in relation to proceedings commenced before the coming into force of that provision.
- 6 The amendment by subsection (1) of section 78 of this Act of section 54(3) of the Magistrates' Courts Act 1952 shall not affect the punishment for disobeying an order of a magistrates' court if the default occurred before the date on which the said subsection (1) comes into force.
- 7 The amendment by subsection (3) of section 82 of this Act of section 58(2) of the Magistrates' Courts Act 1952 shall not affect the punishment for an offence under the said section 58 which is committed before the date on which the said subsection (3) comes into force, except that a person shall not be liable to imprisonment in respect of an offence for which proceedings are commenced after that date even if the offence was committed before that date.
- 8 A provision of Schedule 2 to this Act which relates to the punishment by way of fine which may be imposed for any offence shall not affect the punishment which may be imposed for an offence which is committed before the date on which that provision comes into force.