
Changes to legislation: There are currently no known outstanding effects for the Crime and Courts Act 2013, Cross Heading: Matrimonial Causes Act 1973 (c. 18). (See end of Document for details)

SCHEDULES

SCHEDULE 11

TRANSFER OF JURISDICTION TO FAMILY COURT

PART 1

AMENDMENTS OF ENACTMENTS

Matrimonial Causes Act 1973 (c. 18)

58 The Matrimonial Causes Act 1973 is amended as follows.

Commencement Information

I1 Sch. 11 para. 58 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

59 In section 4(4)(a) (periods which may be treated for the purposes of section 1(2)(c) as periods during which the respondent has deserted the petitioner) for “or a county court” substitute “, the family court or the county court”.

Commencement Information

I2 Sch. 11 para. 59 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

60 In section 32(1) (arrears more than 12 months old not to be enforced without court's permission) for “any county court” substitute “ the family court ”.

Commencement Information

I3 Sch. 11 para. 60 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

61 (1) Section 33 (orders for repayment of sums paid under certain orders) is amended as follows.

(2) In subsection (4) (application for repayment may be made in proceedings for variation, discharge or enforcement of order, or to county court) for “a county court”, in each place, substitute “ the family court ”.

(3) Omit subsection (5) (no limits on jurisdiction of county court under subsection (4)).

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Commencement Information

I4 Sch. 11 para. 61 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 62 (1) Section 35 (alterations of maintenance agreements where both parties are living) is amended as follows.
- (2) In subsection (1) (application for alteration may be made to the court or a magistrates' court) omit "or to a magistrates' court".
- (3) In subsection (2) (which refers to the court to which an application for an alteration is made)—
- (a) in the words before paragraph (a) omit "to which the application is made",
 - (b) for "subsections (3)," substitute "subsections ", and
 - (c) for "that court", in both places, substitute " the court ".
- (4) Omit subsection (3) (limits on powers of magistrates' court to deal with applications for alterations).
- (5) In subsections (4) and (5) for "a court" substitute " the court ".

Commencement Information

I5 Sch. 11 para. 62 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 63 (1) Section 36 (alterations of maintenance agreements after death of one party) is amended as follows.
- (2) In subsection (1) (application for alteration may be made to High Court or county court) omit the words from "High" to "county".
- (3) In subsection (2) (court's permission needed to make late application) omit the words from "High" to "county".
- (4) Omit subsections (3) and (7) (powers of county court to deal with applications for alterations).
- (5) In subsections (4) and (5) for "a court" substitute " the court ".

Commencement Information

I6 Sch. 11 para. 63 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 64 (1) Section 38 (orders for repayment of periodical payments mistakenly made) is amended as follows.
- (2) In subsection (2) (powers of the court when dealing with an application for repayment) after "On an application under this section the court" insert " to which the application is made ".

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- (3) In subsection (3) (application for repayment may be made in enforcement proceedings, or to county court) for “a county court”, in each place, substitute “ the family court ”.
- (4) Omit subsection (4) (no limits on jurisdiction of county court under subsection (3)).
- (5) In subsection (6) (liability of court officers in respect of orders for periodical payments)—
- (a) in the words before paragraph (a) for “The designated officer for a magistrates' court to whom any payments under a payments order are required to be made,” substitute “ An officer of the family court, ”, and
 - (b) in paragraph (a)—
 - (i) for “the designated officer,” substitute “ an officer of the family court, ”, and
 - (ii) for “in pursuance of the payments order” substitute “ , in pursuance of a payments order requiring payments to be made to the court or an officer of the court, ”.
- (6) In subsection (7) (meaning of “collecting officer”) for “the registrar of a county court or the designated officer of a magistrates' court” substitute “ or the officer of the family court, ”.

Commencement Information

I7 Sch. 11 para. 64 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

- 65 (1) In section 52(1) (interpretation of the Act) for the definition of “the court” substitute—
- ““the court” (except where the context otherwise requires) means the High Court or the family court;”.
- (2) The amendment made by sub-paragraph (1) does not apply for the purposes of interpreting references to “the court” in paragraph 14 of Schedule 1 to the Matrimonial Causes Act 1973.

Commencement Information

I8 Sch. 11 para. 65 in force at 22.4.2014 by S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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