

## SCHEDULE 1

### AMENDMENT OF PROVISIONS RELATING TO THE BACKDATING OF CERTAIN COURT ORDERS

#### **Domestic Proceedings and Magistrates' Courts Act 1978(1)**

8. After section 20(9) of that Act there shall be inserted—

“(9A) Where—

- (a) there is in force an order (“the order”)—
  - (i) under section 2(1)(c) of this Act,
  - (ii) under section 6(1) of this Act making provision of a kind mentioned in paragraph (c) of section 6(2) of this Act (regardless of whether it makes provision of any other kind mentioned in that paragraph),
  - (iii) under section 7(2)(b) of this Act, or
  - (iv) which is an interim maintenance order under which the payments are to be made to a child or to the applicant for the benefit of a child;
- (b) the order requires payments specified in it to be made to or for the benefit of more than one child without apportioning those payments between them;
- (c) a maintenance assessment (“the assessment”) is made with respect to one or more, but not all, of the children with respect to whom those payments are to be made; and
- (d) an application is made, before the end of the period of 6 months beginning with the date on which the assessment was made, for the variation or revocation of the order,

the court may, in exercise of its powers under this section to vary or revoke the order, direct that the variation or revocation shall take effect from the date on which the assessment took effect or any later date.

(9B) Where—

- (a) an order (“the child order”) of a kind prescribed for the purposes of section 10(1) of the Child Support Act 1991 is affected by a maintenance assessment;
- (b) on the date on which the child order became so affected there was in force an order (“the spousal order”)—
  - (i) under section 2(1)(a) of this Act,
  - (ii) under section 6(1) of this Act making provision of a kind mentioned in section 6(2)(a) of this Act (regardless of whether it makes provision of any other kind mentioned in that paragraph),
  - (iii) under section 7(2)(a) of this Act, or
  - (iv) which is an interim maintenance order under which the payments are to be made to the applicant (otherwise than for the benefit of a child); and
- (c) an application is made, before the end of the period of 6 months beginning with the date on which the maintenance assessment was made, for the spousal order to be varied or revoked,

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

the court may, in exercise of its powers under this section to vary or revoke the spousal order, direct that the variation or revocation shall take effect from the date on which the child order became so affected or any later date.

(9C) For the purposes of subsection (9B) above, an order is affected if it ceases to have effect or is modified by or under section 10 of the Child Support Act 1991.”