

SCHEDULES

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS

- 1 In section 225 of the Supreme Court of Judicature (Consolidation) Act 1925 (interpretation), in the definition of "matrimonial cause ", for the words from " jactitation " to " rights " there shall be substituted the words " or jactitation of marriage ".
- 2 In section 2(1) of the Limitation (Enemies and War Prisoners) Act 1945, in the definition of " statute of limitation " for the words "subsection (1) of section seven of the Matrimonial Causes Act 1937 " there shall be substituted the words " section 13(2) of the Matrimonial Causes Act 1973 and paragraph 11(3) of Schedule 1 to that Act ".
- 3 (1) In section 16 of the Maintenance Orders Act 1950 (orders enforceable under Part II of that Act)—
 - (a) in subsection (2)(a), for sub-paragraph (i) there shall be substituted the following sub-paragraph:—

“(i) sections 15 to 17, 19 to 22, 30, 34 and 35 of the Matrimonial Causes Act 1965 and sections 22, 23(1), (2) and (4) and 27 of the Matrimonial Causes Act 1973”; and
 - (b) in subsection (2)(c), for sub-paragraph (v) there shall be substituted the following sub-paragraph:—

“(v) any enactment of the Parliament of Northern Ireland containing provisions corresponding with section 22(1), 34 or 35 of the Matrimonial Causes Act 1965, with section 22, 23(1), (2) or (4) or 27 of the Matrimonial Causes Act 1973, or with section 12(2) of the Guardianship of Minors Act 1971”.
- (2) Sub-paragraph (1) above extends to Scotland and Northern Ireland, and the references to section 16(2)(c) of the Maintenance Orders Act 1950 in paragraph 8 of Schedule 8 to the Administration of Justice Act 1970 and paragraph 9 of Schedule 1 to the Attachment of Earnings Act 1971 shall be construed as references to section 16(2)(c) as amended by sub-paragraph (1)(b) above.
- 4 In section 109(2) of the County Courts Act 1959 (proceedings in which appeals on questions of fact are to l(e) the following paragraph shall be inserted after paragraph (f) (in place of the paragraph inserted by section 34(2) of the Matrimonial Proceedings and Property Act 1970):—
 - “(g) any proceedings on an application under section 13A of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 or under section 33, 36 or 38 of the Matrimonial Causes Act 1973”.

Status: This is the original version (as it was originally enacted).

- 5 (1) In section 26 of the Matrimonial Causes Act 1965 (orders for maintenance of survivor from estate of deceased former spouse)—
- (a) in subsection (4) (matters to which the court is to have regard on an application under the section), in paragraph (c) the following sub-paragraph shall be inserted after sub-paragraph (ii) (in place of the sub-paragraph inserted by paragraph 1(1) of Schedule 2 to the Matrimonial Proceedings and Property Act 1970):—
 - “(iii) where the survivor is a former wife or a former husband of the deceased, for an order under section 2 or 4 of the Matrimonial Proceedings and Property Act 1970 or under section 23(1)(a), (b) or (c) or 24 of the Matrimonial Causes Act 1973”;
 - (b) in subsection (6), the words "means the High Court and" inserted by paragraph 8 of Schedule 1 to the Divorce Reform Act 1969 (after the word " court " where first occurring in the definition of " court" inserted in that subsection by section 7(4) of the Family Provision Act 1966) shall continue to have effect notwithstanding the repeal by this Act of the Divorce Reform Act 1969 ;
 - (c) in subsection (6), in the definition of " former spouse", for the words " this Act" there shall be substituted the words " the Matrimonial Causes Act 1973 ".
- (2) In section 42 of that Act (provisions as to condonation), at the beginning of subsections (1) and (3) there shall be inserted the words " For the purposes of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 ".
- 6 (1) In section 2 of the Matrimonial Causes Act 1967 (jurisdiction of divorce county court with respect to ancillary relief and the protection of children)—
- (a) in subsection (1), for the words " Part II or Part III of the Matrimonial Causes Act 1965 " there shall be substituted the words " Part II or Part III of the Matrimonial Causes Act 1973 ", and for the words " section 22 or section 24 of that Act" in the subsection as originally enacted there shall be substituted the words " section 27 or 35 of that Act " (in place of the words substituted for the words originally enacted by paragraph 2(1)(a) of Schedule 2 to the Matrimonial Proceedings and Property Act 1970);
 - (b) for subsection (3) as originally enacted there shall be substituted the following subsection (in place of that substituted by paragraph 2(1)(b) of Schedule 2 to the Matrimonial Proceedings and Property Act 1970) :—
 - “(3) A divorce county court shall not by virtue of this section have jurisdiction to exercise any power under section 32, 33, 36 or 38 of the Matrimonial Causes Act 1973 ; but nothing in this section shall prejudice the exercise by a county court of any jurisdiction conferred on county courts by any of those sections”; and
 - (c) in subsection (4) as originally enacted, for the words from " section 24 " to the end of the subsection there shall be substituted the words " section 35 of the Matrimonial Causes Act 1973 " (in place of the words substituted for the words originally enacted by paragraph 2(1)(c) of Schedule 2 to the Matrimonial Proceedings and Property Act 1970).
- (2) In section 3 of that Act (consideration of agreements or arrangements by divorce county courts) for the words " section 5(2) of the Matrimonial Causes Act 1965 " there shall be substituted the words " section 7 of the Matrimonial Causes Act 1973 ".

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- (3) In section 10 of that Act (interpretation), in the definition of " matrimonial cause " in subsection (1), for the words from " section 2 of the Matrimonial Causes Act 1965 " to " that Act " there shall be substituted the words " section 3 of the Matrimonial Causes Act 1973 ".
- 7 (1) In subsection (1) of section 2 of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (restriction of publicity for certain proceedings) for the words in paragraph (a) " section 39 of the Matrimonial Causes Act 1965 " there shall be substituted the words " section 45 of the Matrimonial Causes Act 1973 " , the following paragraph shall be substituted for the paragraph (c) inserted in the subsection by paragraph 3 of Schedule 2 to the Matrimonial Proceedings and Property Act 1970:—
- “(c) proceedings under section 27 of the Matrimonial Causes Act 1973 (which relates to proceedings by a wife against her husband, or by a husband against his wife, for financial provision) and any proceedings for the discharge or variation of an order made under that section or for the temporary suspension of any provision of any such order or the revival of the operation of any provision so suspended”;
- subsection (2) of that section shall be omitted, and the references in subsection (3) of that section to subsection (1) and to subsection (1)(a) thereof shall be construed as references to subsection (1) and to subsection (1)(a) as they respectively have effect by virtue of this sub-paragraph.
- (2) In section 4(3) of that Act, for the words " or 2(2) of this Act " there shall be substituted the words " of this Act or to section 45(9) of the Matrimonial Causes Act 1973 ".
- (3) Sub-paragraph (2) above extends to Northern Ireland.
- 8 In section 7 of the Family Law Reform Act 1969 (committal of wards of court to care of local authority and supervision of wards of court)—
- (a) in subsection (3), for the words " section 36 of the Matrimonial Causes Act 1965 " there shall be substituted the words " section 43 of the Matrimonial Causes Act 1973 ";
- (b) in subsection (4), for the words from " subsections (2) " to " 1965 " there shall be substituted the words " section 44(2) of the Matrimonial Causes Act 1973 ".
- 9 In section 63(6) of the Children and Young Persons Act 1969 (local authority functions to be the subject of reports to Parliament by the Secretary of State), in paragraph (g), for the words " section 37 of the Matrimonial Causes Act 1965 " there shall be substituted the words " section 44 of the Matrimonial Causes Act 1973 ".
- 10 (1) In Schedule 1 to the Administration of Justice Act 1970 (High Court business assigned to the Family Division)—
- (a) for the words (in the first paragraph) " section 7(1) of the Matrimonial Causes Act 1967 " there shall be substituted the words " section 50(1) of the Matrimonial Causes Act 1973 ";
- (b) the paragraphs relating respectively to proceedings for a declaration, to proceedings under section 17 of the Married Women's Property Act 1882, and to proceedings under section 1 of the Matrimonial Homes Act 1967 shall be omitted ; and

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- (c) for the words (in the last paragraph) "section 24 of the Matrimonial Causes Act 1965 " there shall be substituted the words " section 35 of the Matrimonial Causes Act 1973 ".
- (2) In Schedule 8 to that Act (as it applies to define maintenance orders both for the purposes of Part II of that Act and for the purposes of the Maintenance Orders Act 1958) the following paragraph shall be inserted after paragraph 2:—
- “2A An order for periodical or other payments made, or having effect as if made, under Part II of the Matrimonial Causes Act 1973”.
- 11 In Schedule 1 to the Local Authority Social Services Act 1970 the entry relating to section 37 of the Matrimonial Causes Act 1965 shall be omitted, and the following entry shall be added at the end of the Schedule—
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| “Matrimonial Causes Act 1973 Section 44 | Supervision of child subject to court order in matrimonial proceedings.”. |
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- 12 In section 45 of the Courts Act 1971 (transfer of matrimonial proceedings between High Court and county court, etc.)—
- (a) in subsection (1), for paragraphs (a) and (b) there shall be substituted the following paragraphs:—
- “(a) sections 26 to 28A of the Matrimonial Causes Act 1965 ;
- (b) Part II or Part III of the Matrimonial Causes Act 1973”;
- (b) in subsection (6), after the word "under" there shall be inserted the words " section 50 of the Matrimonial Causes Act 1973 for the purposes of "; and
- (c) subsection (7) shall be omitted.
- 13 In Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders to which the Act applies) for paragraph 3 there shall be substituted the following paragraph—
- “3 An order for periodical or other payments made, or having effect as if made, under Part II of the Matrimonial Causes Act 1973”.