



# Domestic Proceedings and Magistrates' Courts Act 1978

## 1978 CHAPTER 22

### PART III

#### AMENDMENTS OF OTHER ENACTMENTS RELATING TO DOMESTIC PROCEEDINGS

##### *Amendments of Affiliation Proceedings Act 1957*

**F1**49 .....

#### Textual Amendments

**F1** S. 49 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F2**50 .....

#### Textual Amendments

**F2** S. 50 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F3**51 .....

*Status: Point in time view as at 03/03/2003.*

*Changes to legislation: Domestic Proceedings and Magistrates' Courts Act 1978, Part III is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Textual Amendments**

**F3** S. 51 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

<sup>F4</sup>**52** .....

**Textual Amendments**

**F4** S. 52 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

<sup>F5</sup>**53** .....

**Textual Amendments**

**F5** S. 53 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

*Amendments of Maintenance Orders (Reciprocal Enforcement) Act 1972*

**54 Date of operation of orders under Part I of Maintenance Orders (Reciprocal Enforcement) Act 1972.** <sup>X1</sup>

The provisions of Part I of the <sup>M1</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972 relating to the date of operation of orders made in a reciprocating country and registered in the United Kingdom and of orders varying or revoking orders to which that Part relates shall have effect subject to the following amendments—

- (a) in section 5(7) of that Act for the words “the date on which the order was made” there shall be substituted the words “the date on which under the provisions of the order the variation is to take effect” ;
- (b) in section 5(8) of that Act for the words “the date on which the order was made” there shall be substituted the words “the date on which under the provisions of the order the revocation is to take effect” ;
- (c) in section 8(7) of that Act for the words “the date on which the order was made” there shall be substituted the words “the date on which they are required to be paid under the provisions of the order” ;
- (d) in section 8(8) of that Act for the words “such date being a date later than the date on which the order was made” there shall be substituted the words “the date on which they are required to be paid under the provisions of the order or such later date” ;
- (e) in section 9(8) of that Act for the words “the date on which the order was made” there shall be substituted the words “the date on which under the provisions of the order the variation is to take effect” ; and

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- (f) in section 9(9) of that Act for the words “the date on which the order was made ” there shall be substituted the words “the date on which under the provisions of the order the revocation is to take effect ”.

#### Editorial Information

**X1** The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Marginal Citations

**M1** 1972 c. 18.

### 55 Interpretation of Part I of Maintenance Orders (Reciprocal Enforcement) Act 1972 as respects Scotland. <sup>X2</sup>

In section 21 of the <sup>M2</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972 (which relates to the interpretation of Part I of that Act)—

- (a) in subsection (1)—
- (i) the definition of “maintenance ” shall cease to have effect ; and
  - (ii) after the words “liable to maintain ” in paragraph (a) of the definition of “maintenance order ” there shall be inserted the following paragraph—
    - “(aa) an order which has been made in Scotland, on or after the granting of a decree of divorce, for the payment of a periodical allowance by one party to the marriage to the other party ;” ; and
- (b) in subsection (2), after the words “subsection (1) above ” there shall be inserted the words “, to the payment of a periodical allowance as mentioned in paragraph (aa) of that definition, ”.

#### Editorial Information

**X2** The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Marginal Citations

**M2** 1972 c. 18.

### 56 Magistrates' courts having jurisdiction to hear applications for affiliation orders under s. 27 of Maintenance Orders (Reciprocal Enforcement) Act 1972. <sup>X3</sup>

In section 27(2) of the <sup>M3</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972 (which relates to the jurisdiction of a magistrates' court to hear an application by a person in a convention country for an affiliation order) after the words “magistrates' court ” there shall be inserted the words “appointed for the commission area (within the meaning of section I of the <sup>M4</sup>Administration of Justice Act 1973) or ” and the words “petty sessions area or ” shall be omitted.

*Status: Point in time view as at 03/03/2003.*

*Changes to legislation: Domestic Proceedings and Magistrates' Courts Act 1978, Part III is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

**Editorial Information**

**X3** The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

**M3** 1972 c. 18.  
**M4** 1973 c. 15.

<sup>F6</sup>**57** .....

**Textual Amendments**

**F6** [S. 57](#) repealed (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\), s. 2\(2\), Sch.3; S.I. 1993/618, art. 2.](#)

<sup>F7</sup>**58** .....

**Textual Amendments**

**F7** [S. 58](#) repealed (5.4.1993) by [Maintenance Orders \(Reciprocal Enforcement\) Act 1992 \(c. 56\), s. 2\(2\), Sch.3; S.I. 1993/618, art.2.](#)

**59 Complaint by former wife in convention country for recovery in Northern Ireland of maintenance from former husband.**<sup>X4</sup>

After section 29 of the <sup>M5</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972 there shall be inserted the following section—

**“29A Complaint by former wife in convention country for recovery in Northern Ireland of maintenance from former husband.**

- (1) Where on an application under section 27(1) of this Act for the recovery of maintenance from a person who is residing in Northern Ireland—
  - (a) that person is a former husband of the applicant in a convention country who is seeking to recover maintenance, and
  - (b) the marriage between the applicant and the former husband has been dissolved by a divorce granted in a convention country which is recognised as valid by the law of Northern Ireland, and
  - (c) an order for the payment of maintenance for the benefit of the applicant or a child of the marriage has, by reason of the divorce proceedings in the convention country, been made by the court which granted the divorce or by any other court in that country,

the application shall, notwithstanding that the marriage has been dissolved, be treated as a complaint for an order under section 3 of the Summary Jurisdiction

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(Separation and Maintenance) Act (Northern Ireland) 1945, and the provisions of this section shall have effect.

- (2) Subject to subsection (3) below, on hearing a complaint by virtue of this section the magistrates' court may, if satisfied that the defendant has failed to comply with the provisions of any such order as is mentioned in subsection (1)(c) above, make any order which it has power to make under section 3(1)(c) or (d) (payment of weekly sum for benefit of wife, or of a child committed to her custody) or section 4 (interim payments) of the Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945, treating, for the purposes of the said section 3(1)(d), a child whose legal custody has not been committed to any person as a child committed to the custody of the applicant.
- (3) An order shall not be made by virtue of subsection (2) above for the payment of a weekly sum for the benefit of the applicant unless the order made in the convention country provides for the making of periodical payments for her benefit ; nor shall an order be made by virtue of that subsection for the payment of a weekly sum for the benefit of a child of the marriage unless the order made in the convention country provides for the making of periodical payments for the benefit of that child.
- (4) The Summary Jurisdiction (Separation and Maintenance) Act (Northern Ireland) 1945 shall apply in relation to any application which is treated by virtue of this section as a complaint for an order under section 3 of that Act, and in relation to any order made on the complaint, subject to the following modifications, that is to say—
  - (a) references to the husband or the wife shall be construed as references to, respectively, the former husband or the former wife, and references to the parties to the marriage shall be construed accordingly ;
  - (b) sections 1 and 2 shall be omitted ;
  - (c) for the reference in section 3(1) to an application under the foregoing provisions of that Act there shall be substituted a reference to an application such as is mentioned in subsection (1) above ;
  - (d) in section 3, subsection (1)(a) and (b) and subsections (2) to (4) shall be omitted ;
  - (e) payments made under section 3(1)(c) or (d) or section 4 shall be made in the prescribed manner to the prescribed person, instead of to such a person as is mentioned in those provisions (and accordingly subsection (9) of section 27 of this Act shall have effect as if those provisions were included among the enactments mentioned in that subsection) ;
  - (f) section 5(2) to (5) shall be omitted ;
  - (g) section 8 shall be omitted ;
  - (h) proviso (b) to section 13(1) shall be omitted.
- (5) A divorce obtained in a convention country shall be presumed for the purposes of this section to be one the validity of which is recognised by the law of Northern Ireland, unless the contrary is proved by the defendant.
- (6) The reference in subsection (1)(b) above to the dissolution of a marriage by divorce shall be construed as including a reference to the annulment of the marriage and any reference in this section to a divorce or to divorce proceedings shall be construed accordingly.

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- (7) In this section the expression “child of the marriage ” shall be construed in accordance with section 8 of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966.”.

**Editorial Information**

- X4** The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Marginal Citations**

- M5** 1972 c. 18.

**60 Further amendments of Maintenance Orders Reciprocal Enforcement) Act 1972 as respects Scotland.** <sup>X5</sup>

- (1) In section 31 of the <sup>M6</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972 (which relates to applications for the recovery of maintenance in Scotland)—

[<sup>F8</sup>(a) after subsection (1) there shall be inserted the following subsection—

“(1A) In any proceedings arising out of such an application as aforesaid the sheriff may subject to subsection (4) below make, with respect to an application under subsection (1) above, such order as he thinks fit having regard to the respective means of the applicant and the person from whom recovery of maintenance is sought and to all the circumstances of the case.”;]

(b) in subsection (2)—

(i) after the word “sheriff” where it first occurs there shall be inserted the words “, or (on appeal or remit) the Court of Session, ” ; and

(ii) for the words “the sheriff clerk or sheriff clerk depute shall register the order in the prescribed manner in the court ” there shall be substituted the words “the order shall be registered forthwith in the prescribed manner in the appropriate sheriff court by the sheriff clerk or sheriff clerk depute of that sheriff court ; and where an order of the Court of Session varies or revokes a registered order of the sheriff, the said sheriff clerk or sheriff clerk depute shall amend the register accordingly ” ;

(c) after subsection (2) there shall be inserted the following subsection—

“(2A) In subsection (2) above “the appropriate sheriff court ” means the sheriff court making the order or (where the order is an order of the Court of Session) from which the remit or appeal has come.” ; and

(d) after subsection (3) there shall be inserted the following subsections—

“(4) Where an application under subsection (1) above is for the recovery of maintenance from a person who is a former spouse of the applicant an order containing a provision requiring the payment of such maintenance for the benefit of the applicant shall not be made in respect of that application unless—

(i) the marriage between the applicant and the said former spouse has been dissolved by a divorce which has been

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- granted in a convention country and which is recognised as valid by the law of Scotland ;
- (ii) an order for the payment of maintenance for the benefit of the applicant has, in or by reason of the divorce proceedings in the convention country. been made by the court which granted the divorce or by any other court in that country ; and
- (iii) the court making the order under this section is satisfied that the former spouse of the applicant has failed to comply with the order mentioned in paragraph (ii) above.
- (5) Without prejudice to any existing power of variation or revocation but subject to section 34(1) of this Act, subsections (4) and (5) of section 5 of the Divorce (Scotland) Act 1976 shall, where an order with respect to an application under subsection (1) above requires the payment of maintenance by a person to a former spouse of that person, apply to that order as they apply to an order under section 5 of the said Act of 1976.
- (6) Section 8 of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966 (which relates to the variation and recall by the sheriff of certain orders made by the Court of Session) shall not apply to an order of the Court of Session registered under subsection (2) above.”.
- (2) In section 34 of the said Act of 1972 (which provides for the variation and revocation of orders), in subsection (5) after the word “Scotland ” there shall be inserted the words—
- “—
- (a) the words “and no court other than the registering court shall have power to vary or revoke a registered order ” in subsection (1) above are subject to any power of the Court of Session on appeal ; and
- (b)”.
- (3) In section 36 of the said Act of 1972 (which provides for the admissibility of written evidence), in subsection (1) after the words “magistrates’ court or ” there shall be inserted the words “in, or remitted from, a ”.
- (4) In section 39 of the said Act of 1972 (which relates to the interpretation of Part II of that Act), in the definition of “maintenance ” for the words “means aliment ” there shall be substituted the words “includes aliment and any sums which are payable, following divorce, as a periodical allowance ”.

#### **Editorial Information**

- X5** The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### **Textual Amendments**

- F8** S. 60(1)(a) repealed (S.) by [Family Law \(Scotland\) Act 1985 \(c. 37, SIF 49:3\)](#), ss. 28(2), 29(4), [Sch. 2](#)

#### **Marginal Citations**

- M6** 1972 c. 18.

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**61 Eligibility for Legal Aid in Scotland for proceedings under Maintenance Orders Reciprocal Enforcement) Act 1972.**<sup>X6</sup>

After section 43 of the <sup>M7</sup>Maintenance Orders (Reciprocal Enforcement) Act 1972 there shall be inserted the following section—

**“43A Eligibility for Legal Aid in Scotland**

- (1) In connection with proceedings under Part I of this Act in relation to a maintenance order made by a court in a reciprocating country, where there is produced a certificate from the responsible authority in that country to the effect that the payee would, in that country, be financially eligible for complete or partial—
  - (i) legal aid ; or
  - (ii) exemption from costs or expenses,
 in proceedings there in relation to that maintenance order, section 2(1) and (6)(c), 3 and 4 of the Legal Aid (Scotland) Act 1967 shall not apply in respect of the payee and, subject to the other provisions of that Act, legal aid shall under that Act be available to the payee without inquiry into the payee’s resources.
  
- (2) In connection with proceedings under Part II of this Act—
  - (a) arising out of an application received from a convention country for the recovery of maintenance; or
  - (b) relating to an order made in respect of such an application,
 where there is produced a certificate from the appropriate authority in that county to the effect that the applicant would, in that country, be financially eligible for complete or partial—
  - (i) legal aid; or
  - (ii) exemption from costs or expenses,
 in proceedings there for the recovery of maintenance, sections 2(1) and (6)(c), 3 and 4 of the said Act of 1967 shall not apply in respect of the applicant and, subject to the other provisions of that Act, legal aid shall under that Act be available to the applicant without inquiry into the applicant’s resources.
  
- (3) Where, in connection with proceedings under Part I or II of this Act, a person has received legal aid by virtue of subsection (1) or (2) above, legal advice and assistance under the Legal Advice and Assistance Act 1972 shall, notwithstanding—
  - (i) any financial conditions imposed by, or by virtue of sections 1 and 4(2), (3) and (4) ; and
  - (ii) in relation to the effect of subsections (1) to (4) and (7) of section 4 of the said Act of 1967, the provisions of section 6(1)(b),
 of the said Act of 1972 (but subject otherwise to the provisions of the said Act of 1972), be available in Scotland for that person, without inquiry into his resources, in connection with any matter incidental to, or arising out of, those proceedings.
  
- (4) In subsection (1) above “maintenance order ”, “reciprocating country ”, “responsible authority ” and “payee ” have the same meanings respectively as in Part I of this Act ; and in subsection (2) above “convention country ” means a country or territory specified in an Order in Council under section 25(1) of this Act, “maintenance ” has the same meaning as in Part 11 of this Act, and



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“appropriate authority” means the authority from which the Secretary of State received the application.”.

#### Editorial Information

**X6** The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### Marginal Citations

**M7** 1972 c. 18.

### *Amendments of the Matrimonial Causes Act 1973*

#### **62 Amendment of s. 4 of Matrimonial Causes Act 1973.** <sup>X7</sup>

In section 4 of the <sup>M8</sup>Matrimonial Causes Act 1973 (which relates to petitions for divorce presented after the granting of a decree of judicial separation or an order in matrimonial proceedings in a magistrates' court)—

- (a) in subsection (3) after the words “judicial separation or” there shall be inserted the words “(subject to subsection (5) below) ” ;
- (b) at the end of the section there shall be added the following subsections—

“(4) For the purposes of section 1(2)(c) above the court may treat as a period during which the respondent has deserted the petitioner any of the following periods, that is to say—

- (a) any period during which there is in force an injunction granted by the High Court or a county court which excludes the respondent from the matrimonial home ;
- (b) any period during which there is in force an order made by the High Court or a county court under—
  - (i) section 1 of the Matrimonial Homes Act 1967, or
  - (ii) section 4 of the Domestic Violence and Matrimonial Proceedings Act 1976.

which prohibits the exercise by the respondent of the right to occupy a dwelling-house In which the applicant and the respondent have or at any time have had a matrimonial home ;

- (c) any period during which there is in force an order made by a magistrates' court under section 16(3) of the Domestic Proceedings and Magistrates' Courts Act 1978 which requires the respondent to leave the matrimonial home or prohibits the respondent from entering the matrimonial home.

(5) Where—

- (a) a petition for divorce is presented after the date on which Part I of the Domestic Proceedings and Magistrates' Courts Act 1978 comes into force, and
- (b) an order made under the Matrimonial Proceedings (Magistrates' Courts) Act 1960 containing a provision

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exempting the petitioner from the obligation to cohabit with the respondent is in force on that date,  
then, for the purposes of section 1(2)(c) above, the court may treat a period during which such a provision was included in that order (whether before or after that date) as a period during which the respondent has deserted the petitioner.”.

#### **Editorial Information**

**X7** The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### **Marginal Citations**

**M8** 1973 c. 18.

### **63 Amendment of s. 27 of Matrimonial Causes Act 1973.**

(1) For subsection (1) of section 27 of the <sup>M9</sup>Matrimonial Causes Act 1973 there shall be substituted the following subsection—

“(1) Either party to a marriage may apply to the court for an order under this section on the ground that the other party to the marriage (in this section referred to as the respondent)—

- (a) has failed to provide reasonable maintenance for the applicant, or
- (b) has failed to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family.”

(2) For subsections (3) and (4) of the said section 27 there shall be substituted the following subsections—

“(3) Where an application under this section is made on the ground mentioned in subsection (1)(a) above then, in deciding—

- (a) whether the respondent has failed to provide reasonable maintenance for the applicant, and
- (b) what order, if any, to make under this section in favour of the applicant,

the court shall have regard to all the circumstances of the case including the matters mentioned in section 25(1)(a) to (f) above and, so far as it is just to take it into account, the conduct of each of the parties in relation to the marriage.

(3A) Where an application under this section is made on the ground mentioned in subsection (1)(b) above then, in deciding—

- (a) whether the respondent has failed to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates, and
- (b) what order, if any, to make under this section in favour of the child, the court shall have regard to all the circumstances of the case including the matters mentioned in section 25(1)(a) and (b) and (2)(a) to (e) above, and where the child of the family to whom the application relates is not the child of the respondent, including also the matters mentioned in section 25(3) above.

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- (3B) In relation to an application under this section on the ground mentioned in subsection (1)(a) above, section 25(1)(c) shall have effect as if for the reference therein to the breakdown of the marriage there were substituted a reference to the failure to provide reasonable maintenance for the applicant, and in relation to an application under this section on the ground mentioned in subsection (1)(b) above, section 25(2)(d) shall have effect as if for the reference therein to the breakdown of the marriage there were substituted a reference to the failure to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates.”.
- (3) In subsection (6) of the said section 27 for the words “such one or more of the following orders as it thinks just ” there shall be substituted the words “any one or more of the following orders ”.
- (4) After subsection (6) of the said section 27 there shall be inserted the following subsections—
- “(6A) An application for the variation under section 31 of this Act of a periodical payments order or secured periodical payments order made under this section in favour of a child may, if the child has attained the age of sixteen, be made by the child himself.
- (6B) Where a periodical payments order made in favour of a child under this section ceases to have effect on the date on which the child attains the age of sixteen or at any time after that date but before or on the date on which he attains the age of eighteen, then, if at any time before he attains the age of twenty-one an application is made by the child for an order under this subsection, the court shall have power by order to revive the first mentioned order from such date as the court may specify, not being earlier than the date of the making of the application, and to exercise its powers under section 31 of this Act in relation to any order so revived.”.
- (5) Subsection (8) of the said section 27 shall cease to have effect.

**Modifications etc. (not altering text)**

- C1** The text of ss. 42–47(1), 48–74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

**Marginal Citations**

- M9** 1973 c. 18.

*Amendments of the Children Act 1975*

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**Textual Amendments**

**F9** S. 64 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F10** **65** .....

**Textual Amendments**

**F10** S. 65 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

**F11** **66** .....

**Textual Amendments**

**F11** S. 66 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F12** **67** .....

**Textual Amendments**

**F12** S. 67 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F13** **68** .....

**Textual Amendments**

**F13** S. 68 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

**F14** **69** .....

**Textual Amendments**

**F14** S. 69 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

*Status: Point in time view as at 03/03/2003.*

**Changes to legislation:** Domestic Proceedings and Magistrates' Courts Act 1978, Part III is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

F1570 .....

**Textual Amendments**

F15 S. 70 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

F1671 .....

**Textual Amendments**

F16 S. 71 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

*Amendments of enactments relating to adoption*

F1772 .  
.....

**Textual Amendments**

F17 S. 72 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

73 **Hearing in private of adoption proceedings.** <sup>X8</sup>

F18(1) .....

(2) In section 64 of the Adoption Act 1976 (which relates to the hearing in private of certain proceedings under that Act) for the words “Part II, section 29 or section 55 ” there shall be substituted the words “this Act ”.

**Editorial Information**

X8 The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

**Textual Amendments**

F18 S. 73(1) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, art. 3(2)

74 **Provisions relating to Convention adoption orders.** <sup>X9</sup>

F19(1) .....

*Status: Point in time view as at 03/03/2003.*

*Changes to legislation: Domestic Proceedings and Magistrates' Courts Act 1978, Part III is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

(2) in section 53(1) of the <sup>M10</sup>Adoption Act 1976 (which relates to the annulment of regulated adoptions) after the words “regulated adoption ” there shall be inserted the words “or an adoption effected by a Convention adoption order ”.

<sup>F19</sup>(3) .....

(4) In Schedule 1 to the Adoption Act 1976 in paragraph 6 (which relates to the notification to the Registrar General of the revocation of an adoption order) the words “other than a Convention adoption order ” shall be omitted.

(5) In section 6(1) of the <sup>M11</sup>Adoption (Hague Convention) Act (Northern Ireland) 1969 after the word “annul ” there shall be inserted the words “an adoption effected by a convention adoption order or ” ; and in section 7(2) of that Act the words “in respect of a foreign convention adoption ” shall be omitted.

#### **Editorial Information**

**X9** The text of ss. 54-74 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991

#### **Textual Amendments**

**F19** S. 74(1)(3) repealed (S.) by [Adoption \(Scotland\) Act 1978 \(c. 28, SIF 49:11\)](#), s. 66(3), [Sch. 4](#) and repealed (G.B.)(14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 para. 1\(1\), 27\(4\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

#### **Marginal Citations**

**M10** 1976 c. 36.

**M11** 1969 c 22 (N.I.).

**Status:**

Point in time view as at 03/03/2003.

**Changes to legislation:**

Domestic Proceedings and Magistrates' Courts Act 1978, Part III is up to date with all changes known to be in force on or before 03 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.