

SCHEDULES

SCHEDULE 1

MINOR AND CONSEQUENTIAL AMENDMENTS

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

- 21 In section 1 of the Domestic Proceedings and Magistrates' Courts Act 1978 the Words "(in this Part of this Act referred to as " the respondent") " shall be omitted.
- 22 In section 7(5) of that Act, for the words " subsection (1)" there shall be substituted the words " subsection (2)(c) ".
- 23 In section 11 of that Act—
- (a) in subsection (2), after the words " of this Act" there shall be inserted the words " on an application for an order under section 2 or 7 of this Act, ";
 - (b) after subsection (2) there shall be inserted the following subsection—
 - “(2A) Where by an order made under section 8(2) of this Act on an application for an order under section 6 of this Act, the right to the actual custody of a child is given to the party to the marriage who has agreed to make the financial provision specified in the application, the court may make one or both of the following orders, that is to say—
 - (a) an order that the other party to the marriage shall make to that party for the benefit of the child or to the child such periodical payments, and for such term, as may be specified in the order;
 - (b) an order that the other party to the marriage Shall pay to that party for the benefit of the child or to the child such lump sum as may be so specified.”;
 - (c) in subsection (5), after the words " subsection (2) " there shall be inserted " (2A) " and for the words " section 3(2) " there shall be substituted the words " section 3(3) ";
 - (d) in subsection (6) after the words " subsection (2)(a) " there shall be inserted " (2A)(a) ", and
 - (e) in subsection (7) after the words " subsection (2)(b) ", in both places where they occur, there shall be inserted " (2A)(b) " .
- 24 In section 19 of that Act, after subsection (3), there shall be inserted the following subsection—
- “(3A) Where an application is made for an order under section 6 of this Act by the party to the marriage who has agreed to make the financial provision specified in the application—
 - (a) subsection (1) shall apply as if the reference in paragraph (i) to the respondent were a reference to the applicant and the references to the applicant were references to the respondent; and

Status: This is the original version (as it was originally enacted).

(b) subsections (2) and (3) shall apply accordingly.”

25 In section 20(8) of that Act, after the word " respondent" there shall be inserted the words " or the applicant, as the case may be, ".

26 In section 29 of that Act, at the end of subsection (2), there shall be added the words " or, in a case where there was made to the magistrates' court an application for an order under section 2 and an application under section 6 and the term of the periodical payments was or might have been ordered to begin on the date of the making of the application for an order under section 2, the date of the making of that application ".

27 In Schedule 1 to that Act—

(a) in paragraph 2, after sub-paragraph (b), there shall be inserted the following sub-paragraph—

“(bb) on a complaint after the coming into force of paragraph 27 of Schedule 1 to the Matrimonial and Family Proceedings Act 1984 for the variation, revival or revocation of the order, the court, in exercising its powers under the said section 8 in relation to any provision of the order requiring the payment of money, shall have power to order that payments required to be made for the maintenance of a child of the family shall be made to the child himself.”; and

(b) in paragraph 3, at the end, there shall be added the words " but as respects enactments amended by this Act in their application in relation to orders made or decisions on applications for orders or for the variation, revival or revocation of orders made or having effect as if made under other Acts those enactments shall apply as amended by this Act ".