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## SCHEDULES

### SCHEDULE 2

Section 42.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

- 1 (1) In section 26(4) of the Matrimonial Causes Act 1965 (matters to which court is to have regard on application for maintenance from estate of deceased spouse), after sub-paragraph (ii) there shall be inserted the following sub-paragraph—
  - “(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”.
- (2) In subsection (1) of section 36 of the said Act of 1965 (power to commit children to care of local authority), and in subsection (1) of section 37 of that Act (power to provide for supervision of children), after the words " this Act" there shall be inserted the words " or of the Matrimonial Proceedings and Property Act 1970 ".
- (3) In subsection (5) of the said section 37 after the words " this Act" there shall be inserted the words " or under the Matrimonial Proceedings and Property Act 1970 ".
- 2 (1) Section 2 of the Matrimonial Causes Act 1967 (jurisdiction of divorce county court to exercise powers exercisable under certain provisions of the Matrimonial Causes Act 1965 relating to ancillary relief and the protection of children) shall be amended as follows—
  - (a) in subsection (1), after the words " Matrimonial Causes Act 1965 " there shall be inserted the words " or Part I of the Matrimonial Proceedings and Property Act 1970 " and for the words from " section 22" onwards there shall be substituted the words " section 6 or section 14 of the said Act of 1970 "; and
  - (b) for subsection (3) there shall be substituted the following subsection:—
    - “(3) A divorce county court shall not by virtue of this section have jurisdiction to exercise any power under—
      - (a) section 26 or 27 of the Matrimonial Causes Act 1965 ; or
      - (b) section 10, 11, 15 or 22 of the Matrimonial Proceedings and Property Act 1970 or paragraph 5 of Schedule 1 thereto ;but without prejudice to the exercise by virtue of section 7 of the Family Provision Act 1966 of any power exercisable by a county court under the said section 26 or 27 or to the exercise by virtue of any such provision of the said Act of 1970 as is mentioned in paragraph (b) of this subsection of any power exercisable by a county court under that provision”; and
  - (c) in subsection (4), for the words from " section 24 " onwards there shall be substituted the words " section 14 of the Matrimonial Proceedings and Property Act 1970 ".
- (2) In section 7(1) of the said Act of 1967 (which specifies the authority having power to make rules of court for the purposes of certain enactments) the word " or" at the

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end of paragraph (b) shall be omitted and after paragraph (c) there shall be inserted the words “or

- (d) without prejudice to the generality of paragraph (c) of this subsection, Part I of the Matrimonial Proceedings and Property Act 1970, and Schedule 1 thereto, except proceedings in the county court under section 10, 11, 15 or 22 or paragraph 5 of Schedule 1”.

- 3 At the end of paragraph (b) of subsection (1) of section 2 of the Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (restriction of publicity for certain proceedings) there shall be inserted the word “ and ” and the following paragraph shall be added at the end of that subsection—

“(c) proceedings under section 6 of the Matrimonial Proceedings and Property Act 1970 (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”.

- 4 In section 8(3) of the Divorce Reform Act 1969 (grant of decree of judicial separation) for the words “ section 33 of the Matrimonial Causes Act 1965 ” there shall be substituted the words “ section 17 of the Matrimonial Proceedings and Property Act 1970 ”.

- 5 At the end of Schedule 8 to the Administration of Justice Act 1970 (maintenance orders to which Part II of that Act applies) there shall be inserted the following paragraph:—

“10 An order for periodical or other payments made under Part I of the Matrimonial Proceedings and Property Act 1970.”