



Domestic Proceedings and Magistrates' Courts Act 1978

CHAPTER 22

DOMESTIC PROCEEDINGS AND MAGISTRATES' COURTS ACT 1978

PART I

MATRIMONIAL PROCEEDINGS IN MAGISTRATES' COURTS

*Powers of court to make orders for financial provision
for parties to a marriage and children of the family*

- 1 Grounds of application for financial provision.
- 2 Powers of court to make orders for financial provision.
- 3 Matters to which court is to have regard in exercising its powers under s. 2.
- 4 Duration of orders for financial provision for a party to a marriage.
- 5 Age limit on making orders for financial provision for children and duration of such orders.
- 6 Orders for payments which have been agreed by the parties.
- 7 Powers of court where parties are living apart by agreement.

Powers of court as to the custody etc. of children

- 8 Restriction on making of orders under this Act: welfare of children.
- 9 Powers of court to provide for supervision of children.
- 10 Powers of court to commit children to care of local authority.
- 11 Provision for maintenance for children in case of certain orders under ss. 8 and 10.
- 12 Supplementary provisions with respect to powers of court under ss. 8 to 10.

Status: Point in time view as at 01/04/2005.

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- 13 Disputes between persons holding parental rights and duties jointly.
- 14 Access to children by grandparents.
- 15 Principle on which questions relating to custody and upbringing of children are to be decided.

Powers of the court to make orders for the protection of a party to a marriage or a child of the family

- 16 Powers of court to make orders for the protection of a party to a marriage or a child of the family.
- 17 Supplementary provisions with respect to orders under s. 16.
- 18 Powers of arrest for breach of s. 16 order.

Interim orders

- 19 Interim orders.

Variation, revocation and cessation of orders etc.

- 20 Variation, revival and revocation of orders for periodical payments.
- 20ZA Variation of orders for periodical payments: further provisions.
- 20A Revival of orders for periodical payments.
- 21 Variation and revocation of orders relating to the custody of children.
- 22 Variation of instalments of lump sum.
- 23 Supplementary provisions with respect to variation and revocation of orders.
- 24 Proceedings by or against a person outside England and Wales for variation or revocation of orders.
- 25 Effect on certain orders of parties living together.

Reconciliation

- 26 Reconciliation.

Provisions relating to High Court and county court

- 27 Refusal of order in case more suitable for High Court.
- 28 Powers of High Court and county court in relation to certain orders under Part I.
- 29 Appeals.

Provisions relating to procedure, jurisdiction and enforcement

- 30 Provisions as to jurisdiction and procedure.
- 31 Constitution of courts.
- 32 Enforcement etc. of orders for payment of money.
- 33 Enforcement of orders for custody.
- 34 Restriction on removal of child from England and Wales.
- 35 Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage.

PART II

AMENDMENTS OF THE GUARDIANSHIP OF MINORS ACTS 1971 AND 1973

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Amendment of provisions relating to the custody of minors

- 36 Meaning of custody in Guardianship of Minors Acts 1971 and 1973.
- 37 Further provisions relating to orders for custody.
- 38 Amendment of provisions relating to age limits on orders for custody etc.
- 39 Restriction on removal of minor from England and Wales.
- 40 Access to minors by grandparents.

Amendment of provisions relating to orders for maintenance

- 41
- 42 Duration of orders for maintenance.
- 43 Further provisions as to orders for maintenance.
- 44 Maintenance for minors in care of local authorities.

General provisions

- 45 Interim orders.
- 46 Effect on certain orders of parents living together.
- 47 Provisions as to jurisdiction and powers of magistrates' courts.
- 48 Orders made appeal from a magistrates' court.

PART III

AMENDMENTS OF OTHER ENACTMENTS RELATING TO DOMESTIC PROCEEDINGS

Amendments of Affiliation Proceedings Act 1957

- 49 Jurisdiction of magistrates' courts.
- 50 Provisions which may be contained in affiliation orders.
- 51 Persons entitled to payments under affiliation orders.
- 52 Age limit on making of affiliation orders and duration of orders.
- 53 Variation and revocation of affiliation orders.

Amendments of Maintenance Orders (Reciprocal Enforcement) Act 1972

- 54 Date of operation of orders under Part I of Maintenance Orders (Reciprocal Enforcement) Act 1972.
- 55 Interpretation of Part I of Maintenance Orders (Reciprocal Enforcement) Act 1972 as respects Scotland.
- 56 Magistrates' courts having jurisdiction to hear applications for affiliation orders under s. 27 of Maintenance Orders (Reciprocal Enforcement) Act 1972.
- 57 Complaint by spouse in convention country for recovery in England and Wales of maintenance from other spouse.
- 58 Complaint by former spouse in convention country for recovery in England and Wales of maintenance from other spouse.
- 59 Complaint by former wife in convention country for recovery in Northern Ireland of maintenance from former husband.
- 60 Further amendments of Maintenance Orders Reciprocal Enforcement) Act 1972 as respects Scotland.
- 61 Eligibility for Legal Aid in Scotland for proceedings under Maintenance Orders Reciprocal Enforcement) Act 1972.

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Amendments of the Matrimonial Causes Act 1973

- 62 Amendment of s. 4 of Matrimonial Causes Act 1973.
- 63 Amendment of s. 27 of Matrimonial Causes Act 1973.

Amendments of the Children Act 1975

- 64 Extension of powers of court to make orders for maintenance and access under s. 34 of the Children Act 1975.
- 65 Further provisions as to maintenance of child subject to custodianship order.
- 66 Revocation and variation of orders for periodical payments.
- 67 Provisions relating to lump sums.
- 68 Amendment of s. 36 of Children Act 1975.
- 69 Custodianship order made on application under Part I of this Act or under Guardianship of Minors Act 1971.
- 70 Restriction on removal of child from England and Wales.
- 71 Orders made on appeal from a magistrates' court.

Amendments of enactments relating to adoption

- 72 Alteration in age limits for certain orders made on refusal of adoption order.
- 73 Hearing in private of adoption proceedings.
- 74 Provisions relating to Convention adoption orders.

PART IV

75–83

PART V

SUPPLEMENTARY PROVISIONS

- 84, 85
- 86
- 87 Expenses.
- 88 Interpretation.
- 89 Transitional provisions, amendments, repeals and commencement.
- 90 Short title and extent.

SCHEDULES

SCHEDULE 1 — Transitional Provisions

- 1 This Act (including the repeals and amendments made by it)...
- 2 Any order made or other thing done under the Matrimonial...
- 3 The amendment by this Act of any enactment shall not...
- 3A Any order for the payment of money in force under...
- 4 Any reference in paragraph 1 above to an application made...
- 5 A provision contained in section 72 . . . of...
- 6, 7
- 8 A provision of Schedule 2 to this Act which relates...

SCHEDULE 2 — Minor and Consequential Amendments

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The Sheriff Courts (Scotland) Act 1907 (c. 51)

1 In section 5 of the Sheriff Courts (Scotland) Act 1907—...

The Maintenance Orders (Facilities for Enforcement) Act 1920 (c. 33)

2 In section 3(4) of the Maintenance Orders Act 1920 for...
3—5

The National Assistance Act 1948 (c. 29)

6 In section 43(4) of the National Assistance Act 1948 for...
7 In section 44(2) of that Act for the words “having...
8

The Marriage Act 1949 (c. 76)

9 In section 3(5) of the Marriage Act 1949 for the...

The Justices of the Peace Act 1949 (c. 101)

10 In section 13(4) of the Justices of the Peace Act...

The Maintenance Orders Act 1950 (c. 37.)

11 In section 3(2) of the Maintenance Orders Act 1950 for...
12 In section 15(1)(a) of that Act for sub-paragraph (ii) there...
13 In section 16(2)(a) of that Act, for sub-paragraph (ii) there...
14 In section 22(1) of that Act after the words “person...
15

The Affiliation Proceedings Act 1957 (c. 55)

16 In section 9(2) of the Affiliation Proceedings Act 1957 for...

The Adoption Act 1958 (7 & 8 Eliz. 2 c. 5)

17 In section 32(2) of the Adoption Act 1958 for the...
18 In section 34A(3) of that Act— (a) for the words...

The County Courts Act 1959 (c. 22)

19 In section 109(2) of the County Courts Act 1959—
20
21

The Health Services and Public Health Act 1968 (c. 46)

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23
24
25

The Administration of Justice Act 1970 (c. 31)

26 In Schedule 8 of that Act in paragraph 3 for...

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The Local Authority Social Services Act 1970 (c. 42)

27

The Matrimonial Proceedings and Property Act 1970 (c. 45)

28 In section 30(2) of the Matrimonial Proceedings and Property Act...

The Guardianship of Minors Act 1971 (c. 3)

29

30

31

The Attachment of Earnings Act 1971 (c. 32)

32 In Schedule 1 to the Attachment of Earnings Act 1971...

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

33 In section 8(3) of the Maintenance Orders (Reciprocal Enforcement) Act...

34

35

36

37 In section 42(1) of that Act for the words "section..."

The Matrimonial Causes Act 1973 (c. 18)

38 In section 4(1) of the Matrimonial Causes Act 1973 after...

39 In section 47(2)(e) of that Act for the words "the..."

40 In section 50(2)(b) of that Act for the words "the..."

The Guardianship Act 1973 (c. 29)

41

42

43

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The Children Act 1975 (c. 72)

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The Adoption Act 1976 (c. 36)

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51 In section 63(4) of that Act the words "to remove..."

52

The Domestic Violence and Matrimonial Proceedings Act 1976 (c. 50)

53

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The Supplementary Benefits Act 1976 (c. 71)

54 In section 19(2) of the Supplementary Benefits Act 1976 for...

SCHEDULE 3 — Enactments Repealed

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