



# Domestic Proceedings and Magistrates' Courts Act 1978

## 1978 CHAPTER 22

### PART I

#### MATRIMONIAL PROCEEDINGS IN MAGISTRATES' COURTS

##### *Interim orders*

#### 19 Interim orders.

- (1) Where an application is made for an order under section 2, 6 or 7 of this Act—
- (a) [<sup>F1</sup>the family court] at any time before making a final order on, or dismissing, the application <sup>F2</sup>... <sup>F3</sup>...

<sup>F4</sup>(b) .....

<sup>F4</sup>(c) .....

shall, subject to the provisions of this Part of this Act, have the <sup>F5</sup>...

- (i) power to make an order (in this Part of this Act referred to as an “interim maintenance order”) which requires the respondent to make to the applicant or to any child of the family who is under the age of eighteen, or to the applicant for the benefit of such a child, such periodical payments as the court thinks reasonable;

<sup>F5</sup>(ii) .....

<sup>F6</sup>(2) .....

- (3) An interim maintenance order may provide for payments to be made from such date as the court may specify, [<sup>F7</sup>except that, subject to section 5(5) and (6) of this Act, the date shall not be] earlier than the date of the making of the application for an order under section 2, 6 or 7 of this Act<sup>F8</sup>....

[<sup>F9</sup>(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—

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Interim orders is up to date with all changes known to be in force on or before 18 June 2024. There are  
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content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (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
  - (b) [F10subsection] (3) shall apply accordingly.]
- F6(4) . . . . .
- (5) Subject to subsection (6) below, an interim order made on an application for an order under section 2, 6 or 7 of this Act shall cease to have effect on whichever of the following dates occurs first, that is to say—
- (a) the date, if any, specified for the purpose in the interim order;
  - (b) the date of the expiration of the period of three months beginning with the date of the making of the interim order;
  - (c) the date on which [F11the family court] either makes a final order on or dismisses the application.
- (6) Where an interim order made under subsection (1) above would, but for this subsection, cease to have effect by virtue of subsection (5)(a) or (b) above, [F12the family court] shall have power by order to provide that the interim order shall continue in force for a further period, and any order continued in force under this subsection shall cease to have effect on whichever of the following dates occurs first, that is to say—
- (a) the date, if any, specified for the purpose in the order made under this subsection;
  - (b) the date of the expiration of the period of three months beginning with the date of the making of the order under this subsection or, if more than one order has been made under this subsection with respect to the application, beginning with the date of the making of the first of those orders;
  - (c) the date on which the court either makes a final order on, or dismisses, the application.
- (7) Not more than one interim maintenance order F13 . . . may be made with respect to any application for an order under section 2, 6 or 7 of this Act, but without prejudice to the powers of a court under this section on any further such application.
- (8) No appeal shall lie from the making of or refusal to make, the variation of or refusal to vary, or the revocation of or refusal to revoke, an interim maintenance order.
- F14(9) . . . . .

#### Textual Amendments

- F1** Words in s. 19(1)(a) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 71\(2\)\(a\)\(i\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F2** Words in s. 19(1)(a) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 71\(2\)\(a\)\(ii\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F3** Word in s. 19(1)(a) omitted (6.4.2009) by virtue of [The Access to Justice Act 1999 \(Destination of Appeals\) \(Family Proceedings\) Order 2009 \(S.I. 2009/871\)](#), arts. 1, [3\(2\)\(a\)](#) (with art. 13)
- F4** S. 19(1)(b)(c) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 71\(2\)\(b\)](#); [S.I. 2014/954](#), art. 2(e) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

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- F5** Words in s. 19(1) and s. 19(1)(ii) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras.1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F6** S. 19(2)(4) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F7** Words in s. 19(3) substituted (5.4.1993) by S.I. 1993/623, art. 2, **Sch. 1 para.6.**
- F8** Words in s. 19(3) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 71(3)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F9** S. 19(3A) inserted by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), ss. 46(1), 48(3), **Sch. 1 para. 24**
- F10** Words in s. 19(3A)(b) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 13 para. 37** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F11** Words in s. 19(5)(c) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 71(4)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F12** Words in s. 19(6) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 71(5)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F13** Words in s. 19(7)(9) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F14** S. 19(9) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 71(6)**; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(c)(d) repealed (prosp.) by [1996 c. 27 s. 18\(1\)66\(3\)Sch. 10](#)