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## SCHEDULES

### <sup>X1</sup>SCHEDULE 2

Section 89.

#### MINOR AND CONSEQUENTIAL AMENDMENTS

##### Editorial Information

- X1** The text of Sch. 2 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and, except as specified, does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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

- 1 In section 5 of the Sheriff Courts (Scotland) Act 1907—
- [<sup>F1</sup>(a) in subsection (2), after the words “Actions of aliment ”, there shall be inserted the words “(other than any action mentioned in sub-section (2A) below) ” ;]
- (b) the following subsection shall be inserted after subsection (2)—
- “(2A) Actions, arising out of an application under section 31(1) of the Maintenance Orders (Reciprocal Enforcement) Act 1972, for the recovery of maintenance:” ; and
- (c) in the final proviso, for the words “the second sub-section ” there shall be substituted the words “sub-section (2) or (2A) ”.

##### Textual Amendments

- F1** Sch. 2 para. 1(a) repealed (S.) by Family Law (Scotland) Act 1985 (c. 37, SIF 49:3), ss. 28(2), 29(4), Sch. 2

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

- 2 In section 3(4) of the Maintenance Orders Act 1920 for the words “sitting and acting for the same place ” there shall be substituted the words “appointed for the same commission area (within the meaning of section 1 of the Administration of Justice Act 1973) ”.

3—5. .... <sup>F2</sup>

##### Textual Amendments

- F2** Sch. 2 paras. 3–5, 8 repealed by Child Care Act 1980 (c. 5), s. 89(3), Sch. 6

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*The National Assistance Act 1948 (c. 29)*

6 In section 43(4) of the National Assistance Act 1948 for the words “having jurisdiction in the place ” there shall be substituted the words “appointed for the commission area (within the meaning of section 1 of the Administration of Justice Act 1973) ”.

7 In section 44(2) of that Act for the words “having jurisdiction in the place ” there shall be substituted the words “appointed for the commission area (within the meaning of section 1 of the Administration of Justice Act 1973). ”

8 ..... F3

**Textual Amendments**  
F3 Sch. 2 paras. 3–5, 8 repealed by Child Care Act 1980 (c. 5), s. 89(3), Sch. 6

*The Marriage Act 1949 (c. 76)*

9 In section 3(5) of the Marriage Act 1949 for the words “having jurisdiction in the place ” there shall be substituted the words “appointed for the commission area (within the meaning of section 1 of the Administration of Justice Act 1973). ”

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

10 In section 13(4) of the Justices of the Peace Act 1949 after the words “juvenile ” there shall be inserted the words “or domestic ”.

*The Maintenance Orders Act 1950 (c. 37.)*

11 In section 3(2) of the Maintenance Orders Act 1950 for the words “having jurisdiction in the place ” there shall be substituted the words “appointed for the commission area (within the meaning of the Administration of Justice Act 1973) ”.

12 In section 15(1)(a) of that Act for sub-paragraph (ii) there shall be substituted the following sub-paragraph—  
“(ii) section 24(1) and 30(3) of the Domestic Proceedings and Magistrates' Courts Act 1978”.

13 In section 16(2)(a) of that Act, for sub-paragraph (ii) there shall be substituted the following sub-paragraph—  
“(ii) Part 1 of the Domestic Proceedings and Magistrates' Courts Act 1978.”

14 In section 22(1) of that Act after the words “person liable to make ”, in the first place where they occur, there shall be inserted the word “periodical ”.

15 ..... F4

**Textual Amendments**  
F4 Sch. 2 paras. 15, 21 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), Sch. 9

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*The Affiliation Proceedings Act 1957 (c. 55)*

- 16 In section 9(2) of the Affiliation Proceedings Act 1957 for the words “£10 ” there shall be substituted the words “£50 ”.

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

- [<sup>F5</sup>17 In section 32(2) of the Adoption Act 1958 for the words “subsection (2) ” there shall be substituted the words “subsection (1A) ”.]

**Textual Amendments**

**F5** Sch. 2 paras. 17, 18 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66(3), Sch. 4

- [<sup>F6</sup>18 In section 34A(3) of that Act—
- (a) for the words “the authority ”, in the first place where those words occur, there shall be substituted the words “a local authority ” ;
  - (b) after the words “the authority ”, in the second place where those words occur, there shall be inserted the words “in whose care the child is ” ;
  - (c) for the words “the court ” there shall be substituted the words “a court ”.]

**Textual Amendments**

**F6** Sch. 2 paras. 17, 18 repealed (S.) by Adoption (Scotland) Act 1978 (c. 28, SIF 49:11), s. 66(3), Sch. 4

*The County Courts Act 1959 (c. 22)*

- 19 In section 109(2) of the County Courts Act 1959—
- (a) in paragraph (g) for the words “section 13A of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 ” there shall be substituted the words “section 35 of the Domestic Proceedings and Magistrates' Courts Act 1978 ” ;
  - (b) in paragraph (h) after the words “proceedings under ” there shall be inserted the words “section 34 or 34A of the Adoption Act 1958 ; ”
  - (c) in paragraph (i) for the words “section 29 ” there shall be substituted the words “section 27, 28, 29 ”.

- 20 ..... <sup>F7</sup>

**Textual Amendments**

**F7** Sch. 2 paras. 20, 24 repealed by Child Care Act 1980 (c. 5), s. 89(3), Sch. 6

- 21 ..... <sup>F8</sup>

**Textual Amendments**

**F8** Sch. 2 paras. 15, 21 repealed by Magistrates' Courts Act 1980 (c. 43, SIF 82), s. 154(3), Sch. 9

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

F9 22 .....

**Textual Amendments**  
F9 Sch. 2 paras. 22, 23, 27, 29 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 23 .....

**Textual Amendments**  
F10 Sch. 2 paras. 22, 23, 27, 29 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)

24 ..... F11

**Textual Amendments**  
F11 Sch. 2 paras. 20, 24 repealed by Child Care Act 1980 (c. 5), s. 89(3), Sch. 6

25 ..... F12

**Textual Amendments**  
F12 Sch. 2 para. 25 repealed by Supreme Court Act 1981 (c. 54, SIF 37), Sch. 7

*The Administration of Justice Act 1970 (c. 31)*

26 In Schedule 8 of that Act in paragraph 3 for the words “or having effect as if made under the Matrimonial Proceedings (Magistrates’ Courts) Act 1960 ” there shall be substituted the words “under Part I of the Domestic Proceedings and Magistrates’ Courts Act 1978 ”.

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

F13 27 .....

**Textual Amendments**  
F13 Sch. 2 paras. 22, 23, 27, 29 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)

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

28 In section 30(2) of the Matrimonial Proceedings and Property Act 1970 for the words “Subsections (4), (5) and (6) of section 7 of the Matrimonial Proceedings (Magistrates’ Courts) Act 1960 ” there shall be substituted the words “Section 4(2) of the Domestic Proceedings and Magistrates’ Courts Act 1978 ”, for the words

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“section 2(1)(b) or (c) ” there shall be substituted the words “section 2(1)(a) ” and for the words “as they apply in relation to such an order as is referred to in the said subsection (4) ” there shall be substituted the words “as it applies in relation to an order made under section 2(1)(a) of the Domestic Proceedings and Magistrates' Courts Act 1978 ”.

*The Guardianship of Minors Act 1971 (c. 3)*

F1429 .....

**Textual Amendments**

**F14** Sch. 2 paras. 22, 23, 27, 29 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)**

30 ..... **F15**

**Textual Amendments**

**F15** Sch. 2 para. 30 repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(4), **Sch. 4**

F1631 .....

**Textual Amendments**

**F16** Sch. 2 paras. 31, 36, 41-43 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)**

*The Attachment of Earnings Act 1971 (c. 32)*

32 In Schedule 1 to the Attachment of Earnings Act 1971 in paragraph 4 for the words “or having effect as if made under the Matrimonial Proceedings (Magistrates' Courts) Act 1960 ” there shall be substituted the words “under Part I of the Domestic Proceedings and Magistrates' Courts Act 1978 ”.

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

33 In section 8(3) of the Maintenance Orders (Reciprocal Enforcement) Act 1972 for the words “£10 ” there shall be substituted the words “£50 ”.

F1734 .....

**Textual Amendments**

**F17** Sch. 2 para. 34 repealed (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 2(2), **Sch.3**; S.I. 1993/618, **art. 2**.

F1835 .....

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**Textual Amendments**

**F18** Sch. 2 para. 35 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>F19</sup>36 .....

**Textual Amendments**

**F19** Sch. 2 paras. 31, 36, 41-43 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)

37 In section 42(1) of that Act for the words “section 2(1)(b) or (c) of the Matrimonial Proceedings (Magistrates’ Courts) Act 1960 (payment of weekly sums by husband or wife) ” there shall be substituted the words “section 2(1)(a) of the Domestic Proceedings and Magistrates’ Courts Act 1978 (making of periodical payments by husband or wife) ”.

*The Matrimonial Causes Act 1973 (c. 18)*

38 In section 4(1) of the Matrimonial Causes Act 1973 after the words “the Matrimonial Proceedings (Magistrates’ Courts) Act 1960 ” there shall be inserted the words “or Part I of the Domestic Proceedings and Magistrates’ Courts Act 1978 ”.

39 In section 47(2)(e) of that Act for the words “the Matrimonial Proceedings (Magistrates’ Courts) Act 1960 ” there shall be substituted the words “Part I of the Domestic Proceedings and Magistrates’ Courts Act 1978 ”.

40 In section 50(2)(b) of that Act for the words “the Matrimonial Proceedings (Magistrates’ Courts) Act 1960 ” there shall be substituted the words “Part I of the Domestic Proceedings and Magistrates’ Courts Act 1978 ”.

*The Guardianship Act 1973 (c. 29)*

<sup>F20</sup>41 .....

**Textual Amendments**

**F20** Sch. 2 paras. 31, 36, 41-43 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>F21</sup>42 .....

**Textual Amendments**

**F21** Sch. 2 paras. 31, 36, 41-43 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>F22</sup>43 .....

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**Textual Amendments**

**F22** Sch. 2 paras. 31, 36, 41-43 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)**

44 ..... **F23**

**Textual Amendments**

**F23** Sch. 2 para. 44 repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(4), **Sch. 4** and expressed to be repealed (*prosp.*) by Children Act 1989 (c. 41, SIF 20), s. 108, Sch. 15 (with Sch. 14 paras. 1(1), 27(4))

45 ..... **F24**

**Textual Amendments**

**F24** Sch. 2 paras. 45, 52 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 6**

*The Children Act 1975 (c. 72)*

**F25** 46 .....

**Textual Amendments**

**F25** Sch. 2 paras. 46-48, 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)**

**F26** 47 .....

**Textual Amendments**

**F26** Sch. 2 paras. 46-48, 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)**

**F27** 48 .....

**Textual Amendments**

**F27** Sch. 2 paras. 46-48, 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)**

49 ..... **F28**

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**Textual Amendments**

**F28** Sch. 2 para. 49 repealed by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), ss. 46(3), 48(2), **Sch. 3** and 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)**

*The Adoption Act 1976 (c. 36)*

<sup>F29</sup>50 .....

**Textual Amendments**

**F29** Sch. 2 paras. 46-48, 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)**

51 In section 63(4) of that Act the words “to remove a child from a person’s custody under section 27 or 28 or ” shall be omitted.

52 ..... <sup>F30</sup>

**Textual Amendments**

**F30** Sch. 2 paras. 45, 52 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 6**

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

<sup>F31</sup>53 .....

**Textual Amendments**

**F31** Sch. 2 para. 53 repealed (1.10.1997) by 1996 c. 27, s. 66(3), **Sch. 10** (with Sch. 9 paras. 5, 8-10); S.I. 1997/1892, **art. 3(d)(ii)**

*The Supplementary Benefits Act 1976 (c. 71)*

54 In section 19(2) of the Supplementary Benefits Act 1976 for the words “acting for the petty sessions area ” there shall be substituted the words “appointed for the commission area (within the meaning of section 1 of the Administration of Justice Act 1973) ”



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