



# Domestic Proceedings and Magistrates' Courts Act 1978

## 1978 CHAPTER 22

### PART V

#### SUPPLEMENTARY PROVISIONS

#### 88 Interpretation.

(1) In this Act—

<sup>F1</sup>

“child”, in relation to one or both of the parties to a marriage, includes [<sup>F2</sup>a child whose father and mother were not married to each other at the time of his birth];

“child of the family”, in relation to the parties to a marriage, means—

- (a) a child of both of those parties; and
- (b) any other child, not being a child who is [<sup>F3</sup>placed with those parties as foster parents] by a local authority or voluntary organisation, who has been treated by both of those parties as a child of their family;

“commission area” has the same meaning as in [<sup>F4</sup>the Justices of the Peace Act 1997];

<sup>F5</sup>

“local authority” means the council of a county (other than a metropolitan county), of a metropolitan district or of a London borough, or the Common Council of the City of London;

<sup>F5</sup>

[<sup>F6</sup>“[<sup>F7</sup>maintenance assessment][<sup>F7</sup>maintenance calculation]” has the same meaning as it has in the Child Support Act 1991 by virtue of section 54 of that Act as read with any regulations in force under that section.]

[<sup>F8</sup>“petty sessions area” has the same meaning as in the Justices of the Peace Act 1997;]

<sup>F9</sup>

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*Changes to legislation: Domestic Proceedings and Magistrates' Courts Act 1978, Section 88 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (2) References in this Act to the parties to a marriage living with each other shall be construed as references to their living with each other in the same household.
- (3) For the avoidance of doubt it is hereby declared that references in this Act to remarriage include references to a marriage which is by law void or voidable.
- <sup>F10</sup>(4) . . . . .
- (5) Any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any subsequent enactment, including this Act.

#### Textual Amendments

- F1** Words in s. 88(1) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F2** Words in s. 88(1) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 13 para. 43\(a\)](#)(with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F3** Words in s. 88(1) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 13 para. 43\(b\)](#)(with [Sch. 14 para. 1\(1\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)
- F4** Words in s. 88(1) substituted (19.6.1997) by virtue of [1997 c. 25](#), ss. 73(2), 74(1), [Sch. 5 para. 18\(a\)](#) (with [Sch. 4 para. 27](#))
- F5** Words in s. 88(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 85\(a\)](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)
- F6** Definition in s. 88 inserted (5.4.1993) by [S.I. 1993/623](#), [art. 2](#), [Sch. 1 para 9](#).
- F7** Words in s. 88(1) substituted (3.3.2003 for specified purposes) by [Child Support, Pensions and Social Security Act 2000 \(c. 19\)](#), s. 86(1)(a)(2), [Sch. 3 para. 4\(4\)](#) (with s. 83(6)); [S.I. 2003/192](#), [art. 3](#), [Sch. 11 para. 85\(b\)](#)
- F8** Definition in s. 88(1) substituted (19.6.1997) by virtue of [1997 c. 25](#), ss. 73(2), 74(1), [Sch. 5 para. 18\(b\)](#) (with [Sch. 4 para. 27](#))
- F9** Words in s. 88(1) repealed (1.4.2005) by [Courts Act 2003 \(c. 39\)](#), s. 110(1), [Sch. 1](#), [Sch. 8 para. 197\(2\)](#); [S.I. 2005/910](#), [art. 3\(y\)](#)
- F10** S. 88(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 85\(b\)](#); [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:**

Domestic Proceedings and Magistrates' Courts Act 1978, Section 88 is up to date with all changes known to be in force on or before 19 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 88 repealed in part by [1999 c. 22 Sch. 15 Pt. 5\(1\)](#)

**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](#)