



Magistrates' Courts Act 1980

1980 CHAPTER 43

PART II

CIVIL JURISDICTION AND PROCEDURE

Domestic proceedings

65 Meaning of domestic proceedings.

- (1) In this Act “[^{F1}family proceedings]” means proceedings under any of the following enactments, that is to say—
- (a) the ^{M1}Maintenance Orders (Facilities for Enforcement) Act 1920;
 - (b) section 43 ^{F2} of the ^{M2}National Assistance Act 1948;
 - (c) section 3 of the ^{M3}Marriage Act 1949;
 - (d) ^{F3}
 - ^{F4}(e)
 - [^{F5}(ee) section 35 of the Matrimonial Causes Act 1973;]
 - (f) Part I of the ^{M4}Maintenance Orders (Reciprocal Enforcement) Act 1972;
 - ^{F4}(g)
 - (h) the ^{M5}Adoption Act 1976, except proceedings under section 34 of that Act;
 - (i) section 18 ^{F2} of the ^{M6}Supplementary Benefits Act 1976;
 - (j) Part I of the ^{M7}Domestic Proceedings and Magistrates' Courts Act 1978;
 - ^{F6}(k)
 - (l) section 60 of this Act;
 - [^{F7}(m) Part I of the Civil Jurisdiction and Judgments Act 1982, so far as that Part relates to the recognition or enforcement of maintenance orders;]
 - ^{F8}(m)
 - ^{F9}(m)
 - [^{F10}(n) the Children Act 1989]
 - [^{F11}(n) section 106 of the Social Security Administration Act 1992;]

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- [^{F12}(o) section 20 (so far as it provides, by virtue of an order under section 45 ^{F13}, for appeals to be made to a court) or section 27 of the Child Support Act 1991;] except that, subject to subsection (2) below, it does not include—
- (i) proceedings for the enforcement of any order made, confirmed or registered under any of those enactments;
 - (ii) proceedings for the variation of any provision for the periodical payment of money contained in an order made, confirmed or registered under any of those enactments; or
 - (iii) proceedings on an information in respect of the commission of an offence under any of those enactments.
- (2) The court before which there fall to be heard any of the following proceedings, that is to say—
- (a) proceedings (whether under this Act or any other enactment) for the enforcement of any order made, confirmed or registered under any of the enactments specified in paragraphs (a) to (k) [^{F14}(m) and (n)] of subsection (1) above;
 - (b) proceeding (whether under this Act or any other enactment) for the variation of any provision for the making of periodical payments contained in an order made, confirmed or registered under any of those enactments;
 - (c) proceedings for an attachment of earnings order to secure maintenance payments within the meaning of the ^{M8}Attachment of Earnings Act 1971 or for the discharge or variation of such an order; or
 - (d) proceedings for the enforcement of a maintenance order which is registered in a magistrates' court under Part II of the ^{M9}Maintenance Orders Act 1950 or Part I of the ^{M10}Maintenance Orders Act 1958 or for the variation of the rate of payments specified by such an order.
- [^{F15}(e) section 20 (so far as it provides, by virtue of an order under section 45, for appeals to be made to a court) or section 27 of the Child Support Act 1991.] may if it thinks fit order that those proceedings and any other proceedings being heard therewith shall, notwithstanding anything in subsection (1) above, be treated as [^{F1}family proceedings] for the purposes of this Act.
- (3) Where the same parties are parties—
- (a) to proceedings which are [^{F1}family proceedings] by virtue of subsection (1) above, and
 - (b) to proceedings which the court has power to treat as [^{F1}family proceedings] by virtue of subsection (2) above,
- and the proceedings are heard together by a magistrates' court, the whole of those proceedings shall be treated as [^{F1}family proceedings] for the purposes of this Act.
- (4) No appeal shall lie from the making of, or refusal to make, an order under subsection (2) above.
- (5) Until the ^{M11}Adoption Act 1976 comes into force subsection (1) above shall have effect as if for paragraph (h) thereof there were substituted the following paragraph—
- “(h) The Adoption Act 1958, the Adoption Act 1960 or Part I of the Children Act 1975, except proceedings under section 42 or 43 of the Adoption Act 1958.”
- (6) Until the ^{M12}Child Care Act 1980 comes into force subsection (1) above shall have effect as if for paragraph (k) thereof there were substituted the following paragraph—

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“(k) Section 87 or section 88 of the Children and Young Persons Act 1933 or section 26 of the Children Act 1948.”

Textual Amendments

- F1** Words in s. 65(1)(2)(3) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(c)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F2** Words repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(2)(4), Sch. 3 paras. 1, 6, **Sch. 4**
- F3** S. 65(d) repealed by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 33(2)(4), Sch. 3 paras. 1, 6, **Sch. 4**
- F4** S. 65(e)(g) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 15 (with Sch. 14 paras. 1(1), **27(4)**); S.I. 1991/828, **art. 3(2)**.
- F5** S. 65(ee) inserted by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), **s. 44**
- F6** S. 65(k) repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1, 82), ss. 116, 125(7), Sch. 16 para. 40, **Sch. 20**; S.I. 1991/1883, art. 3, **Sch.**
- F7** S. 65(1)(m) commencing “Part I of the Civil Jurisdiction and Judgments Act 1982” inserted (1.1.1987) by Civil Jurisdiction and Judgments Act 1982 (c. 27, SIF 45:3), s. 15(4), **Sch. 12 Pt. I para. 7(a)**
- F8** S. 65(1)(m) commencing “section 24” (which was added (E.W.S.) (11.4.1988) by Social Security Act 1986 (c. 50, SIF 113:1), s. 86(1), **Sch. 10 Pt. II para. 54**) repealed (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 3, 7(2), **Sch. 1** (subject as mentioned in Local Government Finance Act 1992 (c. 14), **s. 118**)
- F9** S. 65(1)(m) commencing ‘section 4’ (which was inserted (1.4.1989) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1)(2), Sch. 2 para. 82, Sch. 3 paras. 1, 6) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(6)(7), Sch. 15 (with Sch. 14 paras. 1(1), **27(4)**); S.I. 1991/828, **art. 3(2)**
- F10** S. 65(1)(n) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92(11), 108(6), **Sch. 11 Pt. II para. 8(a)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F11** S. 65(1)(n) inserted (1.7.1992) by Social Security (Consequential Provisions) Act 1992 (c. 6), ss. 4, 7(2), **Sch. 2 para. 60**
- F12** S. 65(1)(o) inserted (5.4.1993) by S.I. 1993/623, art. 3, **Sch.2**
- F13** S.I. 1993/961 provides for appeals on parentage issues to be made to a court instead of to a child support appeals tribunal.
- F14** Words in s. 65(2)(a) substituted (14.10.1991) by virtue of Children Act 1989 (c. 41, SIF 20), ss. 92(11), 108(6), **Sch. 11 Pt. II para. 8(b)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F15** S. 65(2)(e) inserted (5.4.1993) by S.I. 1993/623, art. 3, **Sch. 2 para.2**

Modifications etc. (not altering text)

- C1** S. 65 excluded (14.10.1991) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 60(3)**; S.I. 1991/2208, art. 2(1), **Sch. 1**

Marginal Citations

- M1** 1920 c. 33.
M2 1948 c. 29.
M3 1949 c. 76
M4 1972 c. 18.
M5 1976 c. 36
M6 1976 c. 71.
M7 1978 c. 22.
M8 1971 c. 32.
M9 1950 c. 37.
M10 1958 c. 39
M11 1976 c. 36.

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M12 1980 c. 5.

66 Composition of magistrates' courts for domestic proceedings: general.

- (1) Subject to the provisions of this section, a magistrates' court when hearing [^{F16}family proceedings] shall be composed of not more than 3 justices of the peace, including, so far as practicable, both a man and a woman.
- (2) Subsection (1) above shall not apply to a magistrates' court for an inner London petty sessions area, and, notwithstanding anything in section 67 below, for the purpose of exercising jurisdiction to hear [^{F16}family proceedings] such a court shall be composed of—
 - (a) a metropolitan stipendiary magistrate as chairman and one or 2 lay justices who are members of the [^{F17}family panel] for that area; or
 - (b) 2 or 3 lay justices who are members of that panel;
 or, if it is not practicable for such a court to be so composed, the court shall for that purpose be composed of a metropolitan stipendiary magistrate sitting alone.
- (3) Where in pursuance of subsection (2) above a magistrates' court includes lay justices it shall, so far as practicable, include both a man and a woman.
- (4) In the preceding provisions of this section "lay justices" means justices of the peace for the inner London area who are not metropolitan stipendiary magistrates.
- (5) In this section "inner London petty sessions area" means the City of London or any petty sessional division of the inner London area.

Textual Amendments

- F16** Words in s. 66(1)(2) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92(11), 108(6), **Sch. 11 Pt. II para. 8(c)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F17** Words in s. 66(2) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(d)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

67 Domestic courts and panels.

- (1) Magistrates' courts constituted in accordance with the provisions of this section and sitting for the purpose of hearing [^{F18}family proceedings] shall be known as [^{F19}family proceedings courts].
- (2) A justice shall not be qualified to sit as a member of a [^{F20}family proceedings court] unless he is a member of a [^{F21}family panel], that is to say a panel of justices specially appointed to deal with [^{F18}family proceedings].
- (3) Without prejudice to the generality of the power to make rules under section 144 below relating to the procedure and practice to be followed in magistrates' courts, provision may be made by such rules with respect to any of the following matters, that is to say—
 - (a) the formation and revision of [^{F22}family panels] and the eligibility of justices to be members of such panels;
 - (b) the appointment of persons as chairmen of [^{F19}family proceedings courts]; and
 - (c) the composition of domestic courts.

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- (4) Any provision made by rules by virtue of subsection (3) above for the formation of [F²²family panels] shall include provision for the formation of at least one [F²¹family panel] for each commission area, but provision shall not be made by the rules for the formation of more than one [F²¹family panel] for any petty sessions area.

In this subsection “commission area” has the same meaning as in the ^{M13} Justice of the Peace Act 1979.

- (5) Rules made by virtue of subsection (3) above may confer powers on the Lord Chancellor with respect to any of the matters specified in the rules and may, in particular, provide for the appointment of [F²²family panels] by him and for the removal from a [F²¹family panel] of any justice who, in his opinion, is unsuitable to serve on a [F²⁰family proceedings court].
- (6) Rules made by virtue of subsection (3) above may make different provision in relation to different areas for which [F²²family panels] are formed; and in the application of this section to the counties of Greater Manchester, Merseyside and Lancashire for any reference in subsection (5) above to the Lord Chancellor there shall be substituted a reference to the Chancellor of the Duchy of Lancaster.
- (7) A stipendiary magistrate who is a member of a [F²¹family panel] may, notwithstanding anything in section 66(1) above, hear and determine [F¹⁸family proceedings] when sitting alone.
- (8) Nothing in this section shall require the formation of a [F²¹family panel] for the City of London.

Textual Amendments

- F18** Words in s. 67(1)(2)(7) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(c)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F19** Words in s. 67(1)(3)(b) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(f)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F20** Words in s. 67(2)(5) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(g)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F21** Words in s. 67(2)(4)(5)(7)(8) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(d)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F22** Words in s. 67(3-6) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(e)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

Marginal Citations

- M13** 1979 c. 55

68 Combined domestic court panels.

- (1) Where the [F²³Lord Chancellor] considers—
- that a combined [F²⁴family panel] should be formed for 2 or more petty sessions areas, or
 - that any combined [F²⁴family panel] which has been so formed should be dissolved,

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he may direct the magistrates' courts committee for the area concerned to review the functioning of [^{F25}family proceedings courts] in their area and on completion of the review to submit a report to the [^{F23}Lord Chancellor].

- (2) Where the [^{F23}Lord Chancellor] gives a direction under subsection (1) above, then—
- (a) after consideration of any report submitted to him under that subsection, or
 - (b) if the committee fail to comply with the direction within 6 months from the giving thereof, after the expiration of that period of 6 months,
- the [^{F23}Lord Chancellor] may, if he thinks fit, make an order for the formation of a combined [^{F24}family panel] for the petty sessions areas concerned or, as the case may be, for the dissolution of the combined [^{F24}family panel] concerned.
- (3) Where the [^{F23}Lord Chancellor] proposes to make an order under subsection (2) above, he shall send a copy of the proposed order to the magistrates' courts committee for any area the whole or part of which is concerned and to any [^{F24}family panel] which is concerned.
- (4) Where a copy of the proposed order is required to be sent under subsection (3) above to any committee or panel, the [^{F23}Lord Chancellor] shall, before making an order, consider any representations made to him by the committee or panel within one month from the time the copy of the proposed order was sent.
- (5) An order of the [^{F23}Lord Chancellor] under subsection (2) above shall be made by statutory instrument and may be revoked or varied by a subsequent order thereunder.
- (6) Any order made under subsection (2) above may contain supplementary, incidental and consequential provisions.

^{F26}(7)

Textual Amendments

- F23** Words in s. 68 substituted (1.4.1992) by S.I. 1992/709, art. 2(3), **Sch. 1**
- F24** Words in s. 68(1)–(3) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(d)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F25** Words in s. 68(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(f)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F26** S. 68(7) repealed (1.4.1995) by 1994 c. 29, s. 93, **Sch. 9 Pt. II**; S.I. 1995/685, **arts. 4(n), 8(n)**

Modifications etc. (not altering text)

- C2** S. 68: functions of the Secretary of State transferred to the Lord Chancellor (1.4.1992) by S.I. 1992/709, art. 2(1), **Sch. 1**

69 Sittings of magistrates' courts for domestic proceedings.

- (1) The business of magistrates' courts shall, so far as is consistent with the due dispatch of business, be arranged in such manner as may be requisite for separating the hearing and determination of [^{F27}family proceedings] from other business.
- (2) In the case of [^{F27}family proceedings] in a magistrates' court other than proceedings under the ^{M14}Adoption Act 1976, no person shall be present during the hearing and determination by the court of the proceedings except—
- (a) officers of the court;

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- (b) parties to the case before the court, their [^{F28}legal representatives], witnesses and other persons directly concerned in the case;
 - (c) representatives of newspapers or news agencies;
 - (d) any other person whom the court may in its discretion permit to be present, so, however, that permission shall not be withheld from a person who appears to the court to have adequate grounds for attendance.
- (3) In relation to any [^{F27}family proceedings] under the ^{M15}Adoption Act 1976, subsection (2) above shall apply with the omission of paragraphs (c) and (d).
- (4) When hearing [^{F27}family proceedings], a magistrates' court may, if it thinks it necessary in the interest of the administration of justice or of public decency, direct that any persons, not being officers of the court or parties to the case, the parties' [^{F29}legal representatives], or other persons directly concerned in the case, be excluded during the taking of any indecent evidence.
- (5) The powers conferred on a magistrates' court by this section shall be in addition and without prejudice to any other powers of the court to hear proceedings in camera.
- (6) Nothing in this section shall affect the exercise by a magistrates' court of the power to direct that witnesses shall be excluded until they are called for examination.
- (7) Until the coming into operation of the ^{M16}Adoption Act 1976 this section shall have effect as if for any reference to that Act there were substituted a reference to the ^{M17}Adoption Act 1958, the ^{M18}Adoption Act 1960 and Part I of the ^{M19}Children Act 1975.

Textual Amendments

- F27** Words in s. 69(1)-(4) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(c)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**
- F28** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 82), s. 125(3), **Sch. 18 para. 25(6)(a)**
- F29** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37, 82), s. 125(3), **Sch. 18 para. 25(6)(b)**

Marginal Citations

- M14** 1976 c. 36.
M15 1976 c. 36.
M16 1976 c. 36.
M17 1958 c. 5 (7 & 8 Eliz. 2).
M18 1960 c. 59.
M19 1975 c. 72.

70 Jurisdiction of magistrates' courts in inner London for domestic proceedings.

- (1) A relevant court for an inner London petty sessions area shall, in addition to hearing proceedings which (apart from subsection (2) below) may be heard by a relevant court for that area, have jurisdiction to hear proceedings which could be heard before a relevant court for any other such area, but shall not exercise the jurisdiction conferred by this subsection except in such cases or classes of case as may be determined by the [^{F30}magistrates' courts committee whose area consists of or includes that petty sessions area].

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- (2) A magistrates' court for an inner London petty sessions area shall not hear any [^{F31}family proceedings] if the [^{F30}magistrates' courts committee whose area consists of or includes that petty sessions area] so determine.
- (3) In this section—
- “relevant court” means a magistrates' court when composed for the purpose of exercising jurisdiction to hear [^{F31}family proceedings];
- “inner London petty sessions area” means the City of London or any petty sessional division of the inner London area.

Textual Amendments

- F30** Words in s. 70(1)(2) substituted (1.4.1995) by 1994 c. 29, s. 91, **Sch. 8 Pt. II para.30**; S.I. 1995/685, **arts. 4(1), 7(f)**
- F31** Words in s. 70(2)(3) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), **Sch. 11 Pt. II para. 8(e)** (with Sch. 14 para. 1(1)); S.I. 1991/828, **art. 3(2)**

71 Newspaper reports of domestic proceedings.

- [^{F32}(1) In the case of [^{F33}family proceedings] in a magistrates' court (other than proceedings under the Adoption Act 1976) it shall not be lawful for a person to whom this subsection applies—
- (a) to print or publish, or cause or procure to be printed or published, in a newspaper or periodical, or
 - (b) to include, or cause or procure to be included, in a programme included in a programme service (within the meaning of the Broadcasting Act 1990) for reception in Great Britain,
- any particulars of the proceedings other than such particulars as are mentioned in subsection (1A) below.
- (1A) The particulars referred to in subsection (1) above are—
- (a) the names, addresses and occupations of the parties and witnesses;
 - (b) the grounds of the application, and a concise statement of the charges, defences and counter-charges in support of which evidence has been given;
 - (c) submissions on any point of law arising in the course of the proceedings and the decision of the court on the submissions;
 - (d) the decision of the court, and any observations made by the court in giving it.
- (1B) Subsection (1) above applies—
- (a) in relation to paragraph (a) of that subsection, to the proprietor, editor or publisher of the newspaper or periodical, and
 - (b) in relation to paragraph (b) of that subsection, to any body corporate which provides the service in which the programme is included and to any person having functions in relation to the programme corresponding to those of an editor of a newspaper.]
- (2) In the case of [^{F33}family proceedings] in a magistrates' court under the ^{M20}Adoption Act 1976, [^{F34}subsection (1A)]above shall apply with the omission of paragraphs (a) and (b) and the reference in that subsection to the particulars of the proceedings shall, in relation to any child concerned in the proceedings, include—

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- (a) the name, address or school of the child,
 - (b) any picture as being, or including, a picture of the child, and
 - (c) any other particulars calculated to lead to the identification of the child.
- (3) Any person acting in contravention of this section shall be liable on summary conviction to a fine not exceeding [^{F35}level 4 on the standard scale].
- (4) No prosecution for an offence under this section shall be begun without the consent of the Attorney General.
- (5) Nothing in this section shall prohibit the printing or publishing of any matter in a newspaper or periodical of a technical character bona fide intended for circulation among members of the legal or medical professions.
- (6) Until the coming into operation of the ^{M21}Adoption Act 1976 this section shall have effect as if for any reference to that Act there were substituted a reference to the ^{M22}Adoption Act 1958, the ^{M23}Adoption Act 1960 and Part I of the ^{M24}Children Act 1975.

Textual Amendments

- F32** S. 71(1)(1A)(1B) substituted (1.1.1991) for s. 71(1) by [Broadcasting Act 1990 \(c. 42, SIF 96\), ss. 4\(6\), 87\(6\), 203\(1\), Sch. 20 para. 29\(2\)](#)
- F33** Words in s. 71(1)(2) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), ss. 92, 108\(6\), Sch. 11 Pt. II para. 8\(c\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)
- F34** Words substituted by [Broadcasting Act 1990 \(c. 42, SIF 96\), s. 203\(1\), Sch. 20 para. 29\(2\)](#)
- F35** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), s. 46](#)

Modifications etc. (not altering text)

- C3** S. 71 applied (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\), ss. 97\(8\), 108\(6\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

Marginal Citations

- M20** 1976 c. 36.
- M21** 1976 c. 36.
- M22** 1958 c. 5 (7 & 8 Eliz. 2).
- M23** 1960 c. 59.
- M24** 1975 c. 72.

72 Report by probation officer on means of parties.

- (1) Where in any [^{F36}family proceedings] in which an order may be made for the payment of money by any person, or in any proceedings for the enforcement or variation of any such order, a magistrates' court has requested a probation officer to investigate the means of the parties to the proceedings, the court may direct the probation officer to report the result of his investigation to the court in accordance with the provisions of this section; but in the case of any such [^{F36}family proceedings] no direction to report to the court shall be given to a probation officer under this subsection until the court has determined all issues arising in the proceedings other than the amount to be directed to be paid by such an order.
- (2) Where the court directs a probation officer under this section to report to the court the result of any such investigation as aforesaid, the court may require him—

Status: Point in time view as at 10/04/1995.

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- (a) to furnish to the court a statement in writing about his investigation; or
 - (b) to make an oral statement to the court about his investigation.
- (3) Where the court requires a probation officer to furnish a statement in writing under subsection (2) above—
- (a) a copy of the statement shall be given to each party to the proceedings or to his ^{F37}legal representative]at the hearing; and
 - (b) the court may, if it thinks fit, require that the statement, or such part of the statement as the court may specify, shall be read aloud at the hearing.
- (4) The court may and, if requested to do so at the hearing by a party to the proceedings or his ^{F37}legal representative]shall, require the probation officer to give evidence about his investigation, and if the officer gives such evidence, any party to the proceedings may give or call evidence with respect to any matter referred to either in the statement or in the evidence given by the officer.
- (5) Any statement made by a probation officer in a statement furnished or made by him under subsection (2) above, or any evidence which he is required to give under subsection (4) above, may be received by the court as evidence, notwithstanding anything to the contrary in any enactment or rule of law relating to the admissibility of evidence.

Textual Amendments

- F36** Words in s. 72(1) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), Sch. 11 Pt. II para. 8(c) (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)
- F37** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37, 82), s. 125(3), Sch. 18 para. 25(4)(b)

73 Examination of witnesses by court.

Where in any ^{F38}family proceedings], or in any proceedings for the enforcement or variation of an order made in ^{F38}family proceedings], it appears to a magistrates' court that any party to the proceedings who is not legally represented is unable effectively to examine or cross-examine a witness, the court shall ascertain from that party what are the matters about which the witness may be able to depose or on which the witness ought to be cross-examined, as the case may be, and shall put, or cause to be put, to the witness such questions in the interests of that party as may appear to the court to be proper.

Textual Amendments

- F38** Words in s. 73 substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), ss. 92, 108(6), Sch. 11 Pt. II para. 8(c) (with Sch. 14 para. 1(1)); S.I. 1991/828, art. 3(2)

74 Reasons for decisions in domestic proceedings.

- (1) The power to make rules conferred by section 144 below shall, without prejudice to the generality of subsection (1) of that section, include power to make provision for the recording by a magistrates' court, in such manner as may be prescribed by the rules, of reasons for a decision made in such ^{F39}family proceedings] or class of

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[^{F39}family proceedings] as may be so prescribed, and for making available a copy of any record made in accordance with those rules of the reasons for a decision of a magistrates' court to any person who requests a copy thereof for the purposes of an appeal against that decision or for the purpose of deciding whether or not to appeal against that decision.

- (2) A copy of any record made by virtue of this section of the reasons for a decision of a magistrates' court shall, if certified by such officer of the court as may be prescribed, be admissible as evidence of those reasons.

Textual Amendments

F39 Words in s. 74(1) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), ss. 92, 108(6), [Sch. 11 Pt. II para. 8\(c\)](#) (with [Sch. 14 para. 1\(1\)](#)); S.I. 1991/828, [art. 3\(2\)](#)

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