Changes to legislation: *Matrimonial and Family Proceedings Act 1984 is up to date with all changes known to be in force on or before 21 July 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*

SCHEDULES

SCHEDULE 1

Section 46(1).

MINOR AND CONSEQUENTIAL AMENDMENTS

Maintenance Orders Act 1950 (c. 37)

1 In section 16(2) of the Maintenance Orders Act 1950—

(a) at the end of paragraph (a)(i) there shall be added the words "and section 14 or 17 of the Matrimonial and Family Proceedings Act 1984"; and

(b) at the end of paragraph (b)(i) there shall be added the words "or section 29 of the Matrimonial and Family Proceedings Act 1984".

2 In section 18 of that Act, after subsection (2), there shall be inserted the following subsection—

"(2A) Any person under an obligation to make payments under a maintenance order registered under this Part of this Act in a court of summary jurisdiction in England shall give notice of any change of address to the clerk of the court; and any person who without reasonable excuse fails to give such a notice shall be liable on summary conviction to a fine not exceeding level 2 on the standard scale (as defined in section 75 of the Criminal Justice Act 1982)."

Matrimonial Causes (Property and Maintenance) Act 1958 (c. 35)

3 In section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958, for subsection (6), there shall be substituted the following subsection—

"(6) Any power of a judge which is exercisable on an application under the said section seventeen shall be exercisable in relation to an application made under that section as extended by this section."

Maintenance Orders Act 1958 (c. 39)

F1 4 . . . . . .

Textual Amendments

F1 Sch. 1 para. 4 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 10 para. 99** Table; S.I. 2014/954, **art. 2(d)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, **arts. 3-11**)

5 In section 4 of that Act, after subsection (6A) there shall be inserted the following subsection—

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"(6B) No application for any variation of a registered order shall be made to any court in respect of an order for periodical or other payments made under Part III of the Matrimonial and Family Proceedings Act 1984."

Succession (Scotland) Act 1964 (c. 41)

6 In section 33(2) of the Succession (Scotland) Act 1964, at the end there shall be added the words "or section 29 of the Matrimonial and Family Proceedings Act 1984".

Law Reform (Miscellaneous Provisions) (Scotland) Act 1966 (c. 19)

7 In section 8(1)(c) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966, at the end there shall be added the words "or section 29 of the Matrimonial and Family Proceedings 1984".

Administration of Justice Act 1970 (c. 31)

8 In Schedule 8 to the Administration of Justice Act 1970 there shall be inserted at the end the following paragraph—

"14 An order for periodical or other payments made under Part III of the Matrimonial and Family Proceedings Act 1984."

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

F2 9 . . . . . .

Textual Amendments

F2 Sch. 1 para. 9 repealed (5.4.1993) by Maintenance Orders (Reciprocal Enforcement) Act 1992 (c. 56), s. 2(2), **Sch.3**; S.I. 1993/618, **art.2**.

Matrimonial Causes Act 1973 (c. 18)

10 In section 1(4) of the Matrimonial Causes Act 1973 for the words "sections 3(3) and 5" there shall be substituted the words "section 5".

11 In section 24A of that Act there shall be added at the end the following subsection—

"(6) Where a party to a marriage has a beneficial interest in any property, or in the proceeds of sale thereof, and some other person who is not a party to the marriage also has a beneficial interest in that property or in the proceeds of sale thereof, then, before deciding whether to make an order under this section in relation to that property, it shall be the duty of the court to give that other person an opportunity to make representations with respect to the order; and any representations made by that other person shall be included among the circumstances to which the court is required to have regard under section 25(1) below.".

12 In section 27 of that Act—

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(a) in subsection (3A) for the words "section 25(1)(a) and (b) and (2)(a) to (e)" there shall be substituted the words "section 25(3)(a) to (e)" and for the words "section 25(3)" there shall be substituted the words "section 25(4)";

(b) in subsection (3B) for the words "section 25(1)(c)" there shall be substituted the words "section 25(2)(c) above" and for the words "section 25(2)(d)" there shall be substituted the words "section 25(2)(c) above (as it applies by virtue of section 25(3)(e) above)".

13 In section 35 of that Act—

(a) in subsection (2) for the words "section 25(3)" there shall be substituted the words "section 25(4)";

[F3](b) . . . . . .

Textual Amendments

F3 Sch. 1 para. 13(b) repealed (1.4.2005) by Courts Act 2003 (c. 39), s. 110(1), **Sch. 10**; S.I. 2005/910, art. 3(aa)

14 . . . . . [F4]

Textual Amendments

F4 Sch. 1 para. 14 repealed by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(2), 69(5)(6)(7), **Sch. 2**

15 In section 47(2) of that Act after paragraph (d) there shall be inserted the following paragraph—

"(dd) an order under Part III of the Matrimonial and Family Proceedings Act 1984;".

[F5]16 . . . . . .

Textual Amendments

F5 Sch. 1 para. 16 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

Domicile and Matrimonial Proceedings Act 1973 (c. 45)

17 In section 5(1) of the Domicile and Matrimonial Proceedings Act 1973, for the words "the Matrimonial Causes Act 1967" there shall be substituted the words "Part V of the Matrimonial and Family Proceedings Act 1984".

18 . . . . . [F6]

Textual Amendments

F6 Sch. 1 para. 18 repealed by Legal Aid Act 1988 (c. 34, SIF 77:1), s. 45, **Sch. 6**

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Children Act 1975 (c. 72)

[F7 19 In section 100 of the Children Act 1975—

(a) in subsection (2)(c) for the words "section 75 of the County Courts Act 1984" there shall be substituted the words "section 9(3) of the 1958 Act or section 40 of the Matrimonial and Family Proceedings Act 1984"; and

(b) after subsection (9) there shall be inserted the following subsection—

"(10) Any court to which the proceedings on an application are transferred under any enactment is, as regards the transferred proceedings, an authorised court if it is not an authorised court under the preceding provisions of this section."]

Textual Amendments

F7 Sch. 1 para. 19 repealed (E.W.) (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)**

Adoption Act 1976 (c. 36)

F8 20 . . . . . .

Textual Amendments

F8 Sch. 1 para. 20 repealed (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2005/2897, art. 2(b)

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

21 In section 1 of the Domestic Proceedings and Magistrates' Courts Act 1978 the words "(in this Part of this Act referred to as "the respondent")" shall be omitted.

22 In section 7(5) of that Act, for the words "subsection (1)" there shall be substituted the words "subsection (2)(c)".

F9 23 . . . . . .

Textual Amendments

F9 Sch. 1 para. 23 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 In section 19 of that Act, after subsection (3), there shall be inserted the following subsection—

"(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—

(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) subsections (2) and (3) shall apply accordingly."

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25 In section 20(8) of that Act, after the word "respondent" there shall be inserted the words "or the applicant, as the case may be,".

F10 26 . . . . . .

Textual Amendments

F10 Sch. 1 para. 26 repealed (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 210** Table; S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

27 In Schedule 1 to that Act—

(a) in paragraph 2, after sub-paragraph (b), there shall be inserted the following sub-paragraph—

"(bb) on a complaint after the coming into force of paragraph 27 of Schedule 1 to the Matrimonial and Family Proceedings Act 1984 for the variation, revival or revocation of the order, the court, in exercising its powers under the said section 8 in relation to any provision of the order requiring the payment of money, shall have power to order that payments required to be made for the maintenance of a child of the family shall be made to the child himself."; and

(b) in paragraph 3, at the end, there shall be added the words "but as respects enactments amended by this Act in their application in relation to orders made or decisions on applications for orders or for the variation, revival or revocation of orders made or having effect as if made under other Acts those enactments shall apply as amended by this Act".

Land Registration (Scotland) Act 1979 (c. 33)

F11 28 . . . . . .

Textual Amendments

F11 Sch. 1 para. 28 repealed (S.) (8.12.2014) by Land Registration etc. (Scotland) Act 2012 (asp 5), **Sch. 5 para 27**; S.S.I. 2014/127, **art. 2**

County Courts Act 1984 (c. 28)

F12 29 . . . . . .

Textual Amendments

F12 Sch. 1 paras. 29, 31 repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1883, art. 3, **Sch**edule

30 In section 41 of that Act there shall be added at the end of subsection (2) the words "but shall be exercised in relation to family proceedings (within the meaning of Part V of the Matrimonial and Family Proceedings Act 1984) in accordance with any directions given under section 37 of that Act (directions as to distribution and transfer of family business and proceedings)."

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[F13]31 . . . . . .

Textual Amendments

F13 Sch. 1 paras. 29, 31 repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1883, art. 3, **Sch**edule

SCHEDULE 2

Section 46(2)

TRANSITIONAL PROVISIONS

Time restrictions on petitions for divorce

1 (1) Where at the coming into force of section 1 of this Act—

(a) leave has been granted under section 3 of the [M1]Matrimonial Causes Act 1973 for the presentation of a petition for divorce or proceedings on an application for leave under that section are pending, and

(b) the period of one year from the date of the marriage has not expired.

nothing in section 1 of this Act shall prohibit the presentation of a petition for divorce before the expiration of that period; and in relation to such a case sections 1(4) and 3 of that Act of 1973 as in force immediately before the coming into force of section 1 of this Act shall continue to apply.

(2) Where at the coming into force of section 1 of this Act—

(a) proceedings on an application for leave under section 3 of the Matrimonial Causes Act 1973 are pending, and

(b) the period of one year from the date of the marriage has expired,

the proceedings shall abate but without prejudice to the powers of the court as to costs.

Marginal Citations

M1 1973 c. 18.

Time restrictions on petitions for nullity

2 An application for leave under section 13(4) of the Matrimonial Causes Act 1973 to institute proceedings after the expiration of the period of three years from the date of the marriage may be made where that period expired before as well as where it expires after the coming into force of section 2 of this Act.

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PROSPECTIVE

Scope of "matrimonial cause" for Part V purposes

3 For the purposes of Part V of this Act "matrimonial cause" shall, until the expiration of one year from the coming into force of section 1 of this Act, include an application under section 3 of the Matrimonial Causes Act 1973.

SCHEDULE 3

Section 46(3)

REPEALS

Commencement Information

I1 Schedule 3 wholly in force at 14.10.1991 see s. 47(1)(e); S.I. 1991/1211, **art. 2(b)**.

Chapter	Short title	Extent of repeal
1967 c. 56.	Matrimonial Causes Act 1967.	The whole Act.
1971 c. 3.	Guardianship of Minors Act 1971.	Section 16(1).
1971 c. 23.	Courts Acts 1971.	Section 45.
1973 c. 18.	Matrimonial Causes Act 1973.	Section 43(9).
		Section 44(6).
		Section 45(3).
		Sections 50 and 51.
		In Schedule 2, paragraphs 6 and 12.
1973 c. 45.	Domicile and Matrimonial Proceedings Act 1973.	Section 6(4)(a).
1975 c. 72.	Children Act 1975.	Section 101(1).
1976 c. 36.	Adoption Act 1976.	Section 63(1).
1978 c. 22.	Domestic Proceedings and Magistrates' Courts Act 1978.	In Schedule 2, paragraph 49.
1981 c. 24.	Matrimonial Homes and Property Act 1981.	Section 8(1).
1983 c. 19.	Matrimonial Homes Act 1983.	In Schedule 1, paragraph 8(3) and (4), and in paragraph 10(1), the definitions of

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		"divorce county court" and "divorce registry".
1984 c. 28.	County Courts Act 1984.	In section 147(1), the definition of "matrimonial cause".

Changes to legislation:
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View outstanding changes

Changes and effects yet to be applied to :

- s. 1 repealed (prosp.) by 1996 c. 27 s. 66(3)Sch. 10
- s. 15 words omitted by S.I. 2019/519 Sch. para. 13(2)(a) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 13(2) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(e)(i))
- s. 15(1) words substituted by S.I. 2019/519, Sch. para. 13(2)(a) (as substituted) by S.I. 2019/1338 reg. 3(3)(e)(i) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 15(1A) omitted by S.I. 2019/519 Sch. para. 13(2)(b) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 13(2) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(e)(i))
- s. 15(1A) words substituted by S.I. 2019/519, Sch. para. 13(2)(b) (as substituted) by S.I. 2019/1338 reg. 3(3)(e)(i) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 15(3) omitted by S.I. 2019/519 Sch. para. 13(2)(c) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 13(2) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(e)(i))
- s. 15(3) words substituted by S.I. 2019/519, Sch. para. 13(2)(c) (as substituted) by S.I. 2019/1338 reg. 3(3)(e)(i) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 17(1) amended (prosp.) by 1996 c. 27 s. 66(1)Sch. 8 Pt. 1 para. 32(2)
- s. 21(a) replaced (by s.21(a)(aa)) (prosp.) by 1996 c. 27 s. 66(1)Sch. 8 Pt. 1 para. 32(3)
- s. 21(f) repealed in part (prosp.) by 1996 c. 27 s. 66(3)Sch. 10
- s. 22 substituted (prosp.) by 1996 c. 27 s. 66(1)Sch. 8 Pt. 3 para. 52
- s. 0027 (defn. of "secured periodical payments order") repealed (prosp.) by 1996 c. 27 s. 66(3)Sch. 10
- s. 27 (defn. of "property adjustment order") substituted (prosp.) by 1996 c. 27 s. 66(1)Sch. 8 Pt. 1 para. 32(4)
- s. 28(1) words omitted by S.I. 2019/519 Sch. para. 13(4)(a) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 13(2) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(e)(ii))
- s. 28(1) words substituted by S.I. 2019/519, Sch. para. 13(4)(a) (as substituted) by S.I. 2019/1338 reg. 3(3)(e)(ii) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 28(3A) omitted by S.I. 2019/519 Sch. para. 13(4)(b) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 13(2) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(e)(ii))

- s. 28(5) omitted by S.I. 2019/519 Sch. para. 13(4)(c) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 13(2) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(e)(ii))
- s. 28(5) substituted by S.I. 2019/519, Sch. para. 13(4)(c) (as substituted) by S.I. 2019/1338 reg. 3(3)(e)(ii) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 31R(5) words substituted by 2022 c. 32 Sch. 11 para. 8
- s. 32 (defn. of "matrimonial cause") substituted (prosp.) by 1996 c. 27 s. 66(1)Sch. 8 Pt. 1 para. 32(5)
- s. 3839 power to excluded (prosp.) by 1996 c. 27 s. 57(7)
- s. 40(2)(a) word repealed by 2002 c. 38 Sch. 3 para. 44Sch. 5 (This amendment not applied to legislation.gov.uk. Sch. 3 para. 44 repealed (6.4.2011) without ever having been brought into force by 2003 c. 39 Sch. 10; S.I. 2010/2921, art. 3)
- s. 40(2)(a) words inserted by 2002 c. 38 Sch. 3 para. 44 (This amendment not applied to legislation.gov.uk. Sch. 3 para. 44 repealed (6.4.2011) without ever having been brought into force by 2003 c. 39 Sch. 10; S.I. 2010/2921, art. 3)
- Sch. 1 para. 10 repealed (prosp.) by 1996 c. 27 s. 66(3)Sch. 10

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. 28(1A) words substituted by S.I. 2019/519, Sch. para. 13(4)(b) (as substituted) by S.I. 2019/1338 reg. 3(3)(e)(ii) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 40(4A) inserted by 2010 c. 26 Sch. 3 para. 9 (This amendment not applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))