



Matrimonial Proceedings and Property Act 1970

1970 CHAPTER 45

PART I

PROVISIONS WITH RESPECT TO ANCILLARY AND OTHER RELIEF IN MATRIMONIAL CAUSES AND TO CERTAIN OTHER MATRIMONIAL PROCEEDINGS

Protection, custody, etc., of children

18 Orders for custody and education of children affected by matrimonial suits

- (1) The court may make such order as it thinks fit for the custody and education of any child of the family who is under the age of eighteen—
 - (a) in any proceedings for divorce, nullity of marriage or judicial separation, before, by or after the final decree ;
 - (b) where such proceedings are dismissed after the beginning of the trial, either forthwith or within a reasonable period after the dismissal;and in any case in which the court has power by virtue of this subsection to make an order in respect of a child it may instead, if it thinks fit, direct that proper proceedings be taken for making the child a ward of court.
- (2) Where an order in respect of a child is made under this section, the order shall not affect the rights over or with respect to the child of any person, other than a party to the marriage in question, unless the child is the child of one or both of the parties to that marriage and that person was a party to the proceedings on the application for an order under this section.
- (3) Where the court makes or makes absolute a decree of divorce or makes a decree of judicial separation, it may include in the decree a declaration that either party to the marriage in question is unfit to have the custody of the children of the family.

Status: This is the original version (as it was originally enacted).

- (4) Where a decree of divorce or of judicial separation contains such a declaration as is mentioned in subsection (3) above, then, if the party to whom the declaration relates is a parent of any child of the family, that party shall not, on the death of the other parent, be entitled as of right to the custody or the guardianship of that child.
- (5) While the court has power to make an order in any proceedings by virtue of paragraph (a) of subsection (1) above, it may exercise that power from time to time; and where the court makes an order by virtue of paragraph (b) of that subsection with respect to a child it may from time to time until that child attains the age of eighteen make a further order with respect to his custody and education.
- (6) The court shall have power to discharge or vary an order made under this section or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended.