



Domestic Proceedings and Magistrates' Courts Act 1978

1978 CHAPTER 22

PART II

AMENDMENTS OF THE GUARDIANSHIP OF MINORS ACTS 1971 AND 1973

General provisions

45 **Interim orders.** ^{X1}

(1) The provisions of section 2 of the ^{M1}Guardianship Act 1973 relating to interim orders shall have effect subject to the provisions of this section.

(2) ^{F1}

(4) At the end of subsection (5) of the said section 2 there shall be inserted the following subsections—

“(5A) Section 11A(2) of the Guardianship of Minors Act 1971 shall apply in relation to an interim order made under this section which contains provision regarding the custody of a minor as it applies in relation to an order made under section 9(1) of that Act.

(5B) An interim order made under this section which requires the making of payments for the maintenance of a minor may provide for payments to be made from such date as the court may specify, not being earlier than the date of the making of the application for an order under section 9 of the Guardianship of Minors Act 1971.

(5C) An interim order made under this section shall cease to have effect on whichever of the following dates occurs first, that is to say—

(a) the date, if any, specified for the purpose in the order,

Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation: Domestic Proceedings and Magistrates' Courts Act 1978, Section 45 is up to date with all changes known to be in force on or before 31 May 2023. 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)

- (b) the date of the expiration of the period of three months beginning with the date of the making of the order,
 - (c) the date on which the court either makes a final order on, or dismisses, the application.
- (5D) Where an interim order made under this section would, but for this subsection, cease to have effect by virtue of subsection (5C)(a) or (b) above, the court which made the order may by order provide that the interim order shall continue in force for a further period, and any order continued in force under this subsection shall cease to have effect on whichever of the following dates occurs first, that is to say—
- (a) the date, if any, specified for the purpose in the order made under this subsection ;
 - (b) the date of the expiration of the period of three months beginning with the date of the making of the order under this subsection or, if more than one order has been made under this subsection with respect to the application, the date of the making of the first of those orders ;
 - (c) the date on which the court either makes a final order on, or dismisses, the application.
- (5E) On an application under section 9 of the Guardianship of Minors Act 1971 the court shall not have power to make more than one order under subsection (4) or (5) above with respect to that application, but without prejudice to the powers of the court under this section on any further such application.”.

Editorial Information

X1 The text of ss. 42–47(1), 48–74 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.

Textual Amendments

F1 S. 45(2)(3) repealed by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(4), [Sch. 4](#)

Marginal Citations

M1 1973 c. 29.

Status:

Point in time view as at 01/02/1991. This version of this provision has been superseded.

Changes to legislation:

Domestic Proceedings and Magistrates' Courts Act 1978, Section 45 is up to date with all changes known to be in force on or before 31 May 2023. 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.