



Domestic Proceedings and Magistrates' Courts Act 1978

1978 CHAPTER 22

PART III

AMENDMENTS OF OTHER ENACTMENTS RELATING TO DOMESTIC PROCEEDINGS

Amendments of the Matrimonial Causes Act 1973

63 Amendment of s. 27 of Matrimonial Causes Act 1973.

- (1) For subsection (1) of section 27 of the ^{M1}Matrimonial Causes Act 1973 there shall be substituted the following subsection—

“(1) Either party to a marriage may apply to the court for an order under this section on the ground that the other party to the marriage (in this section referred to as the respondent)—

- (a) has failed to provide reasonable maintenance for the applicant, or
- (b) has failed to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family.”

- (2) For subsections (3) and (4) of the said section 27 there shall be substituted the following subsections—

“(3) Where an application under this section is made on the ground mentioned in subsection (1)(a) above then, in deciding—

- (a) whether the respondent has failed to provide reasonable maintenance for the applicant, and
- (b) what order, if any, to make under this section in favour of the applicant,

the court shall have regard to all the circumstances of the case including the matters mentioned in section 25(1)(a) to (f) above and, so far as it is just to take it into account, the conduct of each of the parties in relation to the marriage.

Changes to legislation: *Domestic Proceedings and Magistrates' Courts Act 1978, Section 63 is up to date with all changes known to be in force on or before 25 April 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*

- (3A) Where an application under this section is made on the ground mentioned in subsection (1)(b) above then, in deciding—
- (a) whether the respondent has failed to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates, and
 - (b) what order, if any, to make under this section in favour of the child, the court shall have regard to all the circumstances of the case including the matters mentioned in section 25(1)(a) and (b) and (2)(a) to (e) above, and where the child of the family to whom the application relates is not the child of the respondent, including also the matters mentioned in section 25(3) above.
- (3B) In relation to an application under this section on the ground mentioned in subsection (1)(a) above, section 25(1)(c) shall have effect as if for the reference therein to the breakdown of the marriage there were substituted a reference to the failure to provide reasonable maintenance for the applicant, and in relation to an application under this section on the ground mentioned in subsection (1)(b) above, section 25(2)(d) shall have effect as if for the reference therein to the breakdown of the marriage there were substituted a reference to the failure to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates.”.
- (3) In subsection (6) of the said section 27 for the words “such one or more of the following orders as it thinks just ” there shall be substituted the words “any one or more of the following orders ”.
- (4) After subsection (6) of the said section 27 there shall be inserted the following subsections—
- “(6A) An application for the variation under section 31 of this Act of a periodical payments order or secured periodical payments order made under this section in favour of a child may, if the child has attained the age of sixteen, be made by the child himself.
- (6B) Where a periodical payments order made in favour of a child under this section ceases to have effect on the date on which the child attains the age of sixteen or at any time after that date but before or on the date on which he attains the age of eighteen, then, if at any time before he attains the age of twenty-one an application is made by the child for an order under this subsection, the court shall have power by order to revive the first mentioned order from such date as the court may specify, not being earlier than the date of the making of the application, and to exercise its powers under section 31 of this Act in relation to any order so revived.”.
- (5) Subsection (8) of the said section 27 shall cease to have effect.

Modifications etc. (not altering text)

- C1** 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.

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Marginal Citations

M1 1973 c. 18.

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Changes and effects yet to be applied to :

- s. 28(2)63(3)Sch. 2 para. 3853 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. 1(c)(d) repealed (prosp.) by [1996 c. 27 s. 18\(1\)66\(3\)Sch. 10](#)