



# Domestic Proceedings and Magistrates' Courts Act 1978

## 1978 CHAPTER 22

### PART V

#### SUPPLEMENTARY PROVISIONS

#### 88 Interpretation

(1) In this Act—

" actual custody," in relation to a child, means the actual possession of his person ;

" child ", in relation to one or both of the parties to a marriage, includes an illegitimate child of that party or, as the case may be, of both parties ;

" child of the family", in relation to the parties to a marriage, means—

(a) a child of both of those parties; and

(b) any other child, not being a child who is being boarded-out with those parties by a local authority or voluntary organisation, who has been treated by both of those parties as a child of their family;

" commission area " has the same meaning as in section 1 of the Administration of Justice Act 1973 ;

" domestic proceedings " has the meaning assigned to it by section 56 of the Magistrates' Courts Act 1952;

" local authority " means the council of a county (other than a metropolitan county), of a metropolitan district or of a London borough, or the Common Council of the City of London;

" petty sessions area " means any of the following areas, that is to say, a non-metropolitan county which is not divided into petty sessional divisions, a petty sessional division of a non-metropolitan county, a metropolitan district which is not divided into petty sessional divisions, a petty sessional division of a metropolitan district, a London commission area which is not divided into

---

*Status: This is the original version (as it was originally enacted).*

---

petty sessional divisions, a petty sessional division of a London commission area and the City of London;

" rules " means rules made under section 15 of the Justices of the Peace Act 1949.

- (2) References in this Act to the parties to a marriage living with each other shall be construed as references to their living with each other in the same household.
- (3) For the avoidance of doubt it is hereby declared that references in this Act to remarriage include references to a marriage which is by law void or voidable.
- (4) Anything authorised or required by this Act to be done by, to or before the magistrates' court by, to or before which any other thing was done, or is to be done, may be done by, to or before any magistrates' court acting for the same petty sessions area as that court.
- (5) Any reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by or under any subsequent enactment, including this Act.