

SCHEDULES

SCHEDULE 3

Section 33(2).

TRANSITIONAL PROVISIONS AND SAVINGS

Applications pending under amended or repealed enactments

- 1 This Act (including the repeals and amendments made by it) shall not have effect in relation to any application made under any enactment repealed or amended by this Act if that application is pending at the time when the provision of this Act which repeals or amends that enactment comes into force.

References to provisions of Adoption Act 1976

- 2 In relation to any time before the coming into force of section 38 of the Adoption Act 1976, the reference in section 1 (2) of this Act to Part IV of that Act shall be construed as a reference to Schedule 1 to the Children Act 1975.
- 3 In relation to any time before the coming into force of section 18 of the Adoption Act 1976, any reference—
- (a) in section 7(1) of or paragraph 61 of Schedule 2 to this Act; or
 - (b) in section 9(2) or 10(3) of the 1971 Act as substituted by this Act,
- to or to subsection (7) of the said section 18 shall be construed as a reference to or to subsection (8) of section 14 of the Children Act 1975.
- 4 In relation to any time before the coming into force of section 72(1) of the Adoption Act 1976, any reference in section 7(2) of or paragraph 62 of Schedule 2 to this Act to the said section 72(1) shall be construed as a reference to section 107(1) of the Children Act 1975.
- 5 In relation to any time before the coming into force of section 42 of the Adoption Act 1976, the reference in section 19 of this Act to the said section 42 shall be construed as a reference to paragraph 6 of Schedule 1 to the Children Act 1975.

Affiliation orders

- 6 (1) Neither section 17 of this Act nor any associated amendment or repeal shall affect, or affect the operation of any enactment in relation to—
- (a) any affiliation order made under the Affiliation Proceedings Act 1957 which is in force immediately before the coming into force of that section; or
 - (b) any affiliation order made under that Act by virtue of paragraph 1 above.
- (2) Any reference in this paragraph or paragraph 7 below to an affiliation order made under the Affiliation Proceedings Act 1957 includes a reference to—
- (a) an affiliation order made, by virtue of section 44 of the National Assistance Act 1948, section 19 of the Supplementary Benefits Act 1976, section 49 or 50 of the Child Care Act 1980 or section 25 of the Social Security Act 1986; and

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(b) any order made in relation to such an order.

7 Where—

- (a) an application is made to the High Court or a county court for an order under section 11B of the 1971 Act in respect of a child whose parents were not married to each other at the time of his birth, and
- (b) an affiliation order made under the Affiliation Proceedings Act 1957 and providing for periodical payments is in force in respect of the child by virtue of this Schedule,

the court may, if it thinks fit, direct that the affiliation order shall cease to have effect on such date as may be specified in the direction.

Property rights

8 The repeal by this Act of section 14 of the Family Law Reform Act 1969 shall not affect any rights arising under the intestacy of a person dying before the coming into force of the repeal.

9 The repeal by this Act of section 15 of the Family Law Reform Act 1969 shall not affect, or affect the operation of section 33 of the Trustee Act 1925 in relation to—

- (a) any disposition inter vivos made before the date on which the repeal comes into force; or
- (b) any disposition by will or codicil executed before that date.

10 The repeal by this Act of section 17 of the Family Law Reform Act 1969 shall not affect the liability of trustees or personal representatives in respect of any conveyance or distribution made before the coming into force of the repeal.

Registration of births

11 Where—

- (a) a child whose parents were not married to each other at the time of his birth has been born in England and Wales before the date on which section 24 of this Act comes into force;
- (b) the birth has not been registered under the 1953 Act before that date; and
- (c) an order has been made under section 4 of the Affiliation Proceedings Act 1957 naming any person as the putative father of the child,

the mother of the child, on production of a certified copy of the order, may request the registrar to enter the name of that person as the father of the child under section 10 of the 1953 Act as if the order made under the said section 4 were an order under section 11B of the 1971 Act.

12 Where—

- (a) the birth of a child whose parents were not married to each other at the time of his birth has been registered under the 1953 Act before the date on which section 25 of this Act comes into force;
- (b) no person has been registered as the father of the child; and
- (c) an order has been made under section 4 of the Affiliation Proceedings Act 1957 naming any person as the father of the child,

the mother of the child, on production of a certified copy of the order, may request the registrar to re-register the birth so as to show as the father of the child the person named in the order.