



Matrimonial Proceedings (Transfers) Act 1988

1988 CHAPTER 18

An Act to empower the High Court to transfer to county courts certain matrimonial proceedings and to validate certain High Court orders purporting to transfer such proceedings to county courts; and for connected purposes. [19th May 1988]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Transfer to county courts of proceedings transferred to the High Court before 28 April 1986.

- (1) Section 38 of the ^MMatrimonial and Family Proceedings Act 1984 (power at any stage in family proceedings in the High Court to transfer the whole or any part of the proceedings to a county court) shall have effect as if at the end of the list in subsection (2) of the proceedings transferable under that section there were added the following—

“and

- (d) all matrimonial causes and matters transferred from a county court otherwise than as mentioned in paragraph (c) above.”
- (2) Where before the passing of this Act the High Court has made an order purporting to transfer to a county court the whole or any part of any such proceedings as are mentioned in subsection (3) below, the order shall be deemed not to be, and never to have been, invalid by reason of the fact that the proceedings were not transferable under section 38 of the Matrimonial and Family Proceedings Act 1984.
- (3) The proceedings referred to above are any matrimonial cause or matter which at the time of the order was pending in the High Court by virtue of its having been transferred

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from a county court before 28 April 1986, otherwise than under section 41 of the ^{M2}County Courts Act 1984.

- (4) Where before the passing of this Act the High Court has continued to exercise jurisdiction in a transferred cause because of the invalidity of the order purporting to transfer the proceedings to a county court and, in so exercising jurisdiction, has granted a decree which has been made absolute, subsection (2) above shall not have effect—
- (a) to invalidate an order made in the proceedings by the High Court; or
 - (b) to validate an order made in the proceedings by the county court;
- and if, immediately before the passing of this Act, the proceedings were still pending in the High Court, that court shall continue to have jurisdiction in them notwithstanding the validation of the purported transfer to the county court.
- (5) The reference in subsection (4) above to a transferred cause is to a matrimonial cause which the High Court has purported to transfer to a county court by means of an order validated by this Act.

Annotations:

Marginal Citations

M1 1984 c. 42.

M2 1984 c. 28.

2 Short title.

This Act may be cited as the Matrimonial Proceedings (Transfers) Act 1988.

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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):

- Sch. 2 para. 1C inserted by [S.I. 2005/1074 art. 4\(2\)](#)