

Changes to legislation: Children Act 1989, Cross Heading: *The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)* is up to date with all changes known to be in force on or before 17 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](#)

SCHEDULES

SCHEDULE 13

CONSEQUENTIAL AMENDMENTS

The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

- 36 For section 8 of the Domestic Proceedings and Magistrates' Courts Act 1978 (orders for the custody of children) there shall be substituted—

“8 Restrictions on making of orders under this Act: welfare of children.

Where an application is made by a party to a marriage for an order under section 2, 6 or 7 of this Act, then, if there is a child of the family who is under the age of eighteen, the court shall not dismiss or make a final order on the application until it has decided whether to exercise any of its powers under the Children Act 1989 with respect to the child.”

Commencement Information

- II** [Sch. 13 para. 36](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and [S.I. 1991/828](#), [art. 3\(2\)](#)

- 37 In section 19(3A)(b) (interim orders) for the words “subsections (2) and” there shall be substituted “ subsection” ”.

Commencement Information

- I2** [Sch. 13 para. 37](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and [S.I. 1991/828](#), [art. 3\(2\)](#)

- 38 For section 20(12) of that Act (variation and revocation of orders for periodical payments) there shall be substituted—

“(12) An application under this section may be made—

- (a) where it is for the variation or revocation of an order under section 2, 6, 7 or 19 of this Act for periodical payments, by either party to the marriage in question; and
- (b) where it is for the variation of an order under section 2(1)(c), 6 or 7 of this Act for periodical payments to or in respect of a child, also by the child himself, if he has attained the age of sixteen.”

Commencement Information

- I3** [Sch. 13 para. 38](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and [S.I. 1991/828](#), [art. 3\(2\)](#)

- 39 (1) For section 20A of that Act (revival of orders for periodical payments) there shall be substituted—

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“20A Revival of orders for periodical payments.

- (1) Where an order made by a magistrates' court under this Part of this Act for the making of periodical payments to or in respect of a child (other than an interim maintenance order) ceases to have effect—
 - (a) on the date on which the child attains the age of sixteen, or
 - (b) at any time after that date but before or on the date on which he attains the age of eighteen,
 the child may apply to the court which made the order for an order for its revival.
- (2) If on such an application it appears to the court that—
 - (a) the child is, will be or (if an order were made under this subsection) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment, or
 - (b) there are special circumstances which justify the making of an order under this subsection,
 the court shall have power by order to revive the order from such date as the court may specify, not being earlier than the date of the making of the application.
- (3) Any order revived under this section may be varied or revoked under section 20 in the same way as it could have been varied or revoked had it continued in being.”

Commencement Information

I4 Sch. 13 para. 39 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

^{F1}40

Textual Amendments

F1 Sch. 13 para. 40 repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 116, 125(7), Sch. 16 para. 32, Sch. 20; S.I. 1991/1883, art. 3, Sch.

Commencement Information

I5 Sch. 13 para. 40 in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

- 41 (1) In section 25 of that Act (effect on certain orders of parties living together), in subsection (1)(a) for the words “6 or 11(2)” there shall be substituted “or 6”.
- (2) In subsection (2) of that section—
- (a) in paragraph (a) for the words “6 or 11(2)” there shall be substituted “or 6”; and
 - (b) after paragraph (a) there shall be inserted “or”.

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Commencement Information

I6 [Sch. 13 para. 41](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and [S.I. 1991/828](#), [art. 3\(2\)](#)

^{F2}**42**

Textual Amendments

F2 [Sch. 13 para. 42](#) repealed (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), [s. 61\(3\)](#), [Sch. 11 para. 210](#) Table; [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

- 43** In section 88(1) of that Act (interpretation)—
- (a) in the definition of “child”, for the words from “an illegitimate” to the end there shall be substituted “ a child whose father and mother were not married to each other at the time of his birth” ”; and
 - (b) in the definition of “child of the family”, for the words “being boarded-out with those parties” there shall be substituted “ placed with those parties as foster parents” ”.

Commencement Information

I7 [Sch. 13 para. 43](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and [S.I. 1991/828](#), [art. 3\(2\)](#)

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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):

- s. 4(1A)(aa) inserted by [2009 c. 24 Sch. 6 para. 21\(3\)](#)
- s. 4(1C) inserted by [2009 c. 24 Sch. 6 para. 21\(4\)](#)
- s. 4ZA(2)(aa) inserted by [2009 c. 24 Sch. 6 para. 22\(3\)](#)
- s. 4ZA(3A) inserted by [2009 c. 24 Sch. 6 para. 22\(4\)](#)
- s. 8(4)(k) inserted by [2021 c. 17 s. 52\(1\)](#)
- s. 31A(4A) inserted by [2014 c. 6 s. 15\(2\)\(b\)](#)