



Matrimonial Proceedings (Children) Act 1958

1958 CHAPTER 40 6 and 7 Eliz 2

PART II

JURISDICTION IN SCOTLAND

[^{F1}9 Jurisdiction of court as respects children where action dismissed or in case of non-adherence.

- (1) Where an action commenced after the commencement of this Part of this Act for divorce, nullity of marriage or separation is dismissed at any stage after proof on the merits of the action has been allowed or decree of absolutor is granted therein, the court before which the action was brought, may, [^{F2}, subject to section 13(2) of the Family Law Act 1986]], make such provision [^{F3}relating to parental rights as could be made] if the action were still before the court.

(2) ^{F4}

Textual Amendments

- F1** S. 9 repealed (S.) (1.11.1996) by 1995 c. 36, s. 105(6), **Sch. 5**; S.I. 1996/2203, art. 3(3), **Sch.** Table
F2 Words substituted (S.) by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1), 69(6), **Sch. 1 para. 5**
F3 Words substituted (S.) by Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9, SIF 49:8), ss. 10(1), 11(4), **Sch. 1 para. 6**
F4 S. 9(2) repealed (S.) by Law Reform (Husband and Wife) (Scotland) Act 1984 (c. 15, SIF 49:2), ss. 9(2), 10(3), **Sch. 2**

Modifications etc. (not altering text)

- C1** S. 9(1) restricted (S.) by Family Law Act 1986 (c. 55, SIF 49:3), ss. 13(2), 69(6)

Changes to legislation:

Matrimonial Proceedings (Children) Act 1958, Section 9 is up to date with all changes known to be in force on or before 16 January 2023. 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.

[View outstanding changes](#)

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. 11(1B)(1C) inserted by [2020 asp 16 s. 19\(2\)](#)