
STATUTORY INSTRUMENTS

1997 No. 1892 (C. 76)

FAMILY LAW

The Family Law Act 1996 (Commencement No. 2) Order 1997

Made - - - - 28th July 1997

The Lord Chancellor, in exercise of the powers conferred on him by sections 65 and 67 of the Family Law Act 1996(1), hereby makes the following Order:

1. This Order may be cited as the Family Law Act 1996 (Commencement No. 2) Order 1997.
2. Section 57 (jurisdiction of courts) of, and paragraphs 3 and 4 of Schedule 9 (modifications of enactments) to, the Family Law Act 1996 shall come into force forthwith.
- 3.—(1) The following provisions of the Family Law Act 1996 shall come into force on 1st October 1997:
 - (a) Part IV (Family Homes and Domestic Violence) except section 60,
 - (b) section 66(1) (minor and consequential amendments), so far as it relates to Part III of Schedule 8,
 - (c) section 66(2) (transitional provisions), so far as it relates to paragraphs 7 to 15 of Schedule 9, and
 - (d) section 66(3) (repeals), so far as it relates to the entries in Schedule 10 in respect of—
 - (i) the Domestic Violence and Matrimonial Proceedings Act 1976(2),
 - (ii) sections 16 to 18 and 28(2) of, and paragraph 53 of Schedule 2 to, the Domestic Proceedings and Magistrates' Courts Act 1978(3),
 - (iii) the Matrimonial Homes Act 1983(4),
 - (iv) section 34(2) of, and paragraph 37 of Schedule 2 to, the Administration of Justice Act 1985(5),
 - (v) paragraph 56 of Schedule 2 to the Housing (Consequential Provisions) Act 1985(6),
 - (vi) paragraphs 33 and 34 of Schedule 17 to the Housing Act 1988(7),

(1) 1996 c. 27.
(2) 1976 c. 50.
(3) 1978 c. 22.
(4) 1983 c. 19.
(5) 1985 c. 61.
(6) 1985 c. 71.
(7) 1988 c. 50.

- (vii) section 8(4) of the Children Act 1989⁽⁸⁾,
- (viii) section 58(10) of, and paragraph 21 of Schedule 18 to, the Courts and Legal Services Act 1990⁽⁹⁾, and
- (ix) paragraph 3 of the Schedule to the Private International Law (Miscellaneous Provisions) Act 1995⁽¹⁰⁾.

2) Until such time as Part II of the Family Law Act 1996 is brought into force, section 22(2) of the Matrimonial and Family Proceedings Act 1984⁽¹¹⁾(as substituted by paragraph 52 of Schedule 8 to the 1996 Act) shall be modified by substituting for the words from “if -(a) a divorce order” to “made or granted”, the words “if a decree of divorce, a decree of nullity of marriage or a decree of judicial separation has been granted”.

4. Until such time as Part II of the Family Law Act 1996 is brought into force, paragraphs 2(2), 7(3), (4) and (6), 12 and 13(1) of Schedule 7 to that Act shall be modified as follows:—

(a) for paragraph 2(2) there shall be substituted the following:

“(2) On granting a decree of divorce, a decree of nullity of marriage or a decree of judicial separation or at any time thereafter (whether, in the case of a decree of divorce or nullity of marriage, before or after the decree is made absolute), the court may make a Part II order.”:

(b) in paragraph 7(3) and (4) the words “(or, in the case of judicial separation, his spouse)” shall be substituted for the words “(or, if a separation order is in force, his spouse)”;

(c) paragraph 7(6) shall be omitted;

(d) in paragraph 12(1) the words “divorce or” shall be inserted after the words “decree of” and paragraph 12(2) shall be omitted; and

(e) in paragraph 13(1):

(i) the words “the making of a divorce order or” and “the making of that order or” shall be omitted, and

(ii) the words, “dissolving or” shall be inserted after the words “grant of a decree”.

Dated 28th July 1997

Irvine of Lairg, C.

(8) 1989 c. 41.
(9) 1990 c. 41.
(10) 1995 c. 42.
(11) 1984 c. 42.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force forthwith section 57 of, and paragraphs 3 and 4 of Schedule 9 to, the Family Law Act 1996.

This Order brings into force on 1st October 1997 Part IV (except section 60) of, and Schedules 4 to 7 to, the Family Law Act 1996 (Family Homes and Domestic Violence), together with section 66(2) so far as it relates to paragraphs 7 to 15 of Schedule 9. The consequential amendments and repeals which are connected with Part IV are also brought into force on the same date. Transitional provisions are made by article 2(2) and in respect of Schedule 7 by article 3.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

Part I (general principles underlying Parts II and III of the Act), section 22 (funding for marriage support services), Part III (legal aid for mediation) and Part II of Schedule 8 (consequential amendments to the Legal Aid Act 1988 (c. 34)) and the entry in Schedule 10 (repeals) relating to the 1988 Act were brought into force on 21st March 1997 by [S.I.1997/1077](#).