

*Changes to legislation:* There are currently no known outstanding effects for the Family Law Reform Act 1969, SCHEDULE 3. (See end of Document for details)

SCHEDULES

SCHEDULE 3

Section 1(4).

TRANSITIONAL PROVISIONS AND SAVINGS

*Interpretation*

- 1 (1) In this Schedule “the principal section ” means section 1 of this Act and “the commencement date ” means the date on which that section comes into force.
- (2) Subsection (7) of the principal section shall apply for the purposes of this Schedule as it applies for the purposes of that section.

*Funds in court*

- 2 Any order or directions in force immediately before the commencement date by virtue of—
- (a) any rules of court or other statutory provision (including, in particular, section 174 of the <sup>M1</sup>County Courts Act 1959) relating to the control of money recovered by or otherwise payable to an infant in any proceedings; or
  - (b) section 19 of the <sup>M2</sup>Administration of Justice Act 1965 (control of money recovered by widow in fatal accident proceedings which are also brought for the benefit of an infant),
- shall have effect as if any reference therein to the infant’s attaining the age of twenty-one were a reference to his attaining the age of eighteen or, in relation to a person who by virtue of the principal section attains full age on the commencement date, to that date.

**Marginal Citations**

- M1** 1959 c. 22.  
**M2** 1965 c. 2.

*Wardship and custody orders*

- 3 (1) Any order in force immediately before the commencement date—
- (a) making a person a ward of court; or
  - (b) under the <sup>M3M4</sup>Guardianship of Infants Acts 1886 and 1925, or under the <sup>M5</sup>Matrimonial Causes Act 1965 or any enactment repealed by that Act, for the custody of, or access to, any person,
- which is expressed to continue in force until the person who is the subject of the order attains the age of twenty-one, or any age between eighteen and twenty-one, shall have effect as if the reference to his attaining that age were a reference to his

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attaining the age of eighteen or, in relation to a person who by virtue of the principal section attains full age on the commencement date, to that date.

- (2) This paragraph is without prejudice to so much of any order as makes provision for the maintenance or education of a person after he has attained the age of eighteen.

**Marginal Citations**

- M3** 1886 c. 27.  
**M4** 1925 c. 45.  
**M5** 1965 c. 72.

*Adoption orders*

- 4 The principal section shall not prevent the making of an adoption order or provisional adoption order under the <sup>M6</sup>Adoption Act 1958 in respect of a person who has attained the age of eighteen if the application for the order was made before the commencement date, and in relation to any such case that Act shall have effect as if the principal section had not been enacted.

**Marginal Citations**

- M6** 1958 c. 5 (7 & 8 Eliz. 2).

*Power of trustees to apply income for maintenance of minor*

- 5 (1) The principal section shall not affect section 31 of the <sup>M7</sup>Trustee Act 1925—
- (a) in its application to any interest under an instrument made before the commencement date; or
  - (b) in its application, by virtue of section 47(1)(ii) of the Administration of <sup>M8</sup>Estates Act 1925, to the estate of an intestate (within the meaning of that Act) dying before that date.
- (2) In any case in which (whether by virtue of this paragraph or paragraph 9 of this Schedule) trustees have power under subsection (1)(i) of the said section 31 to pay income to the parent or guardian of any person who has attained the age of eighteen, or to apply it for or towards the maintenance, education or benefit of any such person, they shall also have power to pay it to that person himself.

**Marginal Citations**

- M7** 1925 c. 19.  
**M8** 1925 c. 23.

*Personal representatives' powers during minority of beneficiary*

- 6 The principal section shall not affect the meaning of “minority ” in sections 33(3) and 39(1) of the Administration of Estates Act 1925 in the case of a beneficiary whose interest arises under a will or codicil made before the commencement date or on the death before that date of an intestate (within the meaning of that Act).

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*Accumulation periods*

- 7 The change, by virtue of the principal section, in the construction of—
- (a) sections 164 to 166 of the <sup>M9</sup>Law of Property Act 1925;
  - (b) section 13(1) of the <sup>M10</sup>Perpetuities and Accumulations Act 1964,
- (which lay down permissible periods for the accumulation of income under settlements and other dispositions) shall not invalidate any direction for accumulation in a settlement or other disposition made by a deed, will or other instrument which was made before the commencement date.

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**Marginal Citations**

**M9** 1925 c. 20.

**M10** 1964 c. 55.

*Limitation of actions*

- 8 The change, by virtue of the principal section, in the construction of section 31(2) of the <sup>M11</sup>Limitation Act 1939 (limitation in case of person under disability) shall not affect the time for bringing proceedings in respect of a cause of action which arose before the commencement date.

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**Marginal Citations**

**M11** 1939 c. 21.

*Statutory provisions incorporated in deeds, wills, etc.*

- 9 The principal section shall not affect the construction of any statutory provision where it is incorporated in and has effect as part of any deed, will or other instrument the construction of which is not affected by that section.

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