



# Matrimonial Causes Act 1973

## 1973 CHAPTER 18

### PART IV

#### MISCELLANEOUS AND SUPPLEMENTAL

#### [<sup>F1</sup>50 Matrimonial causes rules.

- (1) The authority having power to make rules of court for the purposes of—
  - (a) this Act, the <sup>M1</sup>Matrimonial Causes Act 1967 (which confers jurisdiction on county courts in certain matrimonial proceedings), section 45 of the <sup>M2</sup>Courts Act 1971 (transfer of matrimonial proceedings between High Court and county court, etc.) . . . <sup>F2</sup>[<sup>F3</sup>and Part III of the Family Law Act 1986],
  - (b) proceedings in the High Court or a divorce county court for an order under [<sup>F4</sup>Schedule 1 to the Matrimonial Homes Act 1983 (transfer of certain tenancies on divorce, etc.)];
  - (c) certain other proceedings in the High Court, that is to say—
    - (i) proceedings in the High Court under section 17 of the <sup>M3</sup>Married Women's Property Act 1882, not being proceedings in the divorce registry treated by virtue of rules made under this section for the purposes of section 45 of the <sup>M4</sup>Courts Act 1971 as pending in a county court; in
    - (ii) proceedings in the High Court under section 1 of the [<sup>F5</sup>Matrimonial Homes Act 1983] (rights of occupation of matrimonial home for spouse not otherwise entitled);
    - (iii) proceedings in which the only substantive relief sought is a declaration with respect to a person's matrimonial status; . . . <sup>F6</sup>
  - (d) any enactment passed after this Act which relates to any matter dealt with in this Act, the <sup>M5</sup>Matrimonial Causes Act 1967 . . . <sup>F2</sup>; [<sup>F7</sup>or
  - (e) any enactment contained in Part II of or Schedule 1 to the <sup>M6</sup>Domicile and Matrimonial Proceedings Act 1973 which does not fall within paragraph (d) above;]<sup>F8</sup>or

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- (f) proceedings to which section 100(7)(d) of the <sup>M7</sup>Children Act 1975 applies (certain applications for revocation and variation of custodianship etc. orders),]

shall, subject to the exceptions listed in subsection (2) below, be the Lord Chancellor together with any four or more of the following persons, namely, the President of the Family Division, one puisne judge attached to that division, [<sup>F9</sup>one district judge of the principal registry of the Family Division, two Circuit judges, one district judge appointed under the County Courts Act 1984, two persons who have a Supreme Court qualification (within the meaning of section 71 of the Courts and Legal Services Act 1990), and two persons who have been granted by an authorised body, under Part II of that Act, the right to conduct litigation in relation to all proceedings in the Supreme Court.]

All the members of the authority, other than the Lord Chancellor himself and the President of the Family Division, shall be appointed by the Lord Chancellor for such time as he may think fit.

- (2) The following shall be excepted from the purposes mentioned in subsection (1) above—
- (a) proceedings in a county court in the exercise of a jurisdiction exercisable by any county court whether or not it is a divorce county court, that is to say, proceedings in a county court under section 32, 33, 36, [<sup>F10</sup>or 38] . . . <sup>F2</sup>;
  - (b) section 47 above, in so far as it relates to . . . <sup>F11</sup> proceedings for an order under [<sup>F12</sup>Part I of the <sup>M8</sup>Domestic Proceedings and Magistrates' Courts Act 1978];
  - (c) any enactment passed after this Act in so far as it relates to proceedings in a county court in the exercise of any such jurisdiction as is mentioned in paragraph (a) above . . . <sup>F13</sup>.
- (3) Rules of court made under this section may apply, with or without modification, any rules of court made under the <sup>M9</sup>Supreme Court of Judicature (Consolidation) Act 1925, the County Courts Act [<sup>F14</sup>1984] or any other enactment and—
- (a) may modify or exclude the application of any such rules or of any provision of the County Courts Act [<sup>F14</sup>1984];
  - (b) may provide for the enforcement in the High Court of orders made in a divorce county court;
- and, without prejudice to the generality of the preceding provisions, may make with respect to proceedings in a divorce county court any provision regarding the Official Solicitor or any solicitor of the Supreme Court which could be made by rules of court with respect to proceedings in the High Court.
- (4) The power to make rules of court by virtue of subsection (1) above shall be exercisable by statutory instrument, which shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section “divorce county court” means a county court designated under section 1 of the <sup>M10</sup>Matrimonial Causes Act 1967 and “divorce registry” means the principal registry of the Family Division of the High Court.]

#### **Subordinate Legislation Made**

**P1** S. 50: S. 50 power exercised by [S.I.1991/530](#).

**P2** S. 50: for previous exercises of this power see Index to Government Orders.

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### Textual Amendments

- F1** S. 50 repealed (*prosp.*) by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), ss. 46(3), 48(2), **Sch. 3**
- F2** Words repealed by Inheritance (Provision for Family and Dependants) Act 1975 (c. 63), s. 26(3), **Sch.**
- F3** Words inserted by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1), 69(5), **Sch. 1 para. 15(a)**
- F4** Words substituted by Matrimonial Homes Act 1983 (c. 19, SIF 49:5), ss. 12, 13(3), **Sch. 2**
- F5** Words substituted by Matrimonial Homes Act 1983 (c. 19, SIF 49:5), ss. 12, 13(3), **Sch. 2**
- F6** Word repealed by Domicile and Matrimonial Proceedings Act 1973 (c. 45), **s. 6(2)**
- F7** Words added by Domicile and Matrimonial Proceedings Act 1973 (c. 45), **s. 6(2)**
- F8** Words inserted by Children Act 1975 (c. 72), s. 108(2), **Sch. 3 para. 79**
- F9** Words substituted by Courts and Legal Services Act 1990 (c. 41, SIF 37), s. 125(2), **Sch. 17 para. 3**
- F10** Words substituted by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1), 69(5), **Sch. 1 para. 15(b)**
- F11** Words repealed by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1)(2), 69(5), **Sch. 1 para. 15(b)**, Sch. 2
- F12** Words substituted by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22), Sch. 1, **Sch. 2 para. 40**, S.I. 1979/731, Sch. 2 para. 8 with saving for an application made before 1.2.1981 under Matrimonial Proceedings (Magistrates' Courts) Act 1960 (c. 48): S.I. 1979/731, **Sch. 2 para. 8**
- F13** Words repealed by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1)(2), 69(5), **Sch. 1 para. 15(b)**, Sch. 2
- F14** Year substituted by County Courts Act 1984 (c. 28, SIF 34), ss. 148(1), 149, **Sch. 2 para. 44(b)**

### Marginal Citations

- M1** 1967 c. 56.
- M2** 1971 c. 23.
- M3** 1882 c. 75.
- M4** 1971 c. 23.
- M5** 1967 c. 56.
- M6** 1973 c. 45.
- M7** 1975 c. 72.
- M8** 1978 c. 22.
- M9** 1925 c. 49.
- M10** 1967 c. 56.

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**Changes to legislation:**

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