

Changes to legislation: There are currently no known outstanding effects for the Domicile and Matrimonial Proceedings Act 1973, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 10.

ANCILLARY AND COLLATERAL ORDERS (SCOTLAND)

PART I

Enactments and rules of law referred to in section 10(1) and in Schedule 3 paragraph 11(1)

1, 2. ^{F1}

Textual Amendments

^{F1} Sch. 2 paras. 1, 2 repealed by [Family Law \(Scotland\) Act 1985 \(c. 37, SIF 49:3\)](#), s. 28(2)

[^{F2}2A Any enactment or rule of law empowering a court to make an order for payment of aliment (including interim aliment).]

Textual Amendments

^{F2} Sch. para. 2A inserted by [Family Law \(Scotland\) Act 1985 \(c. 37, SIF 49:3\)](#), ss. 28(1), 29(4), [Sch. 1 para. 9\(a\)](#)

3 Paragraph (2) of section 5 of the ^{M1}Sheriff Courts (Scotland) Act 1907 so far as relating to orders for aliment [^{F3}and paragraph (2C) of the said section 5.]

Textual Amendments

^{F3} Words substituted by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), ss. 10(1), 11(4), [Sch. 1 para. 13](#)

Marginal Citations

^{M1} 1907 c. 51.

4 Section 9 (orders with respect to children) of the ^{M2}Conjugal Rights (Scotland) Amendment Act 1861 . . . ^{F4}.

Textual Amendments

^{F4} Words repealed by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), ss. 10(2), 11(4), [Sch. 2](#)

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Marginal Citations

M2 1861 c. 86.

- 5 Section 10 of the Matrimonial Proceedings (Children) Act 1958 so far as relating to orders committing the care of a child to an individual.
- 6 Section 13 (power to prohibit in certain cases removal of child furth of Scotland or out of control of person having custody of him) of the Matrimonial Proceedings (Children) Act 1958.
- 7 Any enactment or rule of law empowering a court to vary or recall an order the power to make which is conferred by any enactment mentioned in this Part of this Schedule or by any rule of law so mentioned.

PART II

Further enactments and rules of law referred to in section 10(1)

- 8 ^{F5}

Textual Amendments

F5 Sch. 2 para. 8 repealed by [Law Reform \(Parent and Child\) \(Scotland\) Act 1986 \(c. 9, SIF 49:8\)](#), ss. 10(2), 11(4), [Sch. 2](#)

- 9 Section 2 (effect of divorce on property rights) of the ^{M3}Divorce (Scotland) Act 1938, both as originally enacted and as substituted by section 7 of the ^{M4}Divorce (Scotland) Act 1964.

Marginal Citations

M3 1938 c. 50.

M4 1964 c. 91.

- 10 Section 10 of the ^{M5}Matrimonial Proceedings (Children) Act 1958, so far as relating to orders committing the care of a child to a local authority.

Marginal Citations

M5 1958 c. 40.

- 11 Section 12 (power of court to provide for supervision of child) of the Matrimonial Proceedings (Children) Act 1958.
- 12 Section 26 (orders for financial provision on divorce) and section 27 (orders relating to settlements and other dealings) of the ^{M6}Succession (Scotland) Act 1964.

Marginal Citations

M6 1964 c. 41.

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[^{F6}12A Section 5 (orders for financial provision) and section 6 (orders relating to settlements and other dealings) of the Divorce (Scotland) Act 1976.]

Textual Amendments

F6 Sch. 2 para. 12A added after paragraph 12 by [Divorce \(Scotland\) Act 1976 \(c. 39, SIF 49:3\)](#), s. 12(1), [Sch. 1 para. 5](#)

[^{F7}12B Section 8 (orders for financial provision on divorce), section 17(1) (financial provision on declarator of nullity of marriage) and section 18 (orders relating to avoidance transactions) of the Family Law (Scotland) Act 1985.]

Textual Amendments

F7 Sch. 2 para. 12B inserted after para. 12A, by [Family Law \(Scotland\) Act 1985 \(c. 37, SIF 49:3\)](#), ss. 28(1), 29(4), [Sch. 1 para. 9\(b\)](#)

- 13 Any rule of law empowering a court, in connection with an action for declarator of nullity of marriage, to make an order for restitution of property as between the parties to the marriage or for the payment of damages by either of those parties.
- 14 Any rule of law empowering a court to make an order for the payment of expenses of the action in question by either party to the marriage.
- 15 Any enactment or rule of law empowering a court to vary or recall an order the power to make which is conferred by any enactment mentioned in this Part of this Schedule or by any rule of law so mentioned.

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