



# Children Act 1975

## 1975 CHAPTER 72

### PART IV

#### FURTHER AMENDMENTS OF LAW OF ENGLAND AND WALES

##### *Reports in guardianship and matrimonial proceedings*

#### **90 Procedure in guardianship proceedings**

(1) The following subsections are substituted for subsections (2) and (3) of section 6 of the Guardianship Act 1973 :—

“(2) A report made in pursuance of subsection (1) above to a magistrates' court shall be made to the court at a hearing of the application unless it is in writing in which case—

- (a) a copy of the report shall be given to each party to the proceedings or to his counsel or solicitor either before or during a hearing of the application ; and
- (b) if the court thinks fit, the report, or such part of the report as the court requires, shall be read aloud at a hearing of the application.

(3) A magistrates' court may and, if requested to do so at the hearing by a party to the proceedings or his counsel or solicitor, shall, require the officer by whom the report was made to give evidence of or with respect to the matters referred to in the report and if the officer gives such evidence, any party to the proceedings may give or call evidence with respect to any such matter or any matter referred to in the officer's evidence.

(3A) A magistrates' court may take account of—

- (a) any statement contained in a report made at a hearing of the application or of which copies have been given to the parties or their representatives in accordance with subsection (2)(a) above ; and
- (b) any evidence given by the officer under subsection (3) above,

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*Status: This is the original version (as it was originally enacted).*

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in so far as the statement or evidence is, in the opinion of the court, relevant to the application, notwithstanding any enactment or rule of law to the contrary.”.

(2) The following subsection is added after subsection (5) of the said section 6—

“(6) A single justice may request a report under subsection (1) of this section before the hearing of the application, but in such a case the report shall be made to the court which hears the application, and the foregoing provisions of this section shall apply accordingly.”.

## 91 Procedure in matrimonial proceedings

(1) The following subsections are substituted for subsections (3) and (4) of section 4 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960—

“(3) A report made in pursuance of subsection (2) of this section shall be made to the court at a hearing of the complaint unless it is in writing in which case—

- (a) a copy of the report shall be given to each party to the proceedings or to his counsel or solicitor either before or during a hearing of the complaint; and
- (b) if the court thinks fit, the report, or such parts of the report as the court requires, shall be read aloud at a hearing of the complaint.

(4) The court may and, if requested to do so at the hearing by a party to the proceedings or his counsel or solicitor, shall, require the officer by whom the report was made to give evidence on or with respect to the matters referred to in the report and if the officer gives such evidence, any party to the proceedings may give or call evidence on or with respect to any such matter or any matter referred to in the officer's evidence.

(4A) Subject to the next following subsection, the court may take account of—

- (a) any statement contained in a report made at a hearing of the complaint or of which copies have been given to the parties or their representatives in accordance with subsection (3)(a) of this section ; and
- (b) any evidence given by the officer under subsection (4) of this section, in so far as the statement or evidence relates to the matters specified by the court under subsection (2) of this section, notwithstanding any enactment or rule of law to the contrary.”.

(2) In Subsection (5) of the said section 4, for "subsection (4) " there is substituted " subsections (4) and (4A) ".