



Domestic Proceedings and Magistrates' Courts Act 1978

1978 CHAPTER 22

PART I

MATRIMONIAL PROCEEDINGS IN MAGISTRATES' COURTS

Powers of court as to the custody etc. of children

[^{F1}8 Restriction on making of orders under this Act: welfare of children.

Where an application is made by a party to a marriage for an order under section 2, 6 or 7 of this Act, then, if there is a child of the family who is under the age of eighteen, the court shall not dismiss or make a final order on the application until it has decided whether to exercise any of its powers under the Children Act 1989 with respect to the child.]

Textual Amendments

F1 S. 8 substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#) s. 108, Sch. 13 para. 36 (with Sch. 14 para. 1(1)); [S.I. 1991/828, art. 3\(2\)](#)

[^{F2}9

Textual Amendments

F2 Ss. 9-15 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(7), [Sch.15](#) (with Sch. 14 paras. 1(1), 27(4)); [S.I.1991/828, art. 3\(2\)](#)

Changes to legislation: Domestic Proceedings and Magistrates' Courts Act 1978, Cross Heading: Powers of court as to the custody etc. of children is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

F3 **10**

Textual Amendments

F3 Ss. 9-15 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F4 **11**

Textual Amendments

F4 Ss. 9-15 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(7), **Sch.15**(with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F5 **12**

Textual Amendments

F5 Ss. 9-15 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. **108(7)**,Sch. 15(with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F6 **13**

Textual Amendments

F6 Ss. 9-15 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. **108(7)**,Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F7 **14**

Textual Amendments

F7 Ss. 9-15 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. **108(7)**,Sch. 15 (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F8 **15**

Textual Amendments

F8 Ss. 9-15 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Changes to legislation:

Domestic Proceedings and Magistrates' Courts Act 1978, Cross Heading: Powers of court as to the custody etc. of children is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(c)(d) repealed (prosp.) by [1996 c. 27 s. 18\(1\)66\(3\)Sch. 10](#)