
Changes to legislation: Domestic Proceedings and Magistrates' Courts Act 1978, SCHEDULE 1 is up to date with all changes known to be in force on or before 20 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

SCHEDULES

SCHEDULE 1

Section 89.

TRANSITIONAL PROVISIONS

- 1 This Act (including the repeals and amendments made by it) shall not have effect in relation to any application made under any enactment repealed or amended by this Act if that application is pending at the time when the provision of this Act which repeals or amends that enactment comes into force.
- 2 Any order made or other thing done under the ^{M1}Matrimonial Proceedings (Magistrates' Courts) Act 1960 which is in force immediately before the coming into force of Part I of this Act shall not be affected by the repeal by this Act of that Act, and the provisions of that Act shall after the coming into force of the said Part I apply in relation to such an order, and to an order made under that Act by virtue of paragraph 1 above, subject to the following modifications—
- (a) on a complaint for the revocation of the order the court shall not be bound under section 8 of that Act to revoke the order by reason of an act of adultery committed by the person on whose complaint the order was made;
 - (b) on a complaint for the variation, revival or revocation of the order, the court, in exercising its powers under the said section 8 in relation to a provision of the order requiring the payment of money, shall have regard to any change in any of the matters to which the court would have been required to have regard when making that order if the order had been made on an application under section 2 of this Act;
 - [^{F1}(bb) on a complaint after the coming into force of paragraph 27 of Schedule 1 to the Matrimonial and Family Proceedings Act 1984 for the variation, revival or revocation of the order, the court, in exercising its powers under the said section 8 in relation to any provision of the order requiring the payment of money, shall have power to order that payments required to be made for the maintenance of a child of the family shall be made to the child himself.]
 - (c) where the order contains a provision for the legal custody of a child, the court shall have power, on a complaint made by a grandparent of the child, to vary that order under the said section 8 by the addition to the order of a provision requiring access to the child to be given to that grandparent;
 - (d) where the court, by virtue of paragraph (c) above, varies the order by the addition of a provision requiring access to a child to be given to a grandparent, the court shall have power to vary or revoke that provision on a complaint made—
 - (i) by that grandparent, or
 - (ii) by either party to the marriage in question, or
 - (iii) where the child is not a child of both the parties to the marriage, by any person who though not a party to the marriage is a parent of the child, or
 - (iv) where under the order a child is for the time being committed to the legal custody of some person other than one of the parents or

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a party to the marriage, by the person to whose legal custody the child is committed by the order.

Textual Amendments

F1 Sch. 1 para. 2(bb) inserted by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), ss. 46(1), 48(3), Sch. 1, para. 27(a)

Marginal Citations

M1 1960 c. 48.

- 3 The amendment by this Act of any enactment shall not affect the operation of that enactment in relation to any order made or having effect as if made under the ^{M2}Matrimonial Proceedings (Magistrates' Courts) Act 1960 (including an order made under that Act by virtue of paragraph 1 above) or in relation to any decision of a magistrates' court made on an application for such an order or for the variation, revival or revocation of such an order [^{F2}but as respects enactments amended by this Act in their application in relation to orders made or decisions on applications for orders or for the variation, revival or revocation of orders made or having effect as if made under other Acts those enactments shall apply as amended by this Act].

Textual Amendments

F2 Words added by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), ss. 46(1), 48(3), Sch. 1 para. 27(b)

Marginal Citations

M2 1960 c. 48.

- [^{F3}3A Any order for the payment of money in force under the ^{M3}Matrimonial Proceedings (Magistrates' Courts) Act 1960 (including any such order made under that Act by virtue of paragraph 1 above) shall be enforceable as a magistrates' court maintenance order.]

Textual Amendments

F3 Sch. 1 para. 3A inserted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), Sch. 2 para. 72(a)

Marginal Citations

M3 1960 c.48.

- 4 Any reference in paragraph 1 above to an application made under an enactment repealed by this Act shall be construed as including a reference to an application which is treated as a complaint under section 1 of the ^{M4}Matrimonial Proceedings (Magistrates' Courts) Act 1960 by virtue of section 27 of the ^{M5}Maintenance Orders (Reciprocal Enforcement) Act 1972 and any reference in [^{F4}paragraph 2, 3 or 3A] above to an order made under the ^{M6}Matrimonial Proceedings (Magistrates' Courts) Act 1960 shall be construed as including a reference to an order which is made under that Act by virtue of section 28 of the ^{M7}Maintenance Orders (Reciprocal Enforcement) Act 1972

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Textual Amendments

F4 Words substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), s. 33(1), [Sch. 2 para. 72\(b\)](#)

Marginal Citations

M4 1960 c. 48.
M5 1972 c. 18.
M6 1960 c. 48.
M7 1972 c. 18.

5 A provision contained in section 72 . . . ^{F5} of this Act shall not apply in relation to proceedings commenced before the coming into force of that provision.

Textual Amendments

F5 Words repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), [Sch. 9](#)

6, 7. ^{F6}

Textual Amendments

F6 [Sch. 1 paras. 6, 7](#) repealed by [Magistrates' Courts Act 1980 \(c. 43, SIF 82\)](#), s. 154(3), [Sch. 9](#)

8 A provision of Schedule 2 to this Act which relates to the punishment by way of fine which may be imposed for any offence shall not affect the punishment which may be imposed for an offence which is committed before the date on which that provision comes into force.

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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](#)