

*These notes refer to the Children and Families Act 2014  
(c.6) which received Royal Assent on 13 March 2014*

# CHILDREN AND FAMILIES ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 2 – FAMILY JUSTICE

#### *Section 17: Repeal of restrictions on divorce and dissolution etc where there are children*

150. This section repeals section 41 of the Matrimonial Causes Act 1973 and section 63 of the Civil Partnership Act 2004 which require the court to consider whether it should exercise any of its powers under the Children Act 1989 in proceedings for a decree of divorce, nullity of marriage, or judicial separation or, in relation to a civil partnership, for a dissolution, nullity or separation order. These sections apply where there are children under the age of 16 or where there are children who have reached the age of 16 to whom the court directs that the provisions should apply.
151. Where there are disputes over children or financial issues, the parties are able to make an application under the relevant section of the Children Act 1989 or the Matrimonial Causes Act 1973 (or the Civil Partnership Act 2004 for civil partnerships). Arrangements for children will no longer be scrutinised as part of the divorce process but can instead be resolved through separate proceedings at any time.
152. *Subsection (1)* repeals the relevant sections of the 1973 and 2004 Acts and *subsections (2) to (7)* make consequential amendments and repeals in respect of provisions in the Matrimonial Causes Act 1973, the Children Act 1989 and the Civil Partnership Act 2004.