



Children and Families Act 2014

2014 CHAPTER 6

PART 2

FAMILY JUSTICE

17 Repeal of restrictions on divorce and dissolution etc where there are children

- (1) The following are repealed—
 - (a) section 41 of the Matrimonial Causes Act 1973 (in proceedings for divorce etc. court is to consider whether to exercise powers under Children Act 1989);
 - (b) section 63 of the Civil Partnership Act 2004 (in proceedings for dissolution etc. court is to consider whether to exercise powers under Children Act 1989).
- (2) The following amendments and repeals are in consequence of the repeals made by subsection (1).
- (3) In section 9(1)(a) of the Matrimonial Causes Act 1973 (proceedings after decree of divorce: power to make decree absolute is subject to section 41)—
 - (a) for “sections” substitute “section”, and
 - (b) omit “and 41”.
- (4) In section 17(2) of that Act (grant of decree of judicial separation is subject to section 41) omit “, subject to section 41 below,”.
- (5) Omit paragraph 31 of Schedule 12 to the Children Act 1989 (which substitutes section 41 of the Matrimonial Causes Act 1973).
- (6) In section 40(4)(b) of the Civil Partnership Act 2004 (proceedings after conditional order: power to make order final is subject to section 63) omit the words from “and section 63” to the end.
- (7) In section 56(3) of that Act (making of separation order is subject to section 63) omit “, subject to section 63,”.