



Children and Families Act 2014

2014 CHAPTER 6

PART 2

FAMILY JUSTICE

18 Repeal of uncommenced provisions of Part 2 of the Family Law Act 1996

- (1) Part 2 of the Family Law Act 1996 (divorce and separation), except section 22 (the only provision of Part 2 which is in force), is repealed.
- (2) In consequence of subsection (1), the following provisions of the Family Law Act 1996 (which relate to provisions of Part 2) are repealed—
 - (a) section 1(c) and (d),
 - (b) section 63(2)(a),
 - (c) section 64(1)(a),
 - (d) in section 65(5) the words “to rules made under section 12 or”,
 - (e) Part 1 of Schedule 8, except—
 - (i) paragraph 16(5)(a), (6)(b) and (7) (which have been brought into force), and
 - (ii) paragraphs 4 and 16(1) (which relate to those provisions),
 - (f) in Schedule 9, paragraphs 1 and 2 and, in paragraph 4, the definitions of “decree”, “instrument” and “petition”, and
 - (g) in Schedule 10, the entries relating to—
 - (i) the Matrimonial Causes Act 1973,
 - (ii) the Domicile and Matrimonial Proceedings Act 1973,
 - (iii) sections 1, 7 and 63 of, and paragraph 38 of Schedule 2 to, the Domestic Proceedings and Magistrates’ Courts Act 1978,
 - (iv) the Senior Courts Act 1981,
 - (v) the Administration of Justice Act 1982,
 - (vi) the Matrimonial and Family Proceedings Act 1984,
 - (vii) the Family Law Act 1986, and
 - (viii) Schedule 13 to the Children Act 1989.

- (3) In consequence of subsections (1) and (2), the following provisions are repealed—
- (a) paragraphs 50 to 52 of Schedule 4 to the Access to Justice Act 1999,
 - (b) the following provisions of the Welfare Reform and Pensions Act 1999—
 - (i) section 28(1)(b) and (c), (2), (4) and (5),
 - (ii) section 48(1)(b) and (c), (2), (4) and (5), and
 - (iii) in Schedule 12, paragraphs 64 to 66,
 - (c) paragraphs 22 to 25 of Schedule 1 to the Constitutional Reform Act 2005,
 - (d) paragraph 12 of Schedule 2 to the Children and Adoption Act 2006, and
 - (e) the following provisions of Schedule 5 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012—
 - (i) paragraphs 43 to 45, and
 - (ii) in the second column of the Table in Part 2, paragraph (l) of the entry relating to Schedule 4 to the Access to Justice Act 1999.
- (4) In consequence of subsection (1), in section 1 of the Family Law Act 1996 (general principles underlying Part 2), in the words before paragraph (a) and in the title, for “Parts II and III” substitute “section 22”.
- (5) In consequence of subsection (3)(b)(i), in section 28(11) of the Welfare Reform and Pensions Act 1999 (interpretation of subsections (4)(b), (5)(c) and (6)) for “subsections (4)(b), (5)(c) and” substitute “subsection”.
- (6) The modifications set out in subsection (7), which were originally made by article 3(2) of the No. 2 Order and article 4 of the No. 3 Order, are to continue to have effect but as amendments of the provisions concerned (rather than as modifications having effect until the coming into force of provisions of the Family Law Act 1996 repealed by this section without having come into force).
- (7) The modifications are—
- (a) in section 22(2) of the Matrimonial and Family Proceedings Act 1984 for the words from “if” to “granted” substitute “if a decree of divorce, a decree of nullity of marriage or a decree of judicial separation has been granted”, and
 - (b) in section 31 of the Matrimonial Causes Act 1973—
 - (i) in subsection (7D) for “Subsections (7) and (8) of section 22A” substitute “Section 23(6)”,
 - (ii) in subsection (7D) for “section 22A” substitute “section 23”, and
 - (iii) in subsection (7F) for “section 23A” substitute “section 24”.
- (8) In section 31(7D) of the Matrimonial Causes Act 1973—
- (a) for “apply”, in the first place, substitute “applies”, and
 - (b) for “they apply where it” substitute “it applies where the court”.
- (9) Articles 3(2) and 4 of the No. 2 Order, and article 4 of the No. 3 Order, are revoked; and in subsection (6) and this subsection—
- “the No. 2 Order” means the Family Law Act 1996 (Commencement No. 2) Order 1997 ([S.I. 1997/1892](#)), and
- “the No. 3 Order” means the Family Law Act 1996 (Commencement No. 3) Order 1998 ([S.I. 1998/2572](#)).