

2nd Edition

A practical approach to

FAMILY LAW

Jill Black & Jane Bridge

A Practical Approach to Family Law

Second Edition

Jill M. Black BA (Dunelm)

of the Inner Temple and the North-Eastern Circuit, Barrister

and

A. Jane Bridge LLB

of Gray's Inn and the North-Eastern Circuit, Barrister



BLACKSTONE
PRESS LIMITED

This edition published in Great Britain 1989 by Blackstone Press Limited, 9-15 Aldine Street, London W12 8AW. Telephone 01-740 1173

© Jill M. Black, 1986

First edition 1986

Second edition 1989

ISBN: 1 85431 009 7

British Library Cataloguing in Publication Data

A CIP catalogue record for this book is available from the British Library

Typeset by Kerrypress Ltd, Luton, Beds

Printed by LR Printing Services Ltd, Burgess Hill, West Sussex

All rights reserved. No part of this book may be reproduced or transmitted in any form or by any means, electronic or mechanical, including photocopying, recording, or any information storage or retrieval system without prior permission from the publisher.

Preface

It has been my task to edit this book and bring it up to date, although Jill Black has maintained an overview of its progress and content. I hope that whilst inserting new material I have managed to retain the clarity and practicality of approach achieved by Jill in the first edition.

The Children Bill currently before Parliament will prove to be a landmark in the development of the law relating to children in family, matrimonial and care proceedings. I have endeavoured to point out the likely effects of the Bill upon the law at relevant intervals throughout the book. It should be borne in mind that once the Children Act 1989 has received its Royal Assent it will not actually come into force for some twelve to eighteen months thereafter. Thus it will not have any immediate effect upon the present law. For a full picture of the changes to be brought about the reader should refer to Blackstone's Guide to the Children Act 1989.

The Legal Aid Act 1988 has come into effect and transfers the administration of legal aid from the Law Society to the Legal Aid Board. A number of new regulations have been made in its wake.

The Family Law Act 1986 is now almost entirely in force. It makes relatively few alterations to substantive family law, and is mainly a private international law measure laying down a new statutory code for the recognition and enforcement by courts within the United Kingdom of custody orders and foreign divorces, annulments and judicial separations.

The Family Law Reform Act 1987 is now mostly in force and brings the law in relation to illegitimate children more into line with that relating to legitimate children.

I would like, in particular, to thank Mrs Mavis Pilkington and Mrs Margaret Richards for their invaluable assistance with the chapters on taxation and welfare law respectively. Finally, I would extend thanks to my husband Stuart for his enormous assistance, patience and support throughout the preparation of this second edition.

The Green Form and Key Card has been reproduced by courtesy of the Legal Aid Board.

I have attempted to state the law as at July 1989.

A. Jane Bridge
25 Park Square
Leeds

Preface to the First Edition

The student preparing for the Law Society's final examinations is faced with a mammoth task. In the course of one year, he is expected to leave behind the academic approach to law and get to grips with what really happens in practice. How is he to do this when he may never even have been inside a solicitor's office and has no idea what is meant by 'filing', 'service' or 'the green form', let alone how to draft a divorce petition or what to do when a client needs an injunction in an emergency?

This book aims to provide a clear picture of the workings of those aspects of matrimonial law that are most likely to concern not only the student but also the practitioner. It is hoped that sufficient information has been provided, in the text and in the numerous examples, to enable the reader to deal confidently with most matrimonial problems on paper in his final examination or in practice.

Obviously, in writing this book I have had to draw to a large extent on my own experience in practice. However, practice and procedure in matrimonial cases does vary in different parts of the country and the reader should not be surprised if he finds that one or two things are done slightly differently in his local court.

I would like to thank my family, colleagues and friends all of whom have endured the writing of this book with me and assisted in every way they could. I am also most grateful to the many other people who have given me the benefit of their valuable experience in the matrimonial field.

I should like to acknowledge the kind permission given by the Lord Chancellor's Department and the Law Society to reproduce certain documents.

I have endeavoured to state the law as at November 1985.

Jill M. Black
32 Park Square
Leeds

Table of Cases

A v A (children: arrangements) [1979] 1 WLR 533, [1979] 2 All ER 493	116, 117
A v A (custody appeal: role of appellate court) [1988] 1 FLR 193	309
A v A (family: unborn child) [1974] Fam 6, [1974] 1 All ER 755	77
A v Liverpool City Council [1982] AC 363 [1981] 2 All ER 385	322, 323, 324
Allen v Allen [1986] 2 FLR 265	182
Ansah v Ansah [1977] Fam. 138, [1977] 2 WLR 760, [1977] 2 All ER 638	242, 243, 259, 260
Ash v Ash [1972] Fam 135, [1972] 1 All ER 582	46
Associated Provincial Picture Houses, Ltd v Wednesbury Corporation [1948] 1 KB 223, [1947] 2 All ER 680	323
Atkinson v Atkinson [1984] FLR 524, [1984] Fam Law 305	164
B (a minor) (wardship: child in care), re [1975] Fam 36, [1974] 3 All ER 915	324
B (wardship: medical treatment), re [1981] 1 WLR 1421	325
B (a minor), (wardship: sterilisation) re [1987] 2 WLR 1213, [1987] 2 All ER 206	325
B v B [1978] Fam 181, [1979] 1 All ER 801	162
B v B (custody) [1985] Fam Law 29	309
B v B (custody: conditions) (1980) 1 FLR 385	299
B v B (declaration of unfitness) (1982) 3 FLR 187	283
Bailey v Tolliday (1982) 4 FLR 542	176
Banik v Banik [1973] 3 All ER 45, [1973] 1 WLR 860	127
Barnes v Barnes [1972] 3 All ER 872, [1972] 1 WLR 1381	180
Beales v Beales [1972] Fam 218, [1972] 2 All ER 667	57
Beresch v Newman [1987] 1 FLR 262	260
Bergin v Bergin [1983] 1 All ER 905, [1983] 1 WLR 279	358
Bishop, re [1965] Ch 450, [1965] 1 All ER 249	400
Board (Board intervening) v Checkland [1987] 2 FLR 257 [1987] AC 861, [1987] 2 WLR 1390 [1988] 2 All ER 481	144
Bradley v Bradley [1973] 3 All ER 750, [1973] 1 WLR 1291	358
Bradley v Bradley [1986] 1 FLR 128	80
Brickell v Brickell [1974] Fam 31, [1973] 3 All ER 508	127
Buchanon-Wollaston's Conveyance, [1939] Ch 738, [1939] 2 All ER 302	401
Buffery v Buffery [1988] 2 FLR 365	50
Bull v Bull [1955] 1 QB 234, [1955] 1 All ER 253	401
Bullock v Bullock [1986] 1 FLR 372	180
Burns v Burns [1984] 1 All ER 244	397, 399
Burridge v Burridge [1982] 3 All ER 80, [1982] 3 WLR 552, [1983] Fam 9	359, 360
Button v Button [1968] 1 WLR 457, [1968] 1 All ER 1064	398
C (MA) (a minor), re [1966] 1 All ER 838, [1966] 1 WLR 646	326
Caffell v Caffell [1984] FLR 169, [1984] Fam Law 83 (CA)	280
Cahill v Cahill and Others (1975) 5 Fam Law 16	279
Calderbank v Calderbank [1976] Fam 93, [1975] 3 All ER 333	167
Camm v Camm (1983) 4 FLR 577, 13 Fam Law 112	178
Carr v Carr [1974] 1 All ER 1193, [1974] 1 WLR 1534	47
Caunce v Caunce [1969] 1 WLR 286, [1969] 1 All ER 722	269
Chamberlain v De La Mare (1983) 4 FLR 434	285
Chebaro v Chebaro [1987] 1 FLR 456	68
City of London Building Society v Flegg [1987] 2 WLR 1266	268
Clarkson v Clarkson (1930) 143 LT 775, 46 TLR 623	48
Cleary v Cleary [1974] 1 All ER 498, [1974] 1 WLR 73	47, 48

Collins v Collins [1987] 1 FLR 226	167, 179
Cook v Cook [1978] 3 All ER 1009, [1978] 1 WLR 994	116
Cooke v Head [1972] 1 WLR 518, [1972] 2 All ER 38	398
Cramer v Cramer [1987] 1 FLR 116	65
Curling v The Law Society [1985] 1 All ER 705, [1985] 1 WLR 470	35, 36
Cuzner v Underdown [1974] 2 All ER 351, [1974] 1 WLR 641	176
D (a minor) (wardship: sterilisation), re [1976] Fam 185, [1976] 1 All ER 326	325
D (minors) (wardship: jurisdiction), re [1973] Fam 179, [1973] 2 All ER 993	326
D v D (child of the family) (1980) 2 FLR 93	77, 78
Day v Day [1980] Fam 29, [1979] 2 All ER 187	125
Dean v Dean [1978] Fam 161, [1978] 3 All ER 758	178
Dew v Dew [1986] 2 FLR 341	180
Dinch v Dinch [1987] 1 WLR 252, [1987] 1 All ER 818	169
Dipper v Dipper [1981] Fam 31, [1980] 2 All ER 722	279, 283, 307
DM (a minor), (wardship: jurisdiction) re [1986] 2 FLR 122	324
Downing v Downing [1976] Fam 288, [1976] 3 All ER 474	147
Draper's Conveyance, re [1969] 1 Ch 486, [1968] 2 WLR 166, [1967] 3 All ER 853	264
Dunhill, re (1967) 111 SJ 113	321
Dyson v Dyson [1954] P 198, [1953] 2 All ER 1511	56
E (an infant), re [1963] 3 All ER 874, [1964] 1 WLR 51	326
E (minors) (wardship: jurisdiction), re [1984] 1 All ER 21, [1983] 1 WLR 541	322, 323
E (SA) (a minor) (wardship), re [1984] 1 WLR 156, [1984] 1 All ER 289	332
Edgar v Edgar [1980] 3 All ER 887, [1980] 1 WLR 1410	178, 179
Ette v Ette [1965] 1 All ER 341, [1964] 1 WLR 1433	161
Eves v Eves [1975] 1 WLR 1338, [1975] 3 All ER 768	398
F, (a ward) (leave to remove ward out of jurisdiction), re [1988] 2 FLR 116	333
F v F [1959] 3 All ER 180, [1959] 1 WLR 863	281
Fraser v Fraser [1969] 3 All ER 654, [1969] 1 WLR 1787	56
Furniss v Furniss (1981) 3 FLR 46	180
Gissing v Gissing [1971] AC 886, [1970] 2 All ER 780	395, 398
Glenister v Glenister [1945] P 30, [1945] 1 All ER 513	56
Goodman v Gallant [1986] Fam 106, [1986] 1 All ER 311, [1986] 1 FLR 513	396
Goodrich v Goodrich [1971] 2 All ER 1340, [1971] 1 WLR 1142	48
H (minors), re (1977) 121 SJ 253	299
H (GJ) (an infant), re [1966] 1 All ER 952, [1966] 1 WLR 706	326
H v H (1981) 11 Fam Law 209	160
Hale v Hale [1975] 1 WLR 931, [1975] 2 All ER 1090	187
Hanlon v Hanlon [1978] 1 WLR 592, [1978] All ER 889	185
Hanlon v The Law Society [1981] AC 124, [1980] 2 All ER 199	34, 35, 36, 37
Hargood v Jenkins [1978] Fam 148, [1978] 3 All ER 1001	153
Harriman v Harriman [1909] P 123	56, 57
Harrison and Another v Lewis: R v S [1988] 2 FLR 339	242
Harris v Goddard [1983] 3 All ER 242, [1984] FLR 209	264
Harvey v Sivyver [1986] 1 FLR 72	212, 227
Heseltine v Heseltine [1971] 1 WLR 342, [1971] 1 All ER 952	400
Hopper v Hopper [1979] 1 All ER 181, [1978] 1 WLR 1342	245
Horner v Horner [1982] Fam 90, [1982] 2 All ER 495	241
Hurwitt v Hurwitt (1979) 3 FLR 194	295
Hyman v Hyman [1929] AC 601	387
Ibbetson v Ibbetson [1984] FLR 545	174
Irvin v Irvin [1968] 1 All ER 271, [1968] 1 WLR 464	358, 359
J (a minor) (wardship: jurisdiction), re [1984] 1 All ER 29, [1984] 1 WLR 81	323
J v C [1970] AC 668, [1969] 1 All ER 788	306
Jane v Jane (1983) 4 FLR 712, 13 Fam Law 209	279
Jones v Jones [1976] Fam 8, [1975] 2 All ER 12	176
Jones v The Law Society (1983) 4 FLR 733	36
Jones v Maynard [1951] Ch 572, [1951] 1 All ER 802	400
Jussa v Jussa [1972] 2 All ER 600, [1972] 1 WLR 881	280
K (a minor), re (1978) 122 SJ 626	323

KD (a minor) (access: principles), re [1988] 2 FLR 139	134
Kapur v Kapur [1985] Fam Law 22	66, 67
Kashmir Kaur v Gill [1988] 3 WLR 39	267
Katz v Katz [1972] 3 All ER 219, [1972] 1 WLR 955	52
Kingsnorth Finance Co. Ltd v Tizard [1986] 1 WLR 783, [1986] 2 All ER 54	269
Krystman v Krystman [1973] 3 All ER 247, [1973] 1 WLR 927	129, 178
Kyte v Kyte [1987] 3 All ER 1041	176
L v L (1981) 2 FLR 48	282
Le Marchant v Le Marchant [1977] 3 All ER 610, [1977] 1 WLR 559	127
Lewis v Lewis [1978] Fam 60, [1978] 1 All ER 729, [1978] 2 WLR 644	249
Lewisham London Borough Council v Lewisham Juvenile Court Justices [1980] AC 273, [1979] 2 WLR 513, [1979] 2 All ER 297	324, 343
Linnett v Coles [1987] QB 555, [1986] 3 All ER 652, [1986] 3 WLR 843	258
Livesey v Jenkins [1985] AC 424, [1985] 2 WLR 47, [1985] 1 All ER 106	168, 169
Livingstone-Stallard v Livingstone-Stallard [1974] Fam 47, [1974] 2 All ER 766	50, 51
Lombardi v Lombardi [1973] 3 All ER 625, [1973] 1 WLR 1276	129
Lonslow v Hennig [1986] 2 FLR 378	282
M (an infant), re [1961] Ch 328, [1961] 1 All ER 788	323
M v M (1980) 2 FLR 39	78
M v M (child: access) [1973] 2 All ER 81	314
Martin v Martin [1978] Fam 12, [1977] 3 All ER 762	170, 186
Mathias v Mathias [1972] Fam 287, [1972] 3 All ER 1	127
McCartney v McCartney [1981] 1 All ER 597, [1981] Fam 59	236, 237, 239
McDonnell v McDonnell [1977] 1 All ER 766, [1977] 1 WLR 34	31
McLean v Nugent (1979) 123 SJ 521	242
Mesher v Mesher and Hall [1980] 1 All ER 126	186
Midland Bank plc v Dobson & Dobson [1986] 1 FLR 171	399
Minton v Minton [1979] AC 593, [1979] 1 All ER 79, [1979] 2 WLR 31	144, 145, 177
Morgan v Morgan [1977] Fam 122, [1977] 2 All ER 515	174
Morgan v Morgan and Others (1974) 4 Fam Law 189	279
Mouncer v Mouncer [1972] 1 All ER 289, [1972] 1 WLR 321	53
Norman v Norman [1983] 1 All ER 486, [1983] 1 WLR 295	150, 151
Nguyen v Phung [1985] Fam Law 54, [1984] FLR 773	258
Nutley v Nutley [1970] 1 All ER 410, [1970] 1 WLR 217	55, 56
O (a minor) (wardship: adopted child), re [1978] Fam 196, [1978] 2 All ER 27	325
Official Solicitor v K [1965] AC 201, [1963] 3 All ER 191	295
O'Neill v O'Neill [1975] 3 All ER 289, [1975] 1 WLR 1118	50, 51
O'Neill v Williams (1983) 127 SJ 595, [1984] FLR 1, [1984] Fam Law 85	241, 242
Oundjian v Oundjian (1979) 10 Fam Law 90, (1979) 124 SJ 63, (1979) 1 FLR 198	67
P (infants), re [1967] 2 All ER 229, [1967] 1 WLR 818	326
Pardy v Pardy [1939] P 288, [1939] 3 All ER 779	55
Parra v Rones [1986] Fam Law 262	258
Peacock v Peacock [1984] 1 All ER 1069, [1984] 1 WLR 532	180
Pettitt v Pettitt [1970] AC 777, [1969] 2 All ER 385	395, 398
Pheasant v Pheasant [1972] Fam 202, [1972] 1 All ER 587	47
Pizey v Pizey [1961] P 101, [1961] 2 All ER 658	56
Potter v Potter [1982] 1 WLR 1255, [1982] 3 All ER 321, (1983) 4 FLR 331	180
Practice Direction [1964] 3 All ER 775, [1964] 1 WLR 1473	112
Practice Direction of 28 February 1967 [1967] 1 All ER 828, [1967] 1 WLR 623	321
Practice Direction of 28 November 1972 [1973] 1 All ER 61	96
Practice Direction [1973] 1 WLR 690, [1973] 2 All ER 512	333
Practice Direction of 8 May 1975 [1975] 2 All ER 384, [1975] 1 WLR 787	76
Practice Direction [1977] 2 All ER 714, [1977] 1 WLR 759	112
Practice Direction 7 March 1977 [1977] 1 All ER 845	97
Practice Direction [1977] 3 All ER 944, [1977] 1 WLR 1226	286
Practice Direction of 26 June 1979 [1979] 2 All ER 1106	96
Practice Direction [1980] 1 All ER 784, [1980] 1 WLR 301	287
Practice Direction of 12 March 1980 [1980] 1 All ER 1040, [1980] 1 WLR 334	315
Practice Direction [1981] 2 All ER 642, [1981] 1 WLR 1010	162

Practice Direction of 8 December 1981 [1982] 1 WLR 118, [1982] 1 All ER 319	328
Practice Direction [1982] 3 All ER 988, [1982] 1 WLR 1420	295
Practice Direction [1983] 2 All ER 253, [1983] 1 WLR 558	340
Practice Direction of 16 June 1983 [1983] 2 All ER 679, [1983] 1 WLR 800	211
Practice Direction of 16 June 1983, [1983] 1 WLR 790, [1983] 2 All ER 672	328
Practice Direction [1984] 3 All ER 800	295
Practice Direction [1986] 1 All ER 983, [1986] 1 WLR 475	338, 339
Practice Direction [1986] 2 All ER 703, [1986] 1 WLR 1139	285
Practice Direction [1987] 2 All ER 312	197
Practice Direction [1988] 2 All ER 63, [1988] 1 FLR 452	164, 179
Practice Direction [1988] 2 All ER 103 [1988] 1 FLR 540	159, 177, 331
Practice Note [1978] 2 All ER 919, [1978] 1 WLR 925	241
Practice Note [1978] 2 All ER 1056, [1978] 1 WLR 1123	245
Practice Note [1980] 2 All ER 806	340
Preston v Preston [1982] 1 All ER 41, [1982] Fam 17	200
Quinn v Quinn (1983) 4 FLR 394	248
R (MJ) (a minor), (publication of transcript) re [1975] Fam 89, [1975] 2 All ER 749	340
R v Birmingham Justices (ex parte Bennett) [1983] 1 WLR 114	377
Reiterbund v Reiterbund [1974] 2 All ER 455, [1974] 1 WLR 788, [1975] Fam 99, [1975] 1 All ER 280, CA	127
Richards v Dove [1974] 1 All ER 888	397
Richards v Richards [1972] 3 All ER 695, [1972] 1 WLR 1073	52
Richards v Richards [1984] AC 174, [1983] 2 All ER 807, [1983] 3 WLR 173	234, 244, 246, 247, 248, 254
Roberts v Roberts [1986] 2 All ER 483, [1986] 1 WLR 437, [1986] 2 FLR 152	145
Robinson v Robinson [1983] Fam 42, [1983] 1 All ER 391	356, 362, 363, 369
S (a minor), re (1978) 122 SJ 759	326
S v S [1977] Fam 127, [1977] 1 All ER 56	200
S v S [1986] Fam 189, [1986] 3 WLR 518, [1986] 3 All ER 566, [1987] 1 FLR 71	198
Samson v Samson [1960] 1 All ER 653, [1960] 1 WLR 190	400
Sandford v Sandford [1986] 1 FLR 412	169
Santos v Santos [1972] Fam 247, [1972] 2 All ER 246	53, 60, 388
Shah v Barnet London Borough Council and other appeals [1983] 2 AC 309, [1983] 1 All ER 226	67
Shaw v Shaw [1939] P 139, [1939] 2 All ER 381	56
Sherdley v Sherdley [1987] 2 All ER 54, [1987] 2 WLR 1071	147, 214
Simister v Simister [1987] 1 All ER 233, [1986] 1 WLR 1463	147
Simpson v The Law Society [1987] 2 FLR 497	38
Singer (formerly Sharegin) v Sharegin [1984] FLR 114, [1984] Fam Law 58	164
Slater v Slater (1982) 3 FLR 364	180
Smith v Smith [1940] P 49, [1939] 4 All ER 533	53
Solicitors, re, Taxation of costs, re [1982] 2 All ER 6893, [1982] 1 WLR 745	30
Spence v Spence [1939] 1 All ER 52	55
Spindlow v Spindlow [1979] Fam 52, [1979] 1 All ER 169	241
Stevens v Stevens [1979] 1 WLR 885	47
Stockford v Stockford (1981) 3 FLR 58	180
Stringfellow v Stringfellow [1976] 2 All ER 539, [1976] 1 WLR 645	52
Suter v Suter [1987] 2 FLR 232, [1987] 3 WLR 9, [1987] 2 All ER 336	170
Sutton v Sutton [1984] 1 All ER 168, [1984] 2 WLR 146	390
T (a minor), re (1974) 4 Fam Law 48	314
T (a minor), re; T v T (ouster order) [1987] 1 FLR 181	248
Tabone v Seguna [1986] 1 FLR 591	258
Thompson v Thompson [1976] Fam 25, [1975] 2 All ER 208, [1975] 2 WLR 868	187
Thurlow v Thurlow [1976] Fam 32, [1975] 2 All ER 979, [1975] 3 WLR 161	52
Vasey v Vasey [1985] 15 Fam Law 158	362
Vaughan v Vaughan [1973] 3 All ER 449, [1973] 1 WLR 1159	241
W (a minor), (wardship: jurisdiction) re [1985] AC 791, [1985] 2 WLR 892, [1985] 2 All ER 301	322, 323
W v A (child: surname) [1981] Fam 14, [1981] 1 All ER 100	284

W v W (1981) <i>The Times</i> , 21 March	160
W (RJ) v W (SJ) [1972] Fam 152, [1971] 3 All ER 303	78
W v Shropshire County Council [1986] 1 FLR 359	323
Wachtel v Wachtel [1973] Fam 72, [1973] 1 All ER 829, [1973] 2 WLR 366	176, 180
Ware v Ware [1942] P 49, [1942] 1 All ER 50	57
West v West [1978] Fam 1, [1977] 2 All ER 705	176
Weston, re [1900] 2 Ch 164	387
Widdowson v Widdowson (1982) 12 Fam Law 153	239
Wilde v Wilde [1988] 2 FLR 83	248
Williams v Fawcett [1986] QB 604, [1985] 1 WLR 501, [1985] 1 All ER 787	258
Williams v Williams [1938] 4 All ER 445	55
Williams and Glyn's Bank Ltd v Boland [1981] AC 487, [1980] 2 All ER 408	268
Wiseman v Simpson [1988] 1 WLR 35	247
Wynne v Wynne and Jeffers [1980] 3 All ER 659, [1981] 1 WLR 69	160
Y v Y [1973] Fam 147, [1973] 2 All ER 574	302
Yeend v Yeend [1984] FLR 937	116

Table of Statutes

Administration of Estates Act 1925 Part
IV 262

Administration of Justice Act 1982
(c 53) 273
s 18(2) 137

Affiliation Proceedings Act 1957 (5 & 6
Eliz 2 c 55) 305

Attachment of Earnings Act 1971
(c 32) 195, 376

Capital Gains Tax Act 1979 (c 14) 226,
227, 228, 229

s 29A 231
s 44 228
s 62 229
s 63 226, 229
s 101 230
s 102 230

Child Abduction Act 1984 (c 37) 307, 321,
337, 338

s 1 338
s 1(1) 337
s 1(2) 337
s 1(3) 337
s 1(5) 338
s 1(7)(b) 337
s 1(8) 338
s 2 338
sch 338

Child Benefit Act 1975 (c 61) 414

Child Care Act 1980 (c 5) 378, 322, 341,
343

s 2 323, 324, 341, 342, 343, 350, 353
s 2(2) 342
s 2(3) 342
s 3 322, 324, 341, 342, 343, 344, 346, 353
s 3(2) 343
s 3(3) 343
s 3(4) 344
s 3(5) 344
s 3(6) 344
s 3(8) 343
s 3(10) 353
s 4(3) 353
s 5 344
s 5(2)(a) 344
s 5(2)(b) 344
s 5(2)(c) 344

Child Care Act 1980 — *continued*

s 5(3) 344
s 5(4) 344
s 10(2) 353
s 10(3) 353
s 10(5) 353
s 13(1) 342
s 13(2) 342
s 17 353
s 18 353
s 18(1) 353
Part III 353

Children Act 1975 (c 72) 278, 297, 298,
306, 314, 316, 317, 319

s 33 298, 318
s 33(3) 317
s 33(4) 317
s 33(5) 317
s 33(6) 317
s 33(8) 317
s 34 318
s 34(1)(a) 317
s 34(1)(b) 317, 318
s 34(1)(c) 317, 318
s 34(3) 318
s 34(5) 318
s 34(6) 318
s 34A 317
s 34B 317
s 35 318
s 35(1) 318
s 35(2) 318
s 35(5) 318
s 35(6) 313
s 37(3) 298, 318
s 37(4) 318
s 39 319
s 40(1) 318
s 40(2) 318
s 40(3) 318
s 40(4) 318
s 41 319
s 45 318
s 46 318
s 85 297
s 86 297
Part II 316

Children and Young Persons Act 1933 (23 &
24 Geo 5 c 12) 339, 345, 348, 349

- s 25 348
- s 40 348, 349, 351
- s 40(1) 349
- s 107 349
- sch 1 345, 349

Children and Young Persons Act 1963

- (c 37) 350
- s 23(1) 350
- s 23(5) 350

Children and Young Persons Act 1969

- (c 54) 322, 324, 341, 344, 348, 349
- s 1 322, 323, 341, 342, 344, 345, 346, 348, 349, 350, 351
- s 1(1) 344, 345
- s 1(2) 344, 345
- s 1(2)(a) 344, 348, 350
- s 1(2)(b) 344, 348, 350
- s 1(2)(c) 344, 348, 350
- s 1(2)(d) 344, 348, 350
- s 1(2)(e) 344, 348
- s 1(3) 344, 345
- s 2 344
- s 3 344
- s 7 344
- s 7A 344
- s 8 344
- s 9 344
- s 11A 344
- s 14A 344
- s 15 344
- s 15(1) 346
- s 16 344
- s 17 344, 346
- s 20 344
- s 20(3) 345
- s 21 344
- s 21(1) 346
- s 21A(a) 346
- s 21A(b) 346
- s 22 344
- s 27(4) 344
- s 28 344, 348, 350, 351
- s 28(1) 349
- s 28(2) 350
- s 28(4) 350
- s 28(5) 350
- s 28(6) 350
- s 32A 344
- s 32B 344
- s 32C 344
- s 34 344
- s 70 344
- sch 5 344

Civil Evidence Act 1968 (c 64)

- Part I 375

County Courts Act 1984 (c 28)

- s 38 196

Domestic Proceedings and Magistrates'

- Courts Act 1978 (c 22) 25, 36, 55, 62, 79, 134, 210, 234, 238, 250, 251, 252, 271, 277, 278, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 316, 317, 318, 354, 355, 357, 358, 359, 361, 362, 370, 371, 376, 383, 384

Part I 354, 355, 356, 361, 372, 378

- s 1 356, 358, 359, 366, 367, 368
- s 1(a) 357, 358, 383
- s 1(b) 357, 358, 383
- s 1(c) 359, 371, 375, 384
- s 1(d) 358, 359, 384
- s 2 5, 6, 296, 297, 299, 300, 302, 354, 355, 356, 357, 359, 360, 361, 363, 364, 367, 368, 370, 371, 372, 374, 375, 376, 378, 379, 383, 384
- s 2(1)(a) 361
- s 2(1)(b) 361, 379
- s 2(1)(c) 361, 362
- s 2(1)(d) 361, 362, 379
- s 2(2) 359, 362
- s 2(3) 359
- s 3 357, 359, 361, 362, 367, 379
- s 3(1) 361
- s 3(2) 361, 362
- s 3(2)(a) 363
- s 3(2)(b) 363
- s 3(2)(c) 362, 367
- s 3(3) 362, 363
- s 3(3)(f) 363
- s 3(4) 362, 363
- s 4 368
- s 5 369
- s 5(1) 369
- s 5(2) 369
- s 5(3) 369
- s 5(4) 369
- s 6 6, 296, 297, 300, 302, 354, 356, 363, 364, 365, 366, 368, 370, 371, 372, 373, 375, 376, 378, 379
- s 6(1) 356, 363, 365
- s 6(2) 364
- s 6(3) 364, 365, 366
- s 6(4) 363, 372
- s 6(5) 365, 366
- s 6(8) 363
- s 7 6, 296, 297, 298, 300, 301, 302, 354, 356, 366, 367, 368, 370, 371, 372, 375, 376, 378, 379
- s 7(1) 356, 366
- s 7(3) 366
- s 7(3)(a) 367
- s 7(3)(b) 367
- s 7(3)(c) 367
- s 7(4) 367
- s 7(5) 367
- s 8 to 11 372
- s 8 7, 295, 296, 298, 300, 302, 371, 374

Domestic Proceedings and Magistrates'

Courts Act 1978 — *continued*

- s 8(2) 297, 299, 300, 303
- s 8(3) 298, 303, 318
- s 8(4) 298, 303
- s 8(6) 301, 303
- s 8(8) 303, 375
- s 9 296, 300, 303
- s 9(1) 297, 300, 303
- s 10 296, 303, 371
- s 10(1) 297, 300
- s 11 297, 300, 371, 378
- s 12(1) 302
- s 12(2) 303
- s 12(3) 303
- s 12(4) 303
- s 12(5) 303
- s 12(9) 303
- s 13(1) 298
- s 14(1) 299
- s 16 8, 62, 234, 235, 236, 239, 250, 253
- s 16(1) 236
- s 16(2) 235
- s 16(3) 286
- s 16(4) 236
- s 16(6) 240
- s 16(7) 240
- s 16(8) 240, 254
- s 16(9) 233
- s 16(10) 237
- s 17(4) 238
- s 18 240, 249, 253, 260
- s 18(1) 239
- s 18(4) 258
- s 19 375, 384
- s 19(1) 304, 376
- s 19(2) 376
- s 19(3) 376
- s 19(3A) 376
- s 19(5) 304, 376
- s 19(5)(c) 304
- s 19(6) 304, 376
- s 19(7) 376
- s 20 355, 361, 378
- s 20(1) 379
- s 20(2) 379
- s 20(6) 378
- s 20(7) 361, 379
- s 20(8) 379
- s 20(11) 379
- s 20(12) 379
- s 21(2) 296
- s 22 360
- s 24 355
- s 25 363, 370
- s 25(1) 301, 370
- s 25(2) 301, 370
- s 25(3) 363, 370
- s 26 5, 374

Domestic Proceedings and Magistrates'

Courts Act 1978 — *continued*

- s 27 134
- s 30 355
- s 30(1) 252, 355, 356
- s 30(2) 252
- s 30(3) 355
- s 32(1) 376
- s 34(1) 301
- s 34(3) 301
- s 88 235, 296, 298, 356
- s 88(2) 301, 363, 370
- Domestic Violence and Matrimonial
Proceedings Act 1976 (c 50) 8, 25, 26,
29–30, 62, 234, 240, 241, 242, 243, 244,
245, 246, 248, 249, 250, 251, 252, 255
- s 1 234, 240, 241, 244
- s 1(1)(c) and (d) 244
- s 1(2) 241
- s 2 248, 249, 260
- Domicile and Matrimonial Proceedings Act
1973 (c 45)
- s 4 66
- s 5 64, 66
- sch 1 73, 79
- Evidence Act 1938 (1 & 2 Geo 6 c 28) 375
- Family Law Act 1986 (c 55) 68, 278, 327,
337, 340
- Part I Chapter V 337
- s 1(1)(d) 327
- s 2 327
- s 3 327
- s 4(2) 278
- s 33 340
- s 34 295, 304
- s 35 301
- s 37 340
- s 44(2) 67
- ss 45 to 58 67
- Family Law Reform Act 1969 (c 46) 332
- s 6(2) 332
- s 7(2) 332
- s 7(4) 332
- Family Law Reform Act 1987 (c 42) 7, 300,
304, 305, 306, 317, 354, 391
- s 1(1) 304
- s 2(1) 304
- s 3 305
- s 4 305
- s 9 305
- s 15 305, 306, 391
- s 16 305, 306, 391
- sch 2, para 11 305
- Finance Act 1980 (c 48)
- s 79 228, 230
- Finance Act 1988 (c 39)
- s 30 203
- s 32 204
- s 33 200, 204

Finance Act 1988 — *continued*

- s 35 204
- s 36 201, 207, 219, 220
- s 36(1) 201
- s 36(3) 201, 213
- s 36(4) 201, 213
- s 36(4)(d) 221
- s 36(5) 201
- s 37 211, 213, 214
- s 37(2) 221
- s 37(5) 213
- s 37(6) 213
- s 38 211, 213, 214, 221
- s 38(2) 214
- s 38(3) 214
- s 38(7) 214
- s 39 221
- s 42 224, 225
- s 43 223
- s 44 224, 225
- s 44(2) 225
- s 44(3) 225
- s 79 229, 231
- s 96 231
- sch 3 204
- sch 3, para 14 225
- sch 10 211, 213

Guardianship Act 1973 (c 29) 7, 19, 62,
278, 280, 295, 297, 298, 299, 300, 301,
303, 304, 305, 306, 319, 354, 381

- s 1(1) 297, 305, 307
- s 1(2) 305, 307, 387
- s 1(3) 281, 298, 302, 305, 337, 338
- s 1(3A) 305
- s 2(2)(a) 297, 300
- s 2(2)(b) 297, 300
- s 2(4) 303
- s 2(5C) 304
- s 2(5C)(c) 304
- s 2(5D) 304
- s 5A(1) 301
- s 5A(2) 301
- s 5A(3) 301
- s 6(1) 303
- s 6(2) 303
- s 6(3) 303
- s 6(6) 303

Guardianship of Minors Act 1971 (c 3) 7,
19, 36, 62, 277, 295, 296, 297, 298, 299,
300, 301, 302, 303, 304, 305, 306, 316,
318, 319, 332, 337, 338, 354

- s 1 306, 332
- s 5 338
- s 7 337, 338
- s 9 295, 296, 298, 300, 303, 304, 318
- s 9(1) 297, 299
- s 9(2) 297
- s 9(5) 298
- s 11(1) 300

Guardianship of Minors Act 1971 —
continued

- s 11A(1) 298
- s 11A(2) 301
- ss 11B to 13 305
- s 12 300, 305
- s 13A 301
- s 13A(3) 301
- s 14(1) 296
- s 14(2) 300
- s 14A(1) 299
- s 14A(2) 299
- s 20(2) 297, 298

Housing Act 1980 (c 51)

- s 37 187

Housing Act 1985 (c 68) 272

Part III 418

- s 58 418
- s 59 418
- s 60 419
- s 62 419
- s 65 419
- s 66 419
- s 67 419
- s 79 420
- s 82 420

Housing Act 1988 187, 272

Income and Corporation Taxes Act 1988

(c 1) 200, 201, 202, 208

- s 257 200, 201
- s 257A 200
- s 257B 200
- s 259 202
- s 259(4A) 203, 206
- s 260 202
- s 279 200, 203, 206
- s 282(1) 204
- s 283 203
- s 285 203
- s 287 204
- s 288 204
- s 347 207
- s 347A 201, 213, 219
- s 347B 201, 207
- s 347B(1) 220
- s 348 208, 209, 210, 213, 214
- s 349 213
- s 349(1) 210, 214
- s 351(1) 210
- s 353(1) 223
- s 354(1) 223
- s 354(5) 224
- s 355(1) 222
- s 355(2B) 223
- s 356A 224
- s 356B(4) to (7) 225
- s 369(4) 224, 225
- s 633(1) 212
- s 660 211, 214

Income and Corporation Taxes Act 1988 —
continued

s 663(1) 212, 213, 214, 215

Inheritance (Provision for Family and
Dependants) Act 1975 (c 63) 178, 274,
275

s 15 178

Inheritance Tax Act 1984 (c 51) 226

s 3A 227

s 7(1)a 227

s 10 226, 227

s 11 227

s 11(6) 227

s 18 226

s 19 227

s 20 227

s 21 227

s 270 226

Interpretation Act 1978 (c 30)

sch 1 297

Land Charges Act 1972 (c 61)

s 2 266

Land Registration Act 1925 (c 21) 266

s 64 266

s 70(1)(g) 268, 269

Law of Property Act 1925 (c 20) 401

s 30 7, 394

s 53 396, 399

s 53(1)(b) 399

s 53(1)(c) 399

s 53(2) 399

s 55(d) 399

Law of Property Act 1929

s 36(2) 264

s 198(1) 267

Law Reform (Miscellaneous Provisions) Act
1970 (c 33)

s 2(2) 393

Legal Aid Act 1988 (c 34) 2, 11, 12, 24, 33, 41

Part III 13

Part IV 22

s 2 13

s 2(4) 29

s 8(2) 19

s 11 39

s 11(2) 39

s 15 23

s 15(2) 24

s 15(3) 25

s 15(6) 31

s 16 32

s 16(4) 33

s 16(5) 32

s 16(6) 33, 34

s 16(7) 36

s 16(9) 37

s 17(1) 31

s 18 32

s 27 22

Legal Aid Act 1988 — *continued*

s 28 22

Legitimacy Act 1976 (c 31) 137

Litigants in Person (Costs and Expenses) Act
1975 (c 47) 107

Magistrates' Courts Act 1980 (c 43)

s 51 252

s 55 373

s 55(1) 253

s 55(2) 253

s 55(3) 253

s 59 374, 378

s 63 304

s 63(3) 258

s 65 372

s 66 372

s 67(2) 372

s 69 253

s 69(2) 372

s 72 375

s 73 373

s 75 360

s 76 376, 377

s 77(2) 377

s 79 377

s 80 378

s 93(5) 378

s 93(6) 377

s 93(7) 377

s 93(8) 377

s 94 377

s 95 378

s 100 375

s 127 358

sch 4 377

Maintenance Orders Act 1958 (6 & 7 Eliz 2
c 39) 376

Part I 166

s 18 377

s 18(4) 377

Marriage Acts 1949 to 1983 135

Married Women's Property Act 1882 (45 &
46 Vict c 75)s 17 7, 29, 34, 36, 37, 62, 79, 134, 229,
238, 244, 264, 269, 393–402, 393, 394,
395, 399, 401, 402

Married Women's Property Act 1964 (c 19)

s 1 400

Matrimonial and Family Proceedings Act

1984 (c 42) 67, 168, 172, 176, 177, 198,
331, 361, 362, 363, 369

s 1 61, 63, 133

s 2 136, 355

s 3 146, 149, 361

s 4 381

Part III 68

s 38 331

s 39 125

s 42 94

Matrimonial Causes Act 1973 (c 18) 6, 7,
36, 52–3, 112, 134, 138, 148, 149, 172,
177, 178, 190, 194, 197, 210, 226, 271,
277, 278, 280, 295, 296, 301, 302, 317,
319, 356, 361, 402

s 1(1) 46

s 1(2) 46, 47, 63, 73, 80, 103, 104, 105,
119, 120, 121, 126, 128, 130, 131, 133,
134

s 1(2)(a) 47, 58, 63, 358

s 1(2)(b) 47, 50, 52, 54, 56, 60, 63, 80, 83,
103, 119, 120, 124, 133, 358

s 1(2)(c) 52, 54, 60, 63, 104, 110, 358

s 1(2)(d) 46, 52, 53, 54, 57, 58, 60, 63, 71,
103, 104, 106, 119, 122, 124, 128, 129,
131

s 1(2)(e) 52, 53, 58, 60, 63, 104, 126, 128,
131

s 1(4) 47

s 1(5) 111

s 2 58, 81, 130, 133, 358

s 2(1) 58

s 2(2) 59

s 2(3) 59, 120

s 2(5) 60

s 2(6) 52, 53, 58

s 3 130

s 3(1) 61

s 3(2) 63

s 4 132

s 4(1) 57, 132

s 4(2) 48, 57, 133

s 4(3) 57

s 4(4) 55

s 5 47, 58, 126, 127, 131

s 5(1) 125, 126

s 5(2) 126, 127

s 5(3) 126

s 6 130

s 6(1) 130

s 6(2) 5, 47, 130

s 7 130

s 9(2) 112

s 10 70, 126, 128, 131

s 10(1) 58, 128, 129

s 10(2) 58, 111, 127, 128, 129, 178

s 10(3) 111, 128, 129

s 10(4) 111, 128

s 11 135

s 12 136

s 12(c) 136

s 12(d) 136

s 12(e) 136, 137

s 12(f) 136, 137

s 13 136

s 13(1) 136

s 13(2) 136, 137

s 13(3) 137

s 13(4) 137

Matrimonial Causes Act 1973 — *continued*

s 13(5) 137

s 16 137

s 17 130

s 17(3) 5, 130

s 18 132

s 18(1) 132

s 18(2) 132, 274

ss 22–24A 393

s 22 140, 189

s 23 129, 131, 132, 141, 170, 191, 197,

198, 226, 262, 380, 381, 382, 401–2

s 23(1) 144, 146

s 23(1)(a) 142

s 23(1)(b) 142

s 23(1)(c) 143

s 23(1)(d) 142

s 23(1)(e) 142

s 23(1)(f) 143

s 23(2)(a) 146

s 23(2)(b) 146

s 23(3)(c) 143

s 23(4) 146

s 23(5) 144

s 23(6) 143

s 24 62, 129, 131, 132, 141, 170, 187, 226,

229, 262, 269, 394, 401–2

s 24(1) 144

s 24(1)(a) 143, 197

s 24(1)(b) 143, 151, 197

s 24(1)(c) 143, 197

s 24(1)(d) 143, 197

s 24(3) 144, 147

s 24A 149, 153, 170, 172, 195

s 24A(1) 150, 151, 197

s 24A(2) 150

s 24A(2)(a) 150

s 24A(2)(b) 150

s 24A(3) 150

s 24A(6) 172

s 25 129, 170, 172, 176, 178, 180, 181,

189, 198, 357, 361, 362, 363, 389

s 25(1) 170, 172, 382

s 25(2) 171, 362, 381

s 25(2)(a) 363

s 25(2)(b) 363

s 25(2)(c) 362, 382

s 25(2)(e) 363

s 25(2)(h) 362, 382

s 25(3) 171, 363, 382, 391

s 25(3)(a) to (e) 382

s 25(3)(e) 363

s 25(4) 172, 382

s 25A 146, 149, 172, 177

s 25A(1) 172

s 25A(2) 148, 172, 177

s 25A(3) 173

s 26 152

Matrimonial Causes Act 1973 — *continued*

- s 27 6, 7, 36, 62, 134, 190, 197, 271, 278, 281, 283, 286, 357, 380–5, 380, 381, 382, 383, 384, 385
- s 27(1) 380
- s 27(2) 380
- s 27(3) 381
- s 27(3A) 382
- s 27(3B) 382
- s 27(5) 383
- s 27(6) 380
- s 27(7) 381, 382
- s 28 148, 381
- s 28(1) 154
- s 28(1)(a) 148
- s 28(1A) 149, 198
- s 28(2) 154, 381
- s 28(3) 154
- s 29 141, 147, 148, 369, 381
- s 29(1) 142, 381
- s 29(2) 149, 391
- s 29(3) 142, 149, 381, 391
- s 29(4) 149
- s 30 196
- s 31 144, 145, 149, 190, 197, 198, 383
- s 31(1) 198
- s 31(2) 197
- s 31(2A) 198
- s 31(4) 197
- s 31(5) 198
- s 31(7) 198
- s 32 194
- s 33A 168
- ss 34–36 389, 392
- s 34 389
- s 34(1) 390
- s 34(2) 386, 389
- s 35 190, 390
- s 35(1) 390
- s 35(2) 390, 391
- s 35(3) 390
- s 35(4) 391
- s 36 390, 391
- s 37 139, 190, 192
- s 37(1) 190, 192
- s 37(2)(a) 191
- s 37(2)(b) 191
- s 37(2)(c) 191
- s 37(3) 191
- s 37(4) 192
- s 37(5) 192
- s 37(6) 192
- s 41 5, 9, 70, 71, 78, 89, 106, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 131, 137, 287, 288, 295
- s 41(1)(b) 317
- s 41(1)(c) 110, 317
- s 41(2) 111, 117
- s 41(3) 110

Matrimonial Causes Act 1973 — *continued*

- s 41(4) 117
- s 42 132, 278, 281, 282, 283, 286, 298, 299, 303, 304
- s 42(1) 278, 279, 280, 286
- s 42(1)(a) 278, 286
- s 42(1)(b) 278, 286
- s 42(2) 278, 279, 280, 283, 286
- s 42(3) 279, 282, 283, 286
- s 42(4) 282, 286
- s 42(6) 278, 286
- s 43 278, 286
- s 43(1) 281, 286, 300
- s 43(2) 281, 286
- s 43(3) 74, 286
- s 43(4) 281, 286
- s 44 279, 282, 286, 300
- s 44(1) 283
- s 49 83
- s 52 77, 113, 278
- s 52(1) 317

Matrimonial Causes (Property and Maintenance) Act 1958 (6 & 7 Eliz 2 c 35)

- s 7 394

Matrimonial Homes Act 1983 (c 19) 8, 55,

- 62, 152, 187, 234, 235, 243, 245, 246, 248, 250, 251, 252, 254, 255, 265, 266, 271
- s 1 246, 265, 266
- s 1(1) 245, 246, 265
- s 1(1)(a) 266
- s 1(1)(b) 266
- s 1(2) 245, 246, 267
- s 1(3) 244, 246, 251, 267
- s 1(5) 271, 272
- s 1(6) 272
- s 1(10) 245, 265
- s 1(11) 265
- s 2(1) 266
- s 2(4) 266
- s 2(7) 267
- s 2(8)(a) 266
- s 2(9) 266
- s 8(2) 272
- s 8(3) 271, 272
- s 9 246
- s 9(1) 245
- s 10(1) 248
- sch 1 187

Matrimonial Homes and Property Act 1981 (c 24) 172

- s 4(1) 266
- s 7 149

Matrimonial Proceedings and Property Act 1970 (c 45) 386, 389, 391

- s 37 396, 398
- s 39 393