



Matrimonial and Family Proceedings Act 1984

1984 CHAPTER 42

PART III

FINANCIAL RELIEF IN ENGLAND AND WALES AFTER OVERSEAS DIVORCE ETC.

Orders for financial provision and property adjustment

18 Matters to which the court is to have regard in exercising its powers under s. 17.

- (1) In deciding whether to exercise its powers under section 17 above and, if so, in what manner the court shall act in accordance with this section.
- (2) The court shall have regard to all the circumstances of the case, first consideration being given to the welfare while a minor of any child of the family who has not attained the age of eighteen.
- (3) As regards the exercise of those powers in relation to a party to the marriage, the court shall in particular have regard to the matters mentioned in section 25(2)(a) to (h) of the 1973 Act and shall be under duties corresponding with those imposed by section 25A(1) and (2) of the 1973 Act where it decides to exercise under section 17 above powers corresponding with the powers referred to in those subsections.

[^{F1}(3A) The matters to which the court is to have regard under subsection (3) above—

- (a) so far as relating to paragraph (a) of section 25(2) of the 1973 Act, include any benefits under a pension arrangement which a party to the marriage has or is likely to have [^{F2} and any PPF compensation to which a party to the marriage is or is likely to be entitled,] (whether or not in the foreseeable future), and
- (b) so far as relating to paragraph (h) of that provision, include [^{F3}—
 - (i) any benefits under a pension arrangement which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring]^{F4}, and

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- (ii) any PPF compensation which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring entitlement to]]
- (4) As regards the exercise of those powers in relation to a child of the family, the court shall in particular have regard to the matters mentioned in section 25(3)(a) to (e) of the 1973 Act.
- (5) As regards the exercise of those powers against a party to the marriage in favour of a child of the family who is not the child of that party, the court shall also have regard to the matters mentioned in section 25(4)(a) to (c) of the 1973 Act.
- (6) Where an order has been made by a court outside England and Wales for the making of payments or the transfer of property by a party to the marriage, the court in considering in accordance with this section the financial resources of the other party to the marriage or a child of the family shall have regard to the extent to which that order has been complied with or is likely to be complied with.
- [^{F5}(7) In this section—
- (a) “pension arrangement” has the meaning given by section 25D(3) of the 1973 Act, and
- (b) references to benefits under a pension arrangement include any benefits by way of pension, whether under a pension arrangement or not]^{F6}, and
- [^{F7}(c) “PPF compensation” means compensation payable under—
- (i) Chapter 3 of Part 2 of the Pensions Act 2004 (pension protection) or any regulations or order made under it,
- (ii) Chapter 1 of Part 3 of the Pensions Act 2008 (pension compensation sharing) or any regulations or order made under it, or
- (iii) any provision corresponding to the provisions mentioned in subparagraph (i) or (ii) in force in Northern Ireland.]]]

Textual Amendments

- F1** S. 18(3A) inserted (1.12.2000) by 1999 c. 30, s. 22(1)(2); S.I. 2000/1116, art. 2(a)
- F2** Words in s. 18(3A)(a) inserted (1.1.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 12 para. 4(2)(a)(i); S.I. 2005/3331, art. 2(3), Sch. Pt. 3
- F3** Word in s. 18(3A)(b) inserted (1.1.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 12 para. 4(2)(a)(ii); S.I. 2005/3331, art. 2(3), Sch. Pt. 3
- F4** S. 18(3A)(b)(ii) and preceding word inserted (1.1.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 12 para. 4(2)(a)(iii); S.I. 2005/3331, art. 2(3), Sch. Pt. 3
- F5** S. 18(7) added (1.12.2000) by 1999 c. 30, s. 22(1)(3); S.I. 2000/1116, art. 2(a)
- F6** S. 18(7)(c) and preceding word inserted (1.1.2006) by Pensions Act 2004 (c. 35), s. 322(1), Sch. 12 para. 4(2)(b); S.I. 2005/3331, art. 2(3), Sch. Pt. 3
- F7** S. 18(7)(c) substituted (6.4.2011) by Pensions Act 2008 (c. 30), s. 149(1), Sch. 6 para. 12; S.I. 2011/664, art. 2(3), Sch. Pt. 2

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Changes to legislation:

There are currently no known outstanding effects for the Matrimonial and Family Proceedings Act 1984, Section 18.