
Changes to legislation: There are currently no known outstanding effects for the Divorce, Dissolution and Separation Act 2020, Paragraph 10. (See end of Document for details)

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

AMENDMENTS TO THE MATRIMONIAL CAUSES ACT 1973

- 10 In section 10 (proceedings after decree nisi: special protection for respondent in separation cases)—
- (a) for the heading substitute “ Proceedings before divorce order made final: special protection for respondent ”;
 - (b) omit subsection (1);
 - (c) for subsections (2) and (3) substitute—
 - “(2) The following provisions of this section apply where—
 - (a) on an application for a divorce order a conditional order has been made and—
 - (i) the conditional order is in favour of one party to a marriage, or
 - (ii) the conditional order is in favour of both parties to a marriage but one of the parties has since withdrawn from the application, and
 - (b) the respondent has applied to the court for consideration under subsection (3) of their financial position after the divorce.
 - (3) Subject to subsection (4), the court hearing an application by the respondent under subsection (2) must not make the divorce order final unless it is satisfied—
 - (a) that the applicant should not be required to make any financial provision for the respondent, or
 - (b) that the financial provision made by the applicant for the respondent is reasonable and fair or the best that can be made in the circumstances.
 - (3A) In making a determination under subsection (3) the court must consider all the circumstances including—
 - (a) the age, health, conduct, earning capacity, financial resources and financial obligations of each of the parties to the marriage, and
 - (b) the financial position of the respondent as, having regard to the divorce, it is likely to be after the death of the applicant should that person die first.”;
 - (d) in subsection (4)—
 - (i) in the words before paragraph (a), for “decree absolute” substitute “ divorce order final ”;
 - (ii) in paragraph (a), for “decree should be made absolute” substitute “ order should be made final ”;

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(iii) in paragraph (b), for “petitioner that he will make such financial provision” substitute “applicant that they will make such financial provision”.

Commencement Information

I1 Sch. para. 10 in force at 6.4.2022 by S.I. 2022/283, reg. 2

Changes to legislation:

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