



# Matrimonial Causes Act 1965

## 1965 CHAPTER 72

### PART II

#### ANCILLARY RELIEF

##### *Maintenance and application of property in cases of divorce*

#### 16 Maintenance orders

- (1) On granting a decree of divorce or at any time thereafter (whether before or after the decree is made absolute), the court may, if it thinks fit and subject to subsection (3) of this section, make one or more of the following orders—
  - (a) an order requiring the husband to secure to the wife to the satisfaction of the court, such lump or annual sum for any term not exceeding her life as the court thinks reasonable having regard to her fortune (if any), his ability and the conduct of the parties;
  - (b) an order requiring the husband to pay to the wife during their joint lives such monthly or weekly sum for her maintenance as the court thinks reasonable;
  - (c) an order requiring the husband to pay to the wife such lump sum as the court thinks reasonable.
- (2) Where the court decides to make an order under paragraph (a) of the foregoing subsection, it may—
  - (a) direct that the matter be referred to one of the conveyancing counsel of the court for him to settle a proper instrument to be executed by all necessary parties; and
  - (b) if it thinks fit, defer the grant of the decree until the instrument has been duly executed.
- (3) Where a petition for divorce is presented by the wife on the ground of her husband's insanity, subsection (1) of this section shall have effect with the substitution of references to the wife for references to the husband and of references to the husband for references to the wife.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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## **17 Application of settled and other property**

- (1) The court may, after granting a decree of divorce—
- (a) inquire into the existence of ante-nuptial or post-nuptial settlements made on the parties whose marriage is the subject of the decree ; and
  - (b) make such orders as the court thinks fit as respects the application, for the benefit of the children of the marriage or the parties to the marriage, of the whole or any part of the property settled ;
- and the court may exercise its powers under the foregoing provisions of this section notwithstanding that there are no children of the marriage.
- (2) Where the court grants a decree of divorce by reason of the adultery, desertion or cruelty of the wife and it appears to the court that she is entitled to any property either in possession or reversion, the court may if it thinks fit order such settlement as it thinks reasonable to be made of the property, or of any part of it, for the benefit of the innocent party and of the children of the marriage or either or any of them.

## **18 Commencement of proceedings with respect to maintenance and settlements**

- (1) Where a petition for divorce has been presented, proceedings under the foregoing provisions of this Part of this Act may be begun, subject to and in accordance with rules of court, at any time after the presentation of the petition; but—
- (a) no order under section 16 or 17 of this Act shall be made unless a decree nisi has been granted ;
  - (b) without prejudice to the power to give directions under section 16(2)(a) of this Act, no such order and no settlement made in pursuance of such an order shall take effect unless the decree has been made absolute.
- (2) Subsection (1) of this section shall have effect notwithstanding anything in the foregoing provisions of this Part of this Act but subject to section 29 of this Act.