



Matrimonial Causes Act 1965

1965 CHAPTER 72

PART II

ANCILLARY RELIEF

Maintenance etc. in other cases

19 Nullity

Sections 16(1) and (2) and 17(1) of this Act and, so far as it relates to those provisions, section 18 of this Act shall apply in relation to nullity of marriage as they apply in relation to divorce but as if the reference in section 16(1) to section 16(3) were omitted.

20 Judicial separation

- (1) On granting a decree of judicial separation or at any time thereafter the court may make such order as it thinks just for the payment of alimony or a lump sum or both—
 - (a) in any case other than a case falling within paragraph (b) of this subsection, to the wife ; and
 - (b) in a case where the petition was presented by the wife on the ground of her husband's insanity, to the husband.
- (2) Section 17(2) of this Act shall apply in relation to judicial separation as it applies in relation to divorce.
- (3) In a case of judicial separation—
 - (a) any property which is acquired by or devolves upon the wife on or after the date of the decree whilst the separation continues; and
 - (b) where the decree is obtained by the wife, any property to which she is entitled for an estate in remainder or reversion on the date of the decree, shall, if she dies intestate, devolve as if her husband had then been dead.

Status: This is the original version (as it was originally enacted).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

- (4) If in a case of judicial separation alimony has been" ordered to be paid under the foregoing provisions of this Part of this Act and has not been duly paid by the husband, he shall be liable for necessaries supplied for the use of the wife.

21 Restitution of conjugal rights

- (1) Where a decree for restitution of conjugal rights is made on the application of the wife, the court may—
- (a) make such order as it thinks just for the payment of alimony to the wife;
 - (b) on making the decree or at any time thereafter, order the husband to pay to the wife, if the decree is not complied with within the time specified by the court, such periodical payments as the court thinks just.
- (2) Where the court makes an order under paragraph (b) of the foregoing subsection—
- (a) the order may be enforced in the same manner as an order for alimony ; and
 - (b) the court may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure the periodical payments to the wife, and may for that purpose give such a direction as is mentioned in section 16(2)(a) of this Act.
- (3) Where a decree for restitution of conjugal rights is made on the application of the husband and it appears to the court that the wife is entitled to any property, either in possession or reversion, or is in receipt of any profits of trade or earnings, the court may—
- (a) order a settlement of the property or any part of it to be made to the satisfaction of the court for the benefit of the husband and of the children of the marriage or either or any of them; or
 - (b) order such part of the profits or earnings as the court thinks reasonable to be paid periodically by the wife to the husband for his own benefit, or to him or another person for the benefit of the children of the marriage or either or any of them.

22 Neglect to maintain

- (1) Where—
- (a) a husband has been guilty of wilful neglect to provide reasonable maintenance for his wife or any child to whom this subsection applies ; and
 - (b) the court would have jurisdiction to entertain proceedings by the wife for judicial separation,
- then, without prejudice to the provisions of section 35(2) of this Act, the court may on the application of the wife order the husband to make to her such periodical payments as may be just.
- (2) The foregoing subsection applies to any infant child of the marriage in question and any infant illegitimate child of both parties to the marriage.
- (3) Where the court makes an order under subsection (1) of this section—
- (a) the order may be enforced in the same manner as an order for alimony in proceedings for judicial separation; and
 - (b) the court may, if it thinks fit, order that the husband shall, to the satisfaction of the court, secure the periodical payments to the wife and may for that purpose give such a direction as is mentioned in section 16(2)(a) of this Act.