



Law Reform (Miscellaneous Provisions) Act 1970

CHAPTER 33

ARRANGEMENT OF SECTIONS

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Section

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ELIZABETH II



1970 CHAPTER 33

An Act to abolish actions for breach of promise of marriage and make provision with respect to the property of, and gifts between, persons who have been engaged to marry; to abolish the right of a husband to claim damages for adultery with his wife; to abolish actions for the enticement or harbouring of a spouse, or for the enticement, seduction or harbouring of a child; to make provision with respect to the maintenance of survivors of void marriages; and for purposes connected with the matters aforesaid.

[29th May 1970]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

*Legal consequences of termination of contract
to marry*

1.—(1) An agreement between two persons to marry one another shall not under the law of England and Wales have effect as a contract giving rise to legal rights and no action shall lie in England and Wales for breach of such an agreement, whatever the law applicable to the agreement.

Engagements to marry not enforceable at law.

(2) This section shall have effect in relation to agreements entered into before it comes into force, except that it shall not affect any action commenced before it comes into force.

2.—(1) Where an agreement to marry is terminated, any rule of law relating to the rights of husbands and wives in relation to property in which either or both has or have a beneficial interest, including any such rule as explained by section 37 of the Matrimonial Proceedings and Property Act 1970, shall apply, in 1970 c. 45.

Property of engaged couples.

relation to any property in which either or both of the parties to the agreement had a beneficial interest while the agreement was in force, as it applies in relation to property in which a husband or wife has a beneficial interest.

1882 c. 75.
1958 c. 35.

(2) Where an agreement to marry is terminated, section 17 of the Married Women's Property Act 1882 and section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958 (which sections confer power on a judge of the High Court or a county court to settle disputes between husband and wife about property) shall apply, as if the parties were married, to any dispute between, or claim by, one of them in relation to property in which either or both had a beneficial interest while the agreement was in force; but an application made by virtue of this section to the judge under the said section 17, as originally enacted or as extended by the said section 7, shall be made within three years of the termination of the agreement.

Gifts between
engaged
couples.

3.—(1) A party to an agreement to marry who makes a gift of property to the other party to the agreement on the condition (express or implied) that it shall be returned if the agreement is terminated shall not be prevented from recovering the property by reason only of his having terminated the agreement.

(2) The gift of an engagement ring shall be presumed to be an absolute gift; this presumption may be rebutted by proving that the ring was given on the condition, express or implied, that it should be returned if the marriage did not take place for any reason.

Damages for adultery

Abolition of
right to claim
damages for
adultery.

4. After this Act comes into force no person shall be entitled to petition any court for, or include in a petition a claim for, damages from any other person on the ground of adultery with the wife of the first-mentioned person.

Enticement of spouse, etc.

Abolition of
actions for
enticement,
seduction and
harbouring
of spouse
or child.

5. No person shall be liable in tort under the law of England and Wales—

- (a) to any other person on the ground only of his having induced the wife or husband of that other person to leave or remain apart from the other spouse;
- (b) to a parent (or person standing in the place of a parent) on the ground only of his having deprived the parent (or other person) of the services of his or her child by raping, seducing or enticing that child; or
- (c) to any other person for harbouring the wife or child of that other person,

except in the case of a cause of action accruing before this Act comes into force if an action in respect thereof has been begun before this Act comes into force.

Maintenance for survivor of void marriage

6.—(1) Where a person domiciled in England and Wales dies after the commencement of this Act and is survived by someone (hereafter referred to as “ the survivor ”) who, whether before or after the commencement of this Act, had in good faith entered into a void marriage with the deceased, then subject to subsections (2) and (3) below the survivor shall be treated for purposes of the Inheritance (Family Provision) Act 1938 as a dependant of the deceased within the meaning of that Act.

Orders for maintenance of surviving party to void marriage from estate of other party. 1938 c. 45.

(2) An order shall not be made under the Inheritance (Family Provision) Act 1938 in favour of the survivor unless the court is satisfied that it would have been reasonable for the deceased to make provision for the survivor’s maintenance; and if an order is so made requiring provision for the survivor’s maintenance by way of periodical payments, the order shall provide for their termination not later than the survivor’s death and, if the survivor remarries, not later than the remarriage.

(3) This section shall not apply if the marriage of the deceased and the survivor was dissolved or annulled during the deceased’s lifetime and the dissolution or annulment is recognised by the law of England and Wales, or if the survivor has before the making of the order entered into a later marriage.

(4) It is hereby declared that the reference in subsection (2) above to remarriage and the reference in subsection (3) above to a later marriage include references to a marriage which is by law void or voidable.

(5) In section 26 of the Matrimonial Causes Act 1965 (orders for maintenance from deceased’s estate following dissolution or annulment of a marriage), in the definition of “ net estate ” and “ dependant ” in subsection (6) (as amended by subsequent enactments) for the words “ and the Family Law Reform Act 1969 ” there shall be substituted the words “ the Family Law Reform Act 1969 and the Law Reform (Miscellaneous Provisions) Act 1970 ”.

1965 c. 72. 1969 c. 46.

Supplemental

7.—(1) This Act may be cited as the Law Reform (Miscellaneous Provisions) Act 1970.

Citation, repeal, commencement and extent.

(2) The enactments specified in the Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, but the repeal of those enactments shall not affect any action commenced or petition presented before this Act comes into force or any claim made in any such action or on any such petition.

(3) This Act shall come into force on 1st January 1971.

(4) This Act does not extend to Scotland or Northern Ireland.

Section 7.

SCHEDULE

ENACTMENTS REPEALED

Chapter	Short Title	Extent of Repeal
32 & 33 Vict. c. 68.	The Evidence Further Amendment Act 1869.	Section 2.
23 & 24 Geo. 5. c. 36.	The Administration of Justice (Miscellaneous Provisions) Act 1933.	In section 6(1)(b), the words “ or breach of promise of marriage ”.
24 & 25 Geo. 5. c. 41.	The Law Reform (Miscel- laneous Provisions) Act 1934.	In section 1(1), the words from “ or for inducing ” to the end; and section 1(2)(b).
12, 13 & 14 Geo. 6. c. 51.	The Legal Aid and Advice Act 1949.	In Part II of Schedule 1, para- graph 1(b) and (d).
7 & 8 Eliz. 2. c. 22.	The County Courts Act 1959.	In section 39(1)(c), and in section 94(3)(b), the words “ or breach of promise of marriage ”.
1965 c. 72.	The Matrimonial Causes Act 1965.	Section 41. Section 46(2) so far as it applies for the interpretation of section 41(3) of that Act.

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