



Matrimonial Proceedings and Property Act 1970

1970 CHAPTER 45

PART I

PROVISIONS WITH RESPECT TO ANCILLARY AND OTHER RELIEF IN MATRIMONIAL CAUSES AND TO CERTAIN OTHER MATRIMONIAL PROCEEDINGS

Remarriage of party entitled to payments under certain orders, etc.

- 21 Order for maintenance of party to marriage under Matrimonial Causes Act 1965 to cease to have effect on remarriage of that party**
- (1) An order made, or deemed to have been made, under section 16(1 Ma) or (b) of the Matrimonial Causes Act 1965 shall, notwithstanding anything in the order, cease to have effect on the remarriage after the commencement of this Act of the person in whose favour the order was made, except in relation to any arrears due under it on the date of such remarriage.
- (2) An order for the payment of alimony made, or deemed to have been made, under section 20 of the said Act of 1965, and an order made, or deemed to have been made, under section 21 or 22 of that Act, shall, if the marriage of the parties to the proceedings in which the order was made was or is subsequently dissolved or annulled but the order continues in force, cease to have effect on the remarriage after the said commencement of the party in whose favour the order was made, except in relation to any arrears due under it on the date of such remarriage.
- 22 Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage**
- (1) Where—
- (a) an order to which this section applies has ceased to have effect by reason of the remarriage of the person entitled to payments under the order, and

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- (b) the person liable to make payments under the order or his or her personal representatives made payments in accordance with it in respect of a period after the date of such remarriage in the mistaken belief that the order was still subsisting,

no proceedings in respect of a cause of action arising out of the circumstances mentioned in paragraphs (a) and (b) above shall be maintainable by the person so liable or his or her personal representatives against the person so entitled or her or his personal representatives; but on an application made under this section the court may exercise the powers conferred on it by subsection (2) below.

This section applies to an order made by virtue of section 2(1)(a) or (b) or 6(6)(a) or (b) of this Act and to any such order as is referred to in subsection (1) or (2) of section 21 thereof.

- (2) The court may order the respondent to an application made under this section to pay to the applicant a sum equal to the amount of the payments made in respect of the period mentioned in subsection (1)(b) above or, if it appears to the court that it would be unjust to make that order, it may either order the respondent to pay to the applicant such lesser sum as it thinks fit or dismiss the application.
- (3) Subsections (2) to (4) of section 11 of this Act shall apply to an application made under this section and to an order made on such an application as they apply to an application made under that section and to an order made on the last mentioned application, and the references to the court in this section shall be construed in accordance with subsection (3) of that section as applied by this subsection.
- (4) The clerk of a magistrates' court to whom any payments under an order to which this section applies are required to be made, and the collecting officer under an attachment of earnings order made to secure payments under the first mentioned order, shall not be liable—
- (a) in the case of that clerk, for any act done by him in pursuance of the first mentioned order after the date on which that order ceased to have effect by reason of the remarriage of the person entitled to payments under it, and
- (b) in the case of the collecting officer, for any act done by him after that date in accordance with any enactment or rule of court specifying how payments made to him in compliance with the attachment of earnings order are to be dealt with,

if, but only if, the act was one which he would have been under a duty to do had the first mentioned order not ceased to have effect as aforesaid and the act was done before notice in writing of the fact that the person so entitled had remarried was given to him by or on behalf of that person, the person liable to make payments under the first mentioned order or the personal representatives of either of those persons.

- (5) In this section "collecting officer", in relation to an attachment of earnings order, means the officer of the High Court, the registrar of a county court or the clerk of a magistrates' court to whom a person makes payments in compliance with the order.