



Matrimonial Causes Act 1973

CHAPTER 18

MATRIMONIAL CAUSES ACT 1973

PART I

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

Divorce

- 1 Divorce on breakdown of marriage.
- 2 Supplemental provisions as to facts raising presumption of breakdown.
- 3 Bar on petitions for divorce within one year of marriage.
- 4 Divorce not precluded by previous judicial separation.
- 5 Refusal of decree in five year separation cases on grounds of grave hardship to respondent.
- 6 Attempts at reconciliation of parties to marriage.
- 7 Consideration by the court of certain agreements or arrangements.
- 8 Intervention of Queen's Proctor.
- 9 Proceedings after decree nisi: general powers of court.
- 10 Proceedings after decree nisi: special protection for respondent in separation cases.
- 10A Proceedings after decree nisi: religious marriage

Nullity

- 11 Grounds on which a marriage is void.
- 12 Grounds on which a marriage is voidable.
- 13 Bars to relief where marriage is voidable.
- 14 Marriages governed by foreign law or celebrated abroad under English law.
- 15 Application of ss. 1(5), 8 and 9 to nullity proceedings.
- 16 Effect of decree of nullity in case of voidable marriage.

Status: Point in time view as at 05/12/2005.

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Other matrimonial suits

- 17 Judicial separation.
- 18 Effects of judicial separation.
- 19 Presumption of death and dissolution of marriage.

General

- 20 Relief for respondent in divorce proceedings.

PART II

FINANCIAL RELIEF FOR PARTIES TO MARRIAGE AND CHILDREN OF FAMILY

Financial provision and property adjustment orders

- 21 Financial provision and property adjustment orders.
- 21A Pension sharing orders.

Ancillary relief in connection with divorce proceedings, etc.

- 22 Maintenance pending suit.
- 23 Financial provision orders in connection with divorce proceedings, etc.
- 24 Property adjustment orders in connection with divorce proceedings, etc.
- 24A Orders for sale of property
- 24B Pension sharing orders in connection with divorce proceedings etc.
- 24C Pension sharing orders: duty to stay.
- 24D Pension sharing orders: apportionment of charges.
- 25 Matters to which court is to have regard in deciding how to exercise its powers under ss. 23, 24 and 24A.
- 25A Exercise of court's powers in favour of party to marriage on decree of divorce or nullity of marriage.
- 25B Pensions.
- 25C Pensions: lump sums.
- 25D Pensions: supplementary.
- 25E The Pension Protection Fund
- 26 Commencement of proceedings for ancillary relief, etc.

Financial provision in case of neglect to maintain

- 27 Financial provision orders, etc., in case of neglect by party to marriage to maintain other party or child of the family.

Additional provisions with respect to financial provision and property adjustment orders

- 28 Duration of continuing financial provision orders in favour of party to marriage, and effect of remarriage or formation of civil partnership.
- 29 Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour.
- 30 Direction for settlement of instrument for securing payments or effecting property adjustment.

Variation, discharge and enforcement of certain orders, etc.

- 31 Variation, discharge, etc., of certain orders for financial relief.
- 32 Payment of certain arrears unenforceable without the leave of the court.
- 33 Orders for repayment in certain cases of sums paid under certain orders.

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Consent orders

- 33A Consent orders for financial provision or property adjustment.

Maintenance agreements

- 34 Validity of maintenance agreements.
35 Alteration of agreements by court during lives of parties.
36 Alteration of agreements by court after death of one party.

Miscellaneous and supplemental

- 37 Avoidance of transactions intended to prevent or reduce financial relief.
38 Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage or formation of civil partnership.
39 Settlement, etc. made in compliance with a property adjustment order may be avoided on bankruptcy of settlor.
40 Payments, etc., under order made in favour of person suffering from mental disorder.
40A Appeals relating to pension sharing orders which have taken effect.

PART III

PROTECTION, CUSTODY, ETC., OF CHILDREN

- 41 Restrictions on decrees for dissolution, annulment or separation affecting children.
42 Orders for custody and education of children in cases of divorce, etc., and for custody in cases of neglect.
43 Power to commit children to care of local authority.
44 Power to provide for supervision of children.

PART IV

MISCELLANEOUS AND SUPPLEMENTAL

- 45
46
47 Matrimonial relief and declarations of validity in respect of polygamous marriages.
48 Evidence.
49 Parties to proceedings under this Act.
50 Matrimonial causes rules.
51 Fees in matrimonial proceedings.
52 Interpretation.
53 Transitional provisions and savings.
54 Consequential amendments and repeals.
55 Citation, commencement and extent.

SCHEDULES

- SCHEDULE 1 — Transitional Provisions and Savings
Part I — MISCELLANEOUS AND GENERAL

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General transitional provisions and savings

- 1 Without prejudice to the provisions of sections 16(1) and 17(2)(a)...
- 2 Without prejudice to paragraph 1 above, but subject to paragraph...
- 3 Nothing in Part I of this Act shall apply in...
- 4 Notwithstanding any repeal or amendment made by this Act, the...
- 5 Nothing in any repeal made by this Act shall affect...
- 6 Nothing in sections 11 to 14 or 16 of this...
- 7 Nothing in section 50(1)(a) or (c) above affects—

Transitional provisions derived from the Act of 1965

- 8 Any agreement between the petitioner and the respondent to live...
- 9 Where the party chargeable under a maintenance agreement within the...
- 10 No right or liability shall attach by virtue of section...
 - Part II — PRESERVATION FOR LIMITED PURPOSES OF CERTAIN PROVISIONS OF PREVIOUS ENACTMENTS

Nullity

- 11 (1) Subject to sub-paragraphs (2) and (3) below, a marriage...
- 12 Where a decree of nullity was granted on or before...

Succession on intestacy in case of judicial separation

- 13 Section 18(2) above shall not apply in a case where...

Validation of certain void or voidable decrees

- 14 Any decree of divorce, nullity of marriage or judicial separation...
 - Part III — ASSIMILATION IN CERTAIN RESPECTS TO ORDERS UNDER THIS ACT OF ORDERS MADE, ETC., UNDER THE ACT OF 1965, ETC.

Cesser on remarriage of orders made, etc., under the Act of 1965 and recovery of sums mistakenly paid thereafter

- 15 (1) An order made, or deemed to have been made,...
- 16 Section 38 above shall apply in relation to an order...

Variation, etc., of certain orders made, etc., under the Act of 1965

- 17 (1) Subject to the provisions of this paragraph, section 31...
- 18 (1) Subsections (1) and (3) of section 31 above shall...
- 19 Section 42(7) above shall apply in relation to an order...

Orders made under the Act of 1965 to count as orders under this Act for certain purposes

- 20 The power of the court under section 23(1) or (2)(a)...
- 21 Where the court has made an order under section 22...

Application of provisions of this Act with respect to enforcement of arrears and recovery of excessive payments to certain orders made, etc., under the Act of 1965

- 22 Section 32 above shall apply in relation to the enforcement,...
- 23 Section 33 above shall apply to an order (other than...

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Avoidance under this Act of transactions intended to defeat claims for relief and relief granted under the Act of 1965

24 (1) Section 37 above shall apply in relation to proceedings...

Care and supervision of children

25 (1) Sections 43 and 44 above shall apply where the...

26 Section 44(4) above shall apply in relation to the jurisdiction...

SCHEDULE 2 — Consequential Amendments

- 1
- 2 In section 2(1) of the Limitation (Enemies and War Prisoners)...
- 3 (1) In section 16 of the Maintenance Orders Act 1950...
- 4 In section 109(2) of the County Courts Act 1959 (proceedings...
- 5 (1)
- 6
- 7 (1) In subsection (1) of section 2 of the Domestic...
- 8 In section 7 of the Family Law Reform Act 1969...
- 9
- 10 (1)
- 11
- 12
- 13 In Schedule 1 to the Attachment of Earnings Act 1971...

SCHEDULE 3 —

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