



# Matrimonial Proceedings And Property Act 1970

## 1970 CHAPTER 45

An Act to make fresh provision for empowering the court in matrimonial proceedings to make orders ordering either spouse to make financial provision for, or transfer property to, the other spouse or a child of the family, orders for the variation of ante-nuptial and post-nuptial settlements, orders for the custody and education of children and orders varying, discharging or suspending orders made in such proceedings; to make other amendments of the law relating to matrimonial proceedings; to abolish the right to claim restitution of conjugal rights; to declare what interest in property is acquired by a spouse who contributes to its improvement; to make provision as to a spouse's rights of occupation under section 1 of the Matrimonial Homes Act 1967 in certain cases; to extend section 17 of the Married Women's Property Act 1882 and section 7 of the Matrimonial Causes (Property and Maintenance) Act 1958; to amend the law about the property of a person whose marriage is the subject of a decree of judicial separation dying intestate; to abolish the agency of necessity of a wife; and for purposes connected with the matters aforesaid. [29th May 1970]

### Annotations:

### Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

## PART I

1—8 ..... F1

*Changes to legislation: There are currently no known outstanding effects for the Matrimonial Proceedings And Property Act 1970. (See end of Document for details)*

**Annotations:**

**Amendments (Textual)**

**F1** Ss. 1-11, 13-29 repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), s. 54(1), [Sch. 3](#)

*Provisions as to variation, discharge and enforcement of certain orders*

**9—11.** ..... **F2**

**Annotations:**

**Amendments (Textual)**

**F2** Ss. 1-11, 13-29 repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), s. 54(1), [Sch. 3](#)

**12** ..... **F3**

**Annotations:**

**Amendments (Textual)**

**F3** S. 12 repealed by [Statute Law \(Repeals\) Act 1977 \(c. 18\)](#), s. 1(1), [Sch. 1 Pt. VII](#)

**13—** ..... **F4**  
**29.**

**Annotations:**

**Amendments (Textual)**

**F4** Ss. 1-11, 13-29 repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), s. 54(1), [Sch. 3](#)

**PART II**

MISCELLANEOUS PROVISIONS

*Provisions relating to orders made by magistrates’ courts in matrimonial proceedings*

**30** **Order for maintenance of party to marriage made by magistrates’ court to cease to have effect on remarriage of that party.**

(1) ..... **F5**

(2) [<sup>F6</sup>Section 4(2) of the Domestic Proceedings and Magistrates’ Courts Act 1978] shall apply in relation to an order consisting of or including a provision such as is mentioned in [<sup>F6</sup>section 2(1)(a)] of that Act made by a magistrates’ court and confirmed in accordance with section 3 of the Maintenance Orders (Facilities for Enforcement)

*Changes to legislation:* There are currently no known outstanding effects for the Matrimonial Proceedings And Property Act 1970. (See end of Document for details)

Act 1920 (which enables a magistrates' court to make a maintenance order against a person resident in a part of Her Majesty's dominions outside the United Kingdom but provides that the order shall have no effect unless and until confirmed by a competent court in that part) [<sup>F6</sup>as it applies in relation to an order made under section 2(1)(a) of the Domestic Proceedings and Magistrates' Courts Act 1978], . . . <sup>F7</sup>

**Annotations:**

**Amendments (Textual)**

- F5** Ss. 30(1), 31-33 repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), [s. 89\(2\)\(b\)](#), Sch. 3
- F6** Words substituted by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c.22, SIF 49:3\)](#), s. [89\(2\)\(a\)](#), [Sch. 2 para. 28](#)
- F7** Words repealed by [Maintenance Orders \(Reciprocal Enforcement\) Act 1972 \(c.18, SIF 49:3\)](#), [s. 42\(3\)](#)

**31—** ..... <sup>F8</sup>  
**33.**

**Annotations:**

**Amendments (Textual)**

- F8** Ss. 30(1), 31-33 repealed by [Domestic Proceedings and Magistrates' Courts Act 1978 \(c. 22, SIF 49:3\)](#), [s. 89\(2\)\(b\)](#), Sch. 3

**34—** ..... <sup>F9</sup>  
**35.**

**Annotations:**

**Amendments (Textual)**

- F9** Ss. 34, 35 repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), s. 54(1), [Sch. 3](#)

**36** ..... <sup>F10</sup>

**Annotations:**

**Amendments (Textual)**

- F10** S. 36 repealed (saving) by [Inheritance \(Provision for Family and Dependants\) Act 1975 \(c. 63, SIF 116:1\)](#), s. 26(2), [Sch.](#)

*Provisions relating to property of married persons*

**37 Contributions by spouse in money or money's worth to the improvement of property.**

It is hereby declared that where a husband or wife contributes in money or money's worth to the improvement of real or personal property in which or in the proceeds of

*Changes to legislation: There are currently no known outstanding effects for the Matrimonial Proceedings And Property Act 1970. (See end of Document for details)*

sale of which either or both of them has or have a beneficial interest, the husband or wife so contributing shall, if the contribution is of a substantial nature and subject to any agreement between them to the contrary express or implied, be treated as having then acquired by virtue of his or her contribution a share or an enlarged share, as the case may be, in that beneficial interest of such an extent as may have been then agreed or, in default of such agreement, as may seem in all the circumstances just to any court before which the question of the existence or extent of the beneficial interest of the husband or wife arises (whether in proceedings between them or in any other proceedings).

**Annotations:**

---

**Modifications etc. (not altering text)**

**C2** S. 37 applied by [Law Reform \(Miscellaneous Provisions\) Act 1970 \(c. 33\), s. 2\(1\)](#)

**38** ..... <sup>F11</sup>

**Annotations:**

---

**Amendments (Textual)**

**F11** S. 38 repealed by [Matrimonial Homes Act 1983 \(c. 19, SIF 49:5\)](#), ss. 12, 13(3), **Sch. 3**

**39 Extension of s. 17 of Married Women’s Property Act 1882.**

An application may be made to the High Court or a county court under section 17 of the <sup>M1</sup>Married Women’s Property Act 1882 (powers of the court in disputes between husband and wife about property) (including that section as extended by section 7 of the <sup>M2</sup>Matrimonial Causes (Property and Maintenance) Act 1958) by either of the parties to a marriage notwithstanding that their marriage has been dissolved or annulled so long as the application is made within the period of three years beginning with the date on which the marriage was dissolved or annulled; and references in the said section 17 and the said section 7 to a husband or a wife shall be construed accordingly.

**Annotations:**

---

**Marginal Citations**

**M1** 1882 c. 75.  
**M2** 1958 c. 35.

**40** ..... <sup>F12</sup>

**Annotations:**

---

**Amendments (Textual)**

**F12** Ss. 40-42, 43(2), Schs. 1-3 repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), s. 54(1), **Sch. 3**

*Changes to legislation: There are currently no known outstanding effects for the Matrimonial Proceedings And Property Act 1970. (See end of Document for details)*

41 ..... F13

**Annotations:**

**Amendments (Textual)**

F13 Ss. 40-42, 43(2), Schs. 1-3 repealed by Matrimonial Causes Act 1973 (c. 18), s. 54(1), Sch. 3

**PART III**

**SUPPLEMENTARY**

42 ..... F14

**Annotations:**

**Amendments (Textual)**

F14 Ss. 40-42, 43(2), Schs. 1-3 repealed by Matrimonial Causes Act 1973 (c. 18), s. 54(1), Sch. 3

43 †**Citation, commencement and extent.**

(1) This Act may be cited as the Matrimonial Proceedings and Property Act 1970.

(2) ..... F15

(3) Any reference in any provision of this Act, or in any enactment amended by a provision of this Act, to the commencement of this Act shall be construed as a reference to the date on which that provision comes into force.

(4) ..... F16, this Act does not extend to Scotland or Northern Ireland.

**Annotations:**

**Amendments (Textual)**

F15 Ss. 40-42, 43(2), Schs. 1-3 repealed by Matrimonial Causes Act 1973 (c. 18), s. 54(1), Sch. 3

F16 Words repealed by Statute Law (Repeals) Act 1977 (c. 18), s. 1(1), Sch. 1 Pt. VII

**Modifications etc. (not altering text)**

C3 Unreliable marginal note

*Changes to legislation: There are currently no known outstanding effects for the Matrimonial Proceedings And Property Act 1970. (See end of Document for details)*

F17

SCHEDULES 1—3

**Annotations:**

**Amendments (Textual)**

**F17** Ss. 40-42, 43(2), Schs. 1-3 repealed by Matrimonial Causes Act 1973 (c. 18), s. 54(1), **Sch. 3**

.....

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Proceedings And Property Act 1970.