



# Matrimonial Causes Act 1973

## 1973 CHAPTER 18

### PART II

#### FINANCIAL RELIEF FOR PARTIES TO MARRIAGE AND CHILDREN OF FAMILY

##### *Ancillary relief in connection with divorce proceedings, etc.*

#### **23 Financial provision orders in connection with divorce proceedings, etc.**

- (1) [<sup>F1</sup>On making a divorce, nullity of marriage or judicial separation order or at any time after making such an order (whether, in the case of a divorce or nullity of marriage order, before or after the order is made final),] the court may make any one or more of the following orders, that is to say—
- (a) an order that either party to the marriage shall make to the other such periodical payments, for such term, as may be specified in the order;
  - (b) an order that either party to the marriage shall secure to the other to the satisfaction of the court such periodical payments, for such term, as may be so specified;
  - (c) an order that either party to the marriage shall pay to the other such lump sum or sums as may be so specified;
  - (d) an order that a party to the marriage shall make to such person as may be specified in the order for the benefit of a child of the family, or to such a child, such periodical payments, for such term, as may be so specified;
  - (e) an order that a party to the marriage shall secure to such person as may be so specified for the benefit of such a child, or to such a child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;
  - (f) an order that a party to the marriage shall pay to such person as may be so specified for the benefit of such a child, or to such a child, such lump sum as may be so specified;

subject, however, in the case of an order under paragraph (d), (e) or (f) above, to the restrictions imposed by section 29(1) and (3) below on the making of financial provision orders in favour of children who have attained the age of eighteen.

*Status: Point in time view as at 06/04/2022.*

*Changes to legislation: Matrimonial Causes Act 1973, Section 23 is up to date with all changes known to be in force on or before 02 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (2) The court may also, subject to those restrictions, make any one or more of the orders mentioned in subsection (1)(d), (e) and (f) above—
- (a) in any proceedings for divorce, nullity of marriage or judicial separation, before [<sup>F2</sup>making a divorce order, nullity of marriage order or judicial separation order (as the case may be);] and
  - (b) where any such proceedings are dismissed after the beginning of the trial, either forthwith or within a reasonable period after the dismissal.
- (3) Without prejudice to the generality of subsection (1)(c) or (f) above—
- (a) an order under this section that a party to a marriage shall pay a lump sum to the other party may be made for the purpose of enabling that other party to meet any liabilities or expenses reasonably incurred by him or her in maintaining himself or herself or any child of the family before making an application for an order under this section in his or her favour;
  - (b) an order under this section for the payment of a lump sum to or for the benefit of a child of the family may be made for the purpose of enabling any liabilities or expenses reasonably incurred by or for the benefit of that child before the making of an application for an order under this section in his favour to be met; and
  - (c) an order under this section for the payment of a lump sum may provide for the payment of that sum by instalments of such amount as may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.
- (4) The power of the court under subsection (1) or (2)(a) above to make an order in favour of a child of the family shall be exercisable from time to time; and where the court makes an order in favour of a child under subsection (2)(b) above, it may from time to time, subject to the restrictions mentioned in subsection (1) above, make a further order in his favour of any of the kinds mentioned in subsection (1)(d), (e) or (f) above.
- (5) Without prejudice to the power to give a direction under section 30 below for the settlement of an instrument by conveyancing counsel, where an order is made under subsection (1)(a), (b) or (c) above on or after [<sup>F3</sup>making a divorce or nullity of marriage order, neither the order under subsection (1)(a), (b) or (c) nor any settlement made in pursuance of it is to take effect unless the divorce or nullity of marriage order has been made final.]
- [<sup>F4</sup>(6) Where the court—
- (a) makes an order under this section for the payment of a lump sum; and
  - (b) directs—
    - (i) that payment of that sum or any part of it shall be deferred; or
    - (ii) that that sum or any part of it shall be paid by instalments,

the court may order that the amount deferred or the instalments shall carry interest at such rate as may be specified by the order from such date, not earlier than the date of the order, as may be so specified, until the date when payment of it is due.]
- [<sup>F5</sup>(7) See also section 52A (interpretation of certain references to divorce orders, nullity of marriage orders and judicial separation orders).]

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#### **Textual Amendments**

- F1** Words in s. 23(1) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 20\(2\)](#); S.I. 2022/283, reg. 2
- F2** Words in s. 23(2)(a) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 20\(3\)](#) (with s. 8(4)(5)(6)); S.I. 2022/283, reg. 2
- F3** Words in s. 23(5) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 20\(4\)](#); S.I. 2022/283, reg. 2
- F4** S. 23(6) added by [Administration of Justice Act 1982 \(c. 53, SIF 37\)](#), [ss. 16](#), 77(1)
- F5** S. 23(7) inserted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 20\(5\)](#) (with s. 8(4)(6)); S.I. 2022/283, reg. 2

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

- C1** S. 23(3) extended by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), [ss. 21\(a\)](#), 48(2)

**Status:**

Point in time view as at 06/04/2022.

**Changes to legislation:**

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