



# 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.*

#### **[<sup>F1</sup> 25B Pensions.**

- (1) The matters to which the court is to have regard under section 25(2) above include—
- (a) in the case of paragraph (a), any benefits under a pension [<sup>F2</sup>arrangement] which a party to the marriage has or is likely to have, and
  - (b) in the case of paragraph (h), any benefits under a pension [<sup>F2</sup>arrangement] which, by reason of the dissolution or annulment of the marriage, a party to the marriage will lose the chance of acquiring,

and, accordingly, in relation to benefits under a pension [<sup>F2</sup>arrangement], section 25(2) (a) above shall have effect as if “in the foreseeable future” were omitted.

- <sup>F3</sup>[ In any proceedings for a financial provision order under section 23 above in a case ( 2 ) where a party to the marriage has, or is likely to have, any benefit under a pension scheme, the court shall, in addition to considering any other matter which it is required to consider apart from this subsection, consider—

- (a) whether, having regard to any matter to which it is required to have regard in the proceedings by virtue of subsection (1) above, such an order (whether deferred or not) should be made, and
- (b) where the court determines to make such an order, how the terms of the order should be affected, having regard to any such matter.]

- (3) The following provisions apply where, having regard to any benefits under a pension [<sup>F4</sup>arrangement], the court determines to make an order under section 23 above.
- (4) To the extent to which the order is made having regard to any benefits under a pension [<sup>F5</sup>arrangement], the order may require the [<sup>F6</sup>person responsible for] the pension [<sup>F5</sup>arrangement] in question, if at any time any payment in respect of any benefits under

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the [<sup>F5</sup>arrangement] becomes due to the party with pension rights, to make a payment for the benefit of the other party.

<sup>F7</sup> [ The order must express the amount of any payment required to be made by virtue of ( 5 ) subsection (4) above as a percentage of the payment which becomes due to the party with pension rights.]

( 6 ) Any such payment by the [<sup>F8</sup>person responsible for the arrangement]—

- (a) shall discharge so much of [<sup>F9</sup>his] liability to the party with pension rights as corresponds to the amount of the payment, and
- (b) shall be treated for all purposes as a payment made by the party with pension rights in or towards the discharge of his liability under the order.

(7) Where the party with pension rights [<sup>F10</sup>has a right of commutation under the arrangement, the order may require him to exercise it to any extent]; and this section applies to the [<sup>F11</sup>any payment due in consequence of commutation] in pursuance of the order as it applies to other payments in respect of benefits under the [<sup>F12</sup>arrangement].

<sup>F13</sup> [ The power conferred by subsection (7) above may not be exercised for the purpose ( 7A ) of commuting a benefit payable to the party with pension rights to a benefit payable to the other party.

(7B) The power conferred by subsection (4) or (7) above may not be exercised in relation to a pension arrangement which—

- (a) is the subject of a pension sharing order in relation to the marriage, or
- (b) has been the subject of pension sharing between the parties to the marriage.

(7C) In subsection (1) above, references to benefits under a pension arrangement include any benefits by way of pension, whether under a pension arrangement or not.]]

#### Textual Amendments

- F1** S. 25B inserted (1.8.1996 with effect as mentioned in S.I. 1996/1675, art. 4) by 1995 c. 26, s. 166(1); S.I. 1996/1675, art. 3(b)
- F2** Words in s. 25B(1)(a)(b) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(2); S.I. 2000/1116, art. 2
- F3** S. 25B(2) repealed (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, 88, Sch. 4 para. 1(1)(3), Sch. 13 Pt. II; S.I. 2000/1116, art. 2
- F4** Word in s. 25B(3) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(4); S.I. 2000/1116, art. 2
- F5** Words in s. 25B(4) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(5)(a); S.I. 2000/1116, art. 2
- F6** Words in s. 25B(4) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(5)(b); S.I. 2000/1116, art. 2
- F7** S. 25B(5) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(6); S.I. 2000/1116, art. 2
- F8** Words in s. 25B(6) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(7)(a); S.I. 2000/1116, art. 2
- F9** Words in s. 25B(6)(a) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(7)(b); S.I. 2000/1116, art. 2
- F10** Words in s. 25B(7) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(8)(a); S.I. 2000/1116, art. 2
- F11** Words in s. 25B(7) substituted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, Sch. 4 para. 1(1)(8)(b); S.I. 2000/1116, art. 2

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**F12** Words in s. 25B(7) substituted (11.11.1999 for certain purposes and otherwise *prosp.*) by 1999 c. 30, ss. 21, 89(2)(a)(5), **Sch. 4 para. 1(1)(8)(c)**

**F13** S. 25B(7A)-(7C) inserted (11.11.1999 for certain purposes and otherwise 1.12.2000) by 1999 c. 30, s. 21, **Sch. 4 para. 1(1)(9)**; S.I. 2000/1116, **art. 2**

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

**C1** S. 25B modified (8.8.2006) by The Divorce etc. (Pension Protection Fund) Regulations 2006 (S.I. 2006/1932), **reg. 4(2)(b)**

**C2** S. 25B(6) modified (8.8.2006) by The Divorce etc. (Pension Protection Fund) Regulations 2006 (S.I. 2006/1932), **reg. 2**

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 25B .