



# Matrimonial Causes Act 1973

## 1973 CHAPTER 18

### PART II

#### FINANCIAL RELIEF FOR PARTIES TO MARRIAGE AND CHILDREN OF 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 [<sup>F1</sup>or formation of civil partnership].**

- (1) [<sup>F2</sup>Subject in the case of an order made on or after the [<sup>F3</sup>making of a divorce or nullity of marriage order] to the provisions of sections 25A(2) above and 31(7) below, the term to be specified in a periodical payments or secured periodical payments order in favour of a party to a marriage shall be such term as the court thinks fit, except that the term shall not begin before or extend beyond the following limits], that is to say—
- (a) in the case of a periodical payments order, the term shall begin not earlier than the date of the making of an application for the order, and shall be so defined as not to extend beyond the death of either of the parties to the marriage or, where the order is made on or after the [<sup>F4</sup>making of a divorce or nullity of marriage order,] the remarriage of [<sup>F5</sup>, or formation of a civil partnership by,] the party in whose favour the [<sup>F6</sup>periodical payments] order is made; and
  - (b) in the case of a secured periodical payments order, the term shall begin not earlier than the date of the making of an application for the order, and shall be so defined as not to extend beyond the death or, where the order is made on or after the [<sup>F7</sup>making of a divorce or nullity of marriage order,] the remarriage of [<sup>F5</sup>, or formation of a civil partnership by,] the party in whose favour the [<sup>F8</sup>secured periodical payments] order is made.

[<sup>F9</sup>(1A) Where a periodical payments or secured periodical payments order in favour of a party to a marriage is made on or after the [<sup>F10</sup>making of a divorce or nullity of marriage order,] the court may direct that that party shall not be entitled to apply under section 31 below for the extension of the term specified in the [<sup>F11</sup>periodical payments or secured periodical payments] order]

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- (2) Where a periodical payments or secured periodical payments order in favour of a party to a marriage is made otherwise than on or after the <sup>F12</sup>making of a divorce or nullity of marriage order,] and the marriage in question is subsequently dissolved or annulled but the <sup>F13</sup>periodical payments or secured periodical payments order continues in force, that order] shall, notwithstanding anything in it, cease to have effect on the remarriage of <sup>F14</sup>, or formation of a civil partnership by,] that party, except in relation to any arrears due under it on the date of the remarriage <sup>F15</sup>or formation of the civil partnership].
- (3) If after the <sup>F16</sup>grant or making of a decree or order] dissolving or annulling a marriage either party to that marriage remarries <sup>F17</sup>whether at any time before or after the commencement of this Act][<sup>F18</sup>or forms a civil partnership], that party shall not be entitled to apply, by reference to the <sup>F19</sup>grant or making of that decree or order,] for a financial provision order in his or her favour, or for a property adjustment order, against the other party to that marriage.
- <sup>F20</sup>(4) See also section 52A (interpretation of certain references to divorce orders, nullity of marriage orders and judicial separation orders).]

#### Textual Amendments

- F1** Words in s. 28 heading inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 43(5)**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F2** Words substituted by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), **ss. 5(1)**, 48(2)
- F3** Words in s. 28(1) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(2)(a)**; S.I. 2022/283, reg. 2
- F4** Words in s. 28(1)(a) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(2)(b)**; S.I. 2022/283, reg. 2
- F5** Words in s. 28(1)(a)(b) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 43(2)**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F6** Words in s. 28(1)(a) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(2)(b)**; S.I. 2022/283, reg. 2
- F7** Words in s. 28(1)(b) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(2)(c)(i)**; S.I. 2022/283, reg. 2
- F8** Words in s. 28(1)(b) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(2)(c)(ii)**; S.I. 2022/283, reg. 2
- F9** S. 28(1A) inserted by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), **ss. 5(2)**, 48(2)
- F10** Words in s. 28(1A) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(3)(a)**; S.I. 2022/283, reg. 2
- F11** Words in s. 28(1A) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(3)(b)**; S.I. 2022/283, reg. 2
- F12** Words in s. 28(2) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(4)(a)**; S.I. 2022/283, reg. 2
- F13** Words in s. 28(2) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(4)(b)**; S.I. 2022/283, reg. 2
- F14** Words in s. 28(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 43(3)(a)**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F15** Words in s. 28(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 43(3)(b)**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F16** Words in s. 28(3) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(5)(a)**; S.I. 2022/283, reg. 2
- F17** Words inserted by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), **ss. 5(3)**, 48(2)

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- F18** Words in s. 28(3) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), ss. 261(1), 263, **Sch. 27 para. 43(4)**; S.I. 2005/3175, **art. 2(2)** (subject to art. 2(3)-(5))
- F19** Words in s. 28(3) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(5)(b)**; S.I. 2022/283, reg. 2
- F20** S. 28(4) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 27(6)**; S.I. 2022/283, reg. 2

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

- C1** S. 28(1) extended by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), **ss. 21(c)**, 48(2)
- C2** S. 28(2) extended by Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3), **ss. 21(c)**, 48(2)

**Status:**

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**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 28.