



Matrimonial Homes and Property Act 1981

1981 CHAPTER 24

An Act to amend the Matrimonial Homes Act 1967, and to make further provision as to the rights of husbands and wives to possession or occupation of any matrimonial home or former matrimonial home, and as to orders for the sale of property under the Matrimonial Causes Act 1973. [2nd July 1981]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I

RIGHTS OF OCCUPATION

1–3 F1

Annotations:

Amendments (Textual)

F1 Ss. 1–3, 4(2)(3), 5, 6, Schs. 1, 2 repealed by [Matrimonial Homes Act 1983 \(c. 19, SIF 49:5\)](#), ss. 12, 13(3), [Sch. 3](#)

4 (1) At the end of section 64 of the ^{M1}Land Registration Act 1925 there shall be inserted the following subsection—

“(5) Subsection (1) above shall not require the production of the land certificate when a person applies for the registration of a notice by virtue of section 2(7)

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of the Matrimonial Homes Act 1967 (spouse’s charge in respect of rights of occupation).”

(2) F2

(4) F3

Annotations:

Amendments (Textual)

F2 Ss. 1–3, 4(2)(3), 5, 6, Schs. 1, 2 repealed by [Matrimonial Homes Act 1983 \(c. 19, SIF 49:5\)](#), ss. 12, 13(3), [Sch. 3](#)

F3 S. 4(4) repealed by [Land Registration Act 1988 \(c. 3, SIF 98:2\)](#), s. 2, [Sch.](#)

Modifications etc. (not altering text)

C1 The text of ss. 4(1), 7, 8(2)(3), 10(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M1 [1925 c. 21](#).

5,6. F4

Annotations:

Amendments (Textual)

F4 Ss. 1–3, 4(2)(3), 5, 6, Schs. 1, 2 repealed by [Matrimonial Homes Act 1983 \(c. 19, SIF 49:5\)](#), ss. 12, 13(3), [Sch. 3](#)

PART II

ORDERS FOR SALE OF PROPERTY

7 Powers of court to order sale of property in matrimonial proceedings.

After section 24 of the ^{M2}Matrimonial Causes Act 1973 there shall be inserted the following section—

“24A Orders for sale of property.

(1) Where the court makes under section 23 or 24 of this Act a secured periodical payments order, an order for the payment of a lump sum or a property adjustment order, then, on making that order or at any time thereafter, the court may make a further order for the sale of such property as may be specified in the order, being property in which or in the proceeds of sale of which either or both of the parties to the marriage has or have a beneficial interest, either in possession or reversion.

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- (2) Any order made under subsection (1) above may contain such consequential or supplementary provisions as the court thinks fit and, without prejudice to the generality of the foregoing provision, may include—
 - (a) provision requiring the making of a payment out of the proceeds of sale of the property to which the order relates, and
 - (b) provision requiring any such property to be offered for sale to a person, or class of persons, specified in the order.
- (3) Where an order is made under subsection (1) above on or after the grant of a decree of divorce or nullity of marriage, the order shall not take effect unless the decree has been made absolute.
- (4) Where an order is made under subsection (1) above, the court may direct that the order, or such provision thereof as the court may specify, shall not take effect until the occurrence of an event specified by the court or the expiration of a period so specified.
- (5) Where an order under subsection (1) above contains a provision requiring the proceeds of sale of the property to which the order relates to be used to secure periodical payments to a party to the marriage, the order shall cease to have effect on the death or re-marriage of that person.”

Annotations:

Modifications etc. (not altering text)

- C2** The text of ss. 4(1), 7, 8(2)(3), 10(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

- M2** 1973 c. 18

8 Amendments consequential on powers of court to order sale of property.

- (1) ^{F5}
- (2) In section 31 of the said Act of 1973 (which provides for the variation and discharge of certain orders for financial relief)—
 - (a) at the end of subsection (2) there shall be inserted the following paragraph—

“(f) any order made under section 24A(1) above for the sale of property”;
 - (b) in subsection (6) for the words “may be made by the person entitled to payments under the order” there shall be substituted the words “(and to any order made under section 24A(1) above which requires the proceeds of sale of property to be used for securing those payments) may be made by the person entitled to payments under the periodical payments order.”
- (3) In paragraph 11 of Schedule 1 to the ^{M3}Domicile and Matrimonial Proceedings Act 1973 (which relates to the effect on an order for periodical payments of the stay of proceedings for divorce, judicial separation or nullity of marriage) after sub-paragraph (3) there shall be inserted the following sub-paragraph—

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“(3A)

Where any such order as is mentioned in paragraph (e) of section 23(1) of the Matrimonial Causes Act 1973, being an order made under section 23(1) or (2)(a) of that Act, ceases to have effect by virtue of sub-paragraph (2) or (3) above, any order made under section 24A(1) of that Act which requires the proceeds of sale of property to be used for securing periodical payments under the first mentioned order shall also cease to have effect.”

Annotations:

Amendments (Textual)

F5 S. 8(1) repealed by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), ss. 46(3), 48(2), [Sch. 3](#)

Modifications etc. (not altering text)

C3 The text of ss. 4(1), 7, 8(2)(3), 10(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Marginal Citations

M3 [1973 c. 45.](#)

PART III

SUPPLEMENTAL

9 Commencement.

This Act shall come into force on such day as the Lord Chancellor may by order made by statutory instrument appoint, and different days may be appointed for different provisions of this Act.

Annotations:

Modifications etc. (not altering text)

C4 S. 9: Power of appointment conferred by s. 9 fully exercised: [S.I. 1981/1275](#); 1983/50

10 Short title, etc.

- (1) This Act may be cited as the Matrimonial Homes and Property Act 1981.
- (2) The enactments specified in Schedule 3 to this Act are hereby repealed to the extent specified in the third column of that Schedule.
- (3) This Act does not extend to Scotland or Northern Ireland.

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Annotations:

Modifications etc. (not altering text)

- C5** The text of ss. 4(1), 7, 8(2)(3), 10(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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SCHEDULES

SCHEDULES 1, 2. F6

Annotations:

Amendments (Textual)

F6 Ss. 1–3, 4(2)(3), 5, 6, Schs. 1, 2 repealed by [Matrimonial Homes Act 1983 \(c. 19, SIF 49:5\)](#), ss. 12, 13(3), [Sch. 3](#)

SCHEDULE 3

REPEALS

Annotations:

Modifications etc. (not altering text)

C6 The text of ss. 4(1), 7, 8(2)(3), 10(2), Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

Chapter	Short Title	Extent of Repeal
1967 c. 75.	Matrimonial Homes Act 1967.	In section 2(7) the words “or caution”. In section 2(8) the words “or interest” (twice). In section 4(1) the words “or interest” (three times). In section 4(5) the words “or interest”. In section 5(2)(a) the words “or interest”.
1968 c. 23.	Rent Act 1968.	In Schedule 15 the amendments of section 7 of the Matrimonial Homes Act 1967 (as saved by paragraph

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		30 of Schedule 24 to the Rent Act 1977).
1976 c. 80.	Rent (Agriculture) Act 1976.	In Schedule 8 paragraph 16.
1977 c. 42.	Rent Act 1977.	In Schedule 23 paragraph 41.
1980 c. 51.	Housing Act 1980.	In Schedule 25 paragraphs 15, 16 and 17.

The repeals in the Matrimonial Homes Act 1967 shall not affect any caution duly lodged before the commencement of this Act as respects any estate or interest.

Changes to legislation:

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Commencement Orders yet to be applied to the Matrimonial Homes and Property Act 1981:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2003/1725 art. 2](#) commences (2002 c. 9)