



# Matrimonial Proceedings and Property Act 1970

## 1970 CHAPTER 45

### PART I

#### PROVISIONS WITH RESPECT TO ANCILLARY AND OTHER RELIEF IN MATRIMONIAL CAUSES AND TO CERTAIN OTHER MATRIMONIAL PROCEEDINGS

*Further provisions relating to orders under sections 2, 3, 4 and 6*

#### **7 Duration of certain orders made in favour of party to marriage and effect of remarriage**

- (1) The term to be specified in any order made by virtue of section 2(1)(a) or (b) of this Act or section 6(6)(a) or (b) thereof shall be such term, being a term beginning not earlier than the date of the making of an application for the order in question and lasting not longer than the maximum term, as the court thinks fit.
- (2) In subsection (1) above " the maximum term " means—
  - (a) in the case of an order made by virtue of the said section 2(1)(a) in proceedings for divorce or nullity of marriage, the joint lives of the parties to the marriage or a term ending with the date of the remarriage of the party in whose favour the order is made, whichever is the shorter;
  - (b) in the case of an order made by virtue of the said section 2(1)(b) in any such proceedings, the life of that party or a term ending with the date of the remarriage of that party, whichever is the shorter;
  - (c) in the case of an order made by virtue of the said section 2(1)(a) in proceedings for judicial separation or made by virtue of the said section 6(6)(a), the joint lives of the parties to the marriage ;
  - (d) in the case of an order made by virtue of the said section 2(1)(b) in proceedings for judicial separation or made by virtue of the said section 6 (6)(b), the life of the party in whose favour the order is made.

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*Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.*

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- (3) Where an order is made by virtue of the said section 2(1)(a) or (b) in proceedings for judicial separation or by virtue of the said section 6 (6)(a) or (b) and the marriage of the parties affected by the order is subsequently dissolved or annulled but the order continues in force, the order shall, notwithstanding anything in it, cease to have effect on the remarriage of the party in whose favour it was made, except in relation to any arrears due under it on the date of such remarriage.
- (4) If after the grant of a decree dissolving or annulling a marriage either party to that marriage remarries, that party shall not be entitled to apply for an order under section 2 or 4 of this Act against the person to whom he or she was married immediately before the grant of that decree unless the remarriage is with that person and that marriage is also dissolved or annulled or a decree of judicial separation is made on a petition presented by either party to that marriage.

## **8 Provisions as to powers of court to make orders in favour of children and duration of such orders**

- (1) Subject to subsection (3) below—
- (a) no order under section 3, 4(a) or 6 of this Act shall be made in favour of a child who has attained the age of eighteen; and
  - (b) the term for which by virtue of an order under the said section 3 or 6 any payments are to be made or secured to or for the benefit of a child may begin with the date of the making of an application for the order in question or any later date but shall not extend beyond the date when the child will attain the age of eighteen.

- (2) The term for which by virtue of an order under the said section 3 or 6 any payments are to be made or secured to or for the benefit of a child shall not in the first instance extend beyond the date of the birthday of the child next following his attaining the upper limit of the compulsory school age unless the court which makes the order thinks it right in the circumstances of the case to specify a later date therein.

For the purposes of this subsection the upper limit of the compulsory school age means the age that is for the time being that limit by virtue of section 35 of the Education Act 1944 together with any Order in Council made under that section.

- (3) The court may make such an order as is mentioned in subsection (1)(a) above in favour of a child who has attained the age of eighteen, and may include in an order made under the said section 3 or 6 in relation to a child who has not attained that age a provision extending beyond the date when the child will attain that age the term for which by virtue of the order any payments are to be made or secured to or for the benefit of that child, if it appears to the court that—
- (a) that child is, or will be, or if such an order or provision were made would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he is also, or will also be, in gainful employment; or
  - (b) there are special circumstances which justify the making of the order or provision.
- (4) Any order made by virtue of section 3(2)(a) of this Act or section 6(6)(d) thereof shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order, except in relation to any arrears due under the order on the date of such death.