



# 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

##### *Maintenance agreements*

#### **14 Alteration of agreements by court during lives of parties**

- (1) Where a maintenance agreement is for the time being subsisting and each of the parties to the agreement is for the time being either domiciled or resident in England and Wales, then, subject to subsection (3) below, either party may apply to the court or to a magistrates' court for an order under this section.
- (2) If the court to which the application is made is satisfied either—
  - (a) that by reason of a change in the circumstances in the light of which any financial arrangements contained in the agreement were made or, as the case may be, financial arrangements were omitted from it (including a change foreseen by the parties when making the agreement), the agreement should be altered so as to make different, or, as the case may be, so as to contain, financial arrangements, or
  - (b) that the agreement does not contain proper financial arrangements with respect to any child of the family,then, subject to subsections (3), (4) and (5) below, that court may by order make such alterations in the agreement—
  - (i) by varying or revoking any financial arrangements contained in it, or
  - (ii) by inserting in it financial arrangements for the benefit of one of the parties to the agreement or of a child of the family,

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*Status: This is the original version (as it was originally enacted).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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as may appear to that court to be just having regard to all the circumstances, including, if relevant, the matters mentioned in section 5(3) of this Act; and the agreement shall have effect thereafter as if any alteration made by the order had been made by agreement between the parties and for valuable consideration.

- (3) A magistrates' court shall not entertain an application under subsection (1) above unless both the parties to the agreement are resident in England and Wales and at least one of the parties is resident in the petty sessions area (within the meaning of the Magistrates' Courts Act 1952) for which the court acts, and shall not have power to make any order on such an application except—
- (a) in a case where the agreement includes no provision for periodical payments by either of the parties, an order inserting provision for the making by one of the parties of periodical payments for the maintenance of the other party or for the maintenance of any child of the family;
  - (b) in a case where the agreement includes provision for the making by one of the parties of periodical payments, an order increasing or reducing the rate of, or terminating, any of those payments.
- (4) Where a court decides to alter, by order under (this section, an agreement by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of the other party or by increasing the rate of the periodical payments which the agreement provides shall be made by one of the parties for the maintenance of the other, the term for which the payments or, as the case may be, so much of the payments as is attributable to the increase are or is to be made under the agreement as altered by the order shall be such term as the court may specify, but that term shall not exceed—
- (a) where the payments will not be secured, the joint lives of the parties to the agreement or a term ending with the remarriage of the party to whom the payments are to be made, whichever is the shorter;
  - (b) where the payments will be secured, the life of that party or a term ending with the remarriage of that party, whichever is the shorter.
- (5) Where a court decides to alter, by order under this section, an agreement by inserting provision for the making or securing by one of the parties to the agreement of periodical payments for the maintenance of a child of the family or by increasing the rate of the periodical payments which the agreement provides shall be made or secured by one of the parties for the maintenance of such a child, then, in deciding the term for which under the agreement as altered by the order the payments or, as the case may be, so much of the payments as is attributable to the increase are or is to be made or secured for the benefit of the child, the court shall apply the provisions of section 8(1), (2) and (3) of this Act as if the order to which this subsection relates were an order under section 3 of this Act.
- (6) For the avoidance of doubt it is hereby declared that nothing in this or the last foregoing section affects any power of a court before which any proceedings between the parties to a maintenance agreement are brought under any other enactment (including a provision of this Act) to make an order containing financial arrangements or any right of either party to apply for such an order in such proceedings.