



# Matrimonial Proceedings and Property Act 1970

## 1970 CHAPTER 45

### PART II

#### MISCELLANEOUS PROVISIONS

*Provisions relating to orders made by magistrates' courts in matrimonial proceedings*

- 30 Order for maintenance of party to marriage made by magistrates' court to cease to have effect on remarriage of that party**
- (1) At the end of section 7 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 there shall be added the following subsections—
- “(4) Where after the making by a magistrates' court of a matrimonial order consisting of or including a provision such as is mentioned in paragraph (b) or (c) of section 2(1) of this Act the marriage of the parties to the proceedings in which that order was made is dissolved or annulled but the order continues in force, then, subject to subsection (5) of this section, that order or, as the case may be, that provision thereof shall 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 and shall not be capable of being revived.
- (5) Subsection (4) of this section shall not apply where the party in whose favour such an order as is therein mentioned was made remarried before the commencement of the Matrimonial Proceedings and Property Act 1970.
- (6) For the avoidance of doubt it is hereby declared that references in this section to remarriage include references to a marriage which is by law void or voidable.”

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*Status: This is the original version (as it was originally enacted).*

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- (2) Subsections (4), (5) and (6) of section 7 of the Matrimonial Proceedings (Magistrates' Courts) Act 1960 shall apply in relation to an order consisting of or including a provision such as is mentioned in section 2(1)(b) or (c) of that Act made by a magistrates' court and confirmed in accordance with section 3 of the Maintenance Orders (Facilities for Enforcement) Act 1920 (which enables a magistrates' court to make a maintenance order against a person resident in a part of Her Majesty's dominions outside the United Kingdom but provides that the order shall have no effect unless and until confirmed by a competent court in that part) as they apply in relation to such an order as is referred to in the said subsection (4), but with the modification that for the reference to the making of such an order as is referred to in that subsection there shall be substituted a reference to the confirmation in accordance with the said section 3 of the order referred to in this subsection.