



# Matrimonial Causes Act 1973

## CHAPTER 18

### MATRIMONIAL CAUSES ACT 1973

#### PART I

#### DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

##### *Divorce*

- 1 Divorce on breakdown of marriage.
- 2 Supplemental provisions as to facts raising presumption of breakdown.
- 3 Bar on petitions for divorce within one year of marriage.
- 4 Divorce not precluded by previous judicial separation.
- 5 Refusal of decree in five year separation cases on grounds of grave hardship to respondent.
- 6 Attempts at reconciliation of parties to marriage.
- 7 Consideration by the court of certain agreements or arrangements.
- 8 Intervention of Queen's Proctor.
- 9 Proceedings after decree nisi: general powers of court.
- 10 Proceedings after decree nisi: special protection for respondent in separation cases.
- 10A Proceedings after decree nisi: religious marriage

##### *Nullity*

- 11 Grounds on which a marriage is void.
- 12 Grounds on which a marriage is voidable.
- 12A Grounds on which a marriage converted from a civil partnership is void or voidable
- 13 Bars to relief where marriage is voidable.
- 14 Marriages governed by foreign law or celebrated abroad under English law.

*Status: Point in time view as at 25/06/2020.*

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- 15 Application of ss. 1(5), 8 and 9 to nullity proceedings.
- 16 Effect of decree of nullity in case of voidable marriage.

*Other matrimonial suits*

- 17 Judicial separation.
- 18 Effects of judicial separation.
- 19 Presumption of death and dissolution of marriage.

*General*

- 20 Relief for respondent in divorce proceedings.

**PART II**

FINANCIAL RELIEF FOR PARTIES TO MARRIAGE AND CHILDREN OF FAMILY

*Financial provision and property adjustment orders*

- 21 Financial provision and property adjustment orders.
- 21A Pension sharing orders.
- 21B Pension compensation sharing orders
- 21C Pension compensation: interpretation

*Ancillary relief in connection with divorce proceedings, etc.*

- 22 Maintenance pending suit.
- 22ZA Orders for payment in respect of legal services
- 22ZB Matters to which court is to have regard in deciding how to exercise power under section 22ZA
- 23 Financial provision orders in connection with divorce proceedings, etc.
- 24 Property adjustment orders in connection with divorce proceedings, etc.
- 24A Orders for sale of property
- 24B Pension sharing orders in connection with divorce proceedings etc.
- 24C Pension sharing orders: duty to stay.
- 24D Pension sharing orders: apportionment of charges.
- 24E Pension compensation sharing orders in connection with divorce proceedings
- 24F Pension compensation sharing orders: duty to stay
- 24G Pension compensation sharing orders: apportionment of charges
- 25 Matters to which court is to have regard in deciding how to exercise its powers under ss. 23, 24 , 24A, 24B and 24E.
- 25A Exercise of court's powers in favour of party to marriage on decree of divorce or nullity of marriage.
- 25B Pensions.
- 25C Pensions: lump sums.
- 25D Pensions: supplementary.
- 25E The Pension Protection Fund
- 25F Attachment of pension compensation
- 25G Pension compensation: supplementary
- 26 Commencement of proceedings for ancillary relief, etc.

*Financial provision in case of neglect to maintain*

- 27 Financial provision orders, etc., in case of neglect by party to marriage to maintain other party or child of the family.

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*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 or formation of civil partnership.
- 29 Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour.
- 30 Direction for settlement of instrument for securing payments or effecting property adjustment.

*Variation, discharge and enforcement of certain orders, etc.*

- 31 Variation, discharge, etc., of certain orders for financial relief.
- 32 Payment of certain arrears unenforceable without the leave of the court.
- 33 Orders for repayment in certain cases of sums paid under certain orders.

*Consent orders*

- 33A Consent orders for financial provision or property adjustment.

*Maintenance agreements*

- 34 Validity of maintenance agreements.
- 35 Alteration of agreements by court during lives of parties.
- 36 Alteration of agreements by court after death of one party.

*Miscellaneous and supplemental*

- 37 Avoidance of transactions intended to prevent or reduce financial relief.
- 38 Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage or formation of civil partnership.
- 39 Settlement, etc. made in compliance with a property adjustment order may be avoided on bankruptcy of settlor.
- 40 Payments, etc., under order made in favour of person suffering from mental disorder.
- 40A Appeals relating to pension sharing orders which have taken effect.
- 40B Appeals relating to pension compensation sharing orders which have taken effect

**PART III**

PROTECTION, CUSTODY, ETC., OF CHILDREN

- 41 Restrictions on decrees for dissolution, annulment or separation affecting children.
- 42 Orders for custody and education of children in cases of divorce, etc., and for custody in cases of neglect.
- 43 Power to commit children to care of local authority.
- 44 Power to provide for supervision of children.

**PART IV**

MISCELLANEOUS AND SUPPLEMENTAL

- 45 .....
- 46 .....
- 47 Matrimonial relief and declarations of validity in respect of polygamous marriages.

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- 48 Evidence.
- 49 Parties to proceedings under this Act.
- 50 Matrimonial causes rules.
- 51 Fees in matrimonial proceedings.
- 52 Interpretation.
- 53 Transitional provisions and savings.
- 54 Consequential amendments and repeals.
- 55 Citation, commencement and extent.

## SCHEDULES

### SCHEDULE 1 — Transitional Provisions and Savings

#### Part I — MISCELLANEOUS AND GENERAL

##### *General transitional provisions and savings*

- 1 Without prejudice to the provisions of sections 16(1) and 17(2)(a)...
- 2 Without prejudice to paragraph 1 above, but subject to paragraph...
- 3 Nothing in Part I of this Act shall apply in...
- 4 Notwithstanding any repeal or amendment made by this Act, the...
- 5 Nothing in any repeal made by this Act shall affect...
- 6 Nothing in sections 11 to 14 or 16 of this...
- 7 Nothing in section 50(1)(a) or (c) above affects—

##### *Transitional provisions derived from the Act of 1965*

- 8 Any agreement between the petitioner and the respondent to live...
  - 9 Where the party chargeable under a maintenance agreement within the...
  - 10 No right or liability shall attach by virtue of section...
- Part II — PRESERVATION FOR LIMITED PURPOSES OF CERTAIN PROVISIONS  
OF PREVIOUS ENACTMENTS

##### *Nullity*

- 11 (1) Subject to sub-paragraphs (2) and (3) below, a marriage...
- 12 Where a decree of nullity was granted on or before...

##### *Succession on intestacy in case of judicial separation*

- 13 Section 18(2) above shall not apply in a case where...

##### *Validation of certain void or voidable decrees*

- 14 Any decree of divorce, nullity of marriage or judicial separation...
- Part III — ASSIMILATION IN CERTAIN RESPECTS TO ORDERS UNDER THIS  
ACT OF ORDERS MADE, ETC., UNDER THE ACT OF 1965, ETC.

##### *Cesser on remarriage of orders made, etc., under the Act of 1965 and recovery of sums mistakenly paid thereafter*

- 15 (1) An order made, or deemed to have been made,...
- 16 Section 38 above shall apply in relation to an order...

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*Variation, etc., of certain orders made, etc., under the Act of 1965*

- 17 (1) Subject to the provisions of this paragraph, section 31...
- 18 (1) Subsections (1) and (3) of section 31 above shall...
- 19 Section 42(7) above shall apply in relation to an order...

*Orders made under the Act of 1965 to count as orders under this Act for certain purposes*

- 20 The power of the court under section 23(1) or (2)(a)...
- 21 Where the court has made an order under section 22...

*Application of provisions of this Act with respect to enforcement of arrears and recovery of excessive payments to certain orders made, etc., under the Act of 1965*

- 22 Section 32 above shall apply in relation to the enforcement,...
- 23 Section 33 above shall apply to an order (other than...

*Avoidance under this Act of transactions intended to defeat claims for relief and relief granted under the Act of 1965*

- 24 (1) Section 37 above shall apply in relation to proceedings...

*Care and supervision of children*

- 25 (1) Sections 43 and 44 above shall apply where the...
- 26 Section 44(4) above shall apply in relation to the jurisdiction...

SCHEDULE 2 — Consequential Amendments

- 1 . . . . .
- 2 In section 2(1) of the Limitation (Enemies and War Prisoners)...
- 3 (1) In section 16 of the Maintenance Orders Act 1950...
- 4 In section 109(2) of the County Courts Act 1959 (proceedings...
- 5 (1) . . . . .
- 6 . . . . .
- 7 (1) In subsection (1) of section 2 of the Domestic...
- 8 In section 7 of the Family Law Reform Act 1969...
- 9 . . . . .
- 10 (1) . . . . .
- 11 . . . . .
- 12 . . . . .
- 13 In Schedule 1 to the Attachment of Earnings Act 1971...

SCHEDULE 3 —

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