



Matrimonial Causes Act 1973

1973 CHAPTER 18

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.

- (1) The financial provision orders for the purposes of this Act are the orders for periodical or lump sum provision available (subject to the provisions of this Act) under section 23 below for the purpose of adjusting the financial position of the parties to a marriage and any children of the family in connection with proceedings for divorce, nullity of marriage or judicial separation and under section 27(6) below on proof of neglect by one party to a marriage to provide, or to make a proper contribution towards, reasonable maintenance for the other or a child of the family, that is to say—
- (a) any order for periodical payments in favour of a party to a marriage under section 23(1)(a) or 27(6)(a) or in favour of a child of the family under section 23(1)(d), (2) or (4) or 27(6)(d);
 - (b) any order for secured periodical payments in favour of a party to a marriage under section 23(1)(b) or 27(6)(b) or in favour of a child of the family under section 23(1)(e), (2) or (4) or 27(6)(e); and
 - (c) any order for lump sum provision in favour of a party to a marriage under section 23(1)(c) or 27(6)(c) or in favour of a child of the family under section 23(1)(f), (2) or (4) or 27(6)(f);

and references in this Act (except in paragraphs 17(1) and 23 of Schedule 1 below) to periodical payments orders, secured periodical payments orders, and orders for the payment of a lump sum are references to all or some of the financial provision orders requiring the sort of financial provision in question according as the context of each reference may require.

- (2) The property adjustment orders for the purposes of this Act are the orders dealing with property rights available (subject to the provisions of this Act) under section 24 below

Changes to legislation: There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Cross Heading: Financial provision and property adjustment orders. (See end of Document for details)

for the purpose of adjusting the financial position of the parties to a marriage and any children of the family on or after the [^{F1}making of a divorce, nullity of marriage or judicial separation order,] that is to say—

- (a) any order under subsection (1)(a) of that section for a transfer of property;
- (b) any order under subsection (1)(b) of that section for a settlement of property; and
- (c) any order under subsection (1)(c) or (d) of that section for a variation of settlement.

[^{F2}(3) See also section 52A (interpretation of certain references to divorce orders, nullity of marriage orders and judicial separation orders).]

Textual Amendments

- F1** Words in s. 21(2) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 18\(a\)](#); S.I. 2022/283, reg. 2
- F2** S. 21(3) inserted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 18\(b\)](#); S.I. 2022/283, reg. 2

[^{F3}21A Pension sharing orders.

- (1) For the purposes of this Act, a pension sharing order is an order which—
- (a) provides that one party’s—
 - (i) shareable rights under a specified pension arrangement, or
 - (ii) shareable state scheme rights,
 be subject to pension sharing for the benefit of the other party, and
 - (b) specifies the percentage value to be transferred.
- (2) In subsection (1) above—
- (a) the reference to shareable rights under a pension arrangement is to rights in relation to which pension sharing is available under Chapter I of Part IV of the Welfare Reform and Pensions Act 1999, or under corresponding Northern Ireland legislation,
 - (b) the reference to shareable state scheme rights is to rights in relation to which pension sharing is available under Chapter II of Part IV of the Welfare Reform and Pensions Act 1999, or under corresponding Northern Ireland legislation, and
 - (c) “ party ” means a party to a marriage.]

Textual Amendments

- F3** S. 21A and sidenote inserted (11.11.1999 for certain purposes and otherwise 1.12.2000) by [1999 c. 30](#), s. 19, [Sch. 3 para. 2](#); S.I. 2000/1116, [art. 2](#)

Modifications etc. (not altering text)

- C1** S. 21A modified (8.8.2006) by [The Divorce etc. \(Pension Protection Fund\) Regulations 2006 \(S.I. 2006/1932\)](#), [reg. 4\(2\)\(a\)](#)

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[^{F4}21B Pension compensation sharing orders

- (1) For the purposes of this Act, a pension compensation sharing order is an order which—
- (a) provides that one party's shareable rights to PPF compensation that derive from rights under a specified pension scheme are to be subject to pension compensation sharing for the benefit of the other party, and
 - (b) specifies the percentage value to be transferred.
- (2) In subsection (1)—
- (a) the reference to shareable rights to PPF compensation is to rights in relation to which pension compensation sharing is available under Chapter 1 of Part 3 of the Pensions Act 2008 or under corresponding Northern Ireland legislation;
 - (b) “ party ” means a party to a marriage;
 - (c) “ specified ” means specified in the order.

Textual Amendments

F4 Ss. 21B, 21C inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), s. 149(1), [Sch. 6 para. 2](#); S.I. 2011/664, art. 2(3), [Sch. Pt. 2](#)

21C Pension compensation: interpretation

In this Part—

“PPF compensation” means compensation payable under the pension compensation provisions;

“the pension compensation provisions” means—

- (a) Chapter 3 of Part 2 of the Pensions Act 2004 (pension protection) and any regulations or order made under it,
- (b) Chapter 1 of Part 3 of the Pensions Act 2008 (pension compensation on divorce etc) and any regulations or order made under it, and
- (c) any provision corresponding to the provisions mentioned in paragraph (a) or (b) in force in Northern Ireland.]

Textual Amendments

F4 Ss. 21B, 21C inserted (6.4.2011) by [Pensions Act 2008 \(c. 30\)](#), s. 149(1), [Sch. 6 para. 2](#); S.I. 2011/664, art. 2(3), [Sch. Pt. 2](#)

Changes to legislation:

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