



# Matrimonial Causes Act 1973

## 1973 CHAPTER 18

### PART II

#### FINANCIAL RELIEF FOR PARTIES TO MARRIAGE AND CHILDREN OF FAMILY

##### *Additional provisions with respect to financial provision and property adjustment orders*

#### **29 Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour.**

- (1) Subject to subsection (3) below, no financial provision order and no order for a transfer of property under section 24(1)(a) above shall be made in favour of a child who has attained the age of eighteen.
- (2) The term to be specified in a periodical payments or secured periodical payments order in favour of a child may begin with the date of the making of an application for the order in question or any later date [<sup>F1</sup>or a date ascertained in accordance with subsection (5) or (6) below] but—
  - (a) 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 [<sup>F2</sup>(construed in accordance with section 8 of the Education Act 1996)] [<sup>F3</sup>unless the court considers that in the circumstances of the case the welfare of the child requires that it should extend to a later date]; and
  - (b) shall not in any event, subject to subsection (3) below, extend beyond the date of the child's eighteenth birthday.
- (3) Subsection (1) above, and paragraph (b) of subsection (2), shall not apply in the case of a child, if it appears to the court that—
  - (a) the child is, or will be, or if an order were made without complying with either or both of those provisions 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 an order without complying with either or both of those provisions.

*Status: Point in time view as at 01/09/1997. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 29. (See end of Document for details)*

(4) Any periodical payments order in favour of a child 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 the death.

[<sup>F4</sup>(5) Where—

- (a) a maintenance assessment (“the current assessment”) is in force with respect to a child; and
- (b) an application is made under Part II of this Act for a periodical payments or secured periodical payments order in favour of that child—
  - (i) in accordance with section 8 of the Child Support Act 1991, and
  - (ii) before the end of the period of 6 months beginning with the making of the current assessment

the term to be specified in any such order made on that application may be expressed to begin on, or at any time after, the earliest permitted date.

(6) For the purposes of subsection (5) above, “the earliest permitted date” is whichever is the later of—

- (a) the date 6 months before the application is made; or
- (b) the date on which the current assessment took effect or, where successive maintenance assessments have been continuously in force with respect to a child, on which the first of those assessments took effect.

(7) Where—

- (a) a maintenance assessment ceases to have effect or is cancelled by or under any provision of the Child Support Act 1991; and
- (b) an application is made, before the end of the period of 6 months beginning with the relevant date, for a periodical payments or secured periodical payments order in favour of a child with respect to whom that maintenance assessment was in force immediately before it ceased to have effect or was cancelled,

the term to be specified in any such order made on that application may begin with the date on which that maintenance assessment ceased to have effect or, as the case may be, the date with effect from which it was cancelled, or any later date.

(8) In subsection (7)(b) above—

- (a) where the maintenance assessment ceased to have effect, the relevant date is the date on which it so ceased; and
- (b) where the maintenance assessment was cancelled, the relevant date is the later of—
  - (i) the date on which the person who cancelled it did so, and
  - (ii) the date from which the cancellation first had effect.]

#### Textual Amendments

- F1** Words in s. 29(2) inserted (5.4.1993) by S.I. 1993/623, art. 2, **Sch. 1 para. 1**
- F2** Words in s. 29(2)(a) substituted (1.9.1997) by 1996 c. 56, s. 582(1)(4), **Sch. 37 Pt. II para. 136**; S.I. 1997/1623, **art. 2**
- F3** Words substituted by **Matrimonial and Family Proceedings Act 1984 (c. 42, SIF 49:3)**, **ss. 5(4), 48(2)**
- F4** S. 29(5)-(8) inserted (5.4.1993) by S.I. 1993/623, art. 2, **Sch. 1 para. 2**

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**Modifications etc. (not altering text)**

**C1** S. 29 extended by [Matrimonial and Family Proceedings Act 1984 \(c. 42, SIF 49:3\)](#), **ss. 21(d)**, 48(2)

**Status:**

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**Changes to legislation:**

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