



# Matrimonial and Family Proceedings Act 1984

## 1984 CHAPTER 42

### PART III

#### FINANCIAL RELIEF IN ENGLAND AND WALES AFTER OVERSEAS DIVORCE ETC.

##### *Financial provision out of estate of deceased party to marriage*

#### **25 Extension of powers under Inheritance (Provision for Family and Dependants) Act 1975 in respect of former spouses**

- (1) The Inheritance (Provision for Family and Dependants) Act 1975 shall have effect with the following amendments, being amendments designed to give to persons whose marriages are dissolved or annulled overseas the same rights to apply for provision under that Act (as amended by section 8 of this Act) as persons whose marriages are dissolved or annulled under the 1973 Act.
- (2) In section 25(1), for the definition of " former wife " and " former husband " there shall be substituted the following definition—
  - “former wife' or ' former husband' means a person whose marriage with the deceased was during the lifetime of the deceased either—
    - (a) dissolved or annulled by a decree of divorce or a decree of nullity of marriage granted under the law of any part of the British Islands, or
    - (b) dissolved or annulled in any country or territory outside the British Islands by a divorce or annulment which is entitled to be recognised as valid by the law of England and Wales;”.
- (3) After section 15 (restriction in divorce proceedings etc. of applications under the Act) there shall be inserted the following section—

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*Status: This is the original version (as it was originally enacted).*

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**“15A Restriction imposed in proceedings under Matrimonial and Family Proceedings Act 1984 on application under this Act.**

- (1) On making an order under section 17 of the Matrimonial and Family Proceedings Act 1984 (orders for financial provision and property adjustment following overseas divorces, etc.) the court, if it considers it just to do so, may, on the application of either party to the marriage, order that the other party to the marriage shall not on the death of the applicant be entitled to apply for an order under section 2 of this Act.

In this subsection 'the court' means the High Court or, where a county court has jurisdiction by virtue of Part V of the Matrimonial and Family Proceedings Act 1984, a county court.

- (2) Where an order under subsection (1) above has been made with respect to a party to a marriage which has been dissolved or annulled, then, on the death of the other party to that marriage, the court shall not entertain an application under section 2 of this Act made by the first-mentioned party.
- (3) Where an order under subsection (1) above has been made with respect to a party to a marriage the parties to which have been legally separated, then, if the other party to the marriage dies while the legal separation is in force, the court shall not entertain an application under section 2 of this Act made by the first-mentioned party.”