



JACKSON'S  
MATRIMONIAL  
FINANCE AND  
TAXATION

THIRD EDITION

By

JOSEPH JACKSON

M.A., LL.B.(Cantab.), LL.M.(Lond.)

a Bencher of the Middle Temple, one of Her Majesty's Counsel,  
and of the South Eastern Circuit

and

D. T. A. DAVIES

M.A.(Oxon.), of Gray's Inn, Barrister,  
and of the South Eastern Circuit

LONDON  
BUTTERWORTHS  
1980

England      Butterworth & Co (Publishers) Ltd  
London      88 Kingsway, WC2B 6AB

Australia    Butterworths Pty Ltd  
Sydney      586 Pacific Highway, Chatswood, NSW 2067  
Also at Melbourne, Brisbane, Adelaide and Perth

Canada      Butterworth & Co (Canada) Ltd  
Toronto     2265 Midland Avenue, Scarborough, M1P 4S1

New Zealand Butterworths of New Zealand Ltd  
Wellington 77-85 Customhouse Quay

South Africa Butterworth & Co (South Africa) (Pty) Ltd  
Durban      152-154 Gale Street

USA          Butterworth (Publishers) Inc  
Boston      10 Tower Office Park, Woburn, Mass. 01801

© Butterworth & Co (Publishers) Ltd 1980

All rights reserved. No part of this publication may be reproduced or transmitted in any form or by any means, including photocopying and recording, without the written permission of the copyright holder, application for which should be addressed to the publisher. Such written permission must also be obtained before any part of this publication is stored in a retrieval system of any nature

This book is sold subject to the Standard Conditions of Sale of Net Books and may not be re-sold in the UK below the net price fixed by Butterworths for the book in our current catalogue

ISBN Casebound 0 406 25444 3

Set and printed in Great Britain  
by Billing and Sons Limited,  
Guildford, London, Oxford, Worcester.  
Bound by Mansell (Bookbinders) Ltd, Witham, Essex

**MATRIMONIAL FINANCE  
AND TAXATION**

# Preface

Since the publication of the last edition of this work, there have been considerable changes in the law and practice concerning matrimonial finance and taxation.

The House of Lords in *Minton v Minton* has enunciated the principle of the 'clean break': 'The law now encourages spouses to avoid bitterness after family break-down and to settle their money and property problems. An object of the modern law is to encourage each to put the past behind them and to begin a new life which is not overshadowed by the relationship which has broken down. It would be inconsistent with this principle if the court could not make, as between the spouses, a genuinely final order unless it was prepared to dismiss the application... The difference between a dismissal of an application by consent upon terms recited or referred to in the order... and an order whose terms incorporate the parties' agreement is a mere formality. The substance of the transaction in each case is a final settlement, as between the parties, approved by the court.'

The latest decision in the Court of Appeal is that there cannot be a dismissal of a party's claim without that spouse's consent, but other views are to be found in decisions of that Court and elsewhere.

The position as to children is different, as was pointed out by the Privy Council in *de Lasala v de Lasala*: their applications can be made from time to time (assuming that dismissal of a child's claim is permissible).

The House of Lords in *Hanlon v The Law Society* has also considered the effect in legal aid cases of the Law Society's charge on property recovered or preserved in applications for financial relief. The case underlines the fact that to win is not enough: if costs are not recovered from the other side, the property recovered or preserved will be diminished (save for the first £2,500) by reason of the charge, although there is a discretion to postpone its exercise, and moreover the Law Society may permit the transfer of the charge from one property to another.

We have added a Chapter on State and other benefits. This is intended as a brief indication of what benefits are available in respect of both adults and children. These benefits are particularly valuable in the case of single-parent families. We are grateful to Miss Anna Pauffley, barrister, and also to Mr. David McIntyre, barrister, for assistance in preparing this Chapter.

The most interesting change in tax structure would appear to be the abolition of the imposition of investment income surcharge in relation to periodical payments made under orders and agreements. Attention is also drawn to the new form of order in relation to school fees.

The Court of Appeal in *W v W* (1980) 124 Sol Jo 397, has decided that there is no power to order a person who is not a party to the financial suit to depose to an affidavit of means, although the rule as at present constituted permits the court to make orders as to persons who are not parties for their attendance at court to be examined or cross-examined.

Inevitably the work has grown in size, though we have pruned where reasonably possible. Statutes and case law are abundant in this sphere, and possible changes in the law are currently matters of public discussion. We have done our best to state the law as it is at 1 July 1980.

*July* 1980

JOSEPH JACKSON  
DAVID DAVIES

## Extract from Preface to First Edition

Divorce has become less about divorce and more about money. The process by which a divorce is obtained has become increasingly less significant. The parties now wage their warfare on the battlefield of finance. The present writer has long thought that, as a general comment, too little attention has been given to matrimonial financial matters. All too often the processes by which financial orders and agreements are reached are hit-and-miss, haphazard affairs. The number of persons involved in matrimonial financial disputes is enormous. In 1971 there may have been something approaching 100,000 divorce petitions. If one considers the adults and the children concerned in these cases, one can soon see that the annual output of individuals involved is certainly more than 300,000, and in addition there were many thousands of applications for matrimonial orders in magistrates' courts. Statistics are available about the husbands and wives who litigate about their matrimonial troubles, but no doubt there was also in the same year a not inconsiderable number of married people who parted without litigation, having in many cases come to private financial arrangements.

This book is about money, about the economics of matrimonial breakdown in all its many aspects. It is a new book intended for all those concerned with matrimonial finance and taxation, and in particular it is concerned with the principles applied by the courts in considering these matters. The book deals not only with the making of orders and agreements, but also with the effect of these orders and agreements, for it is still a sad fact that many parties leave court completely unaware as to the precise effect upon them of the order made by the court. The same observation applies in relation to agreements reached between the parties. Both the payer and the payee should be aware as to the real meaning of the order or agreement.

There is insufficient recourse to the accountant who has an important role to perform in this sphere. There is insufficient knowledge of the principles to be applied. It is, for example, still a common fallacy among many lawyers and accountants that the fact that accounts have been disclosed to and accepted by the Revenue is conclusive as against a wife in matrimonial disputes.

The importance of attempting to achieve the 'right' order cannot be over-emphasised. It is true that the amount to be awarded is discretionary, and that different minds reasonably differ as to how the discretion should be exercised. Even so, as the late Lord Donovan said in one case [*Irvine v Irvine* (1963) 107 Sol Jo 213, CA], one is moving in a field where it is possible in many cases to achieve

considerable accuracy. This is because one can accurately estimate the question of living expenses within the ambit of a particular standard of living. One must also bear in mind that a small amount might make a material difference to a woman who has to support herself and her children. An error may produce hardship to the payee or to the payer.

*January* 1972.

JOSEPH JACKSON



# TABLE OF STATUTES

References in this Table to "Statutes" are to Halsbury's Statutes of England (Third Edition) showing the volume and page at which the annotated text of the Act will be found. Page references printed in bold type indicate where the Act is set out in part or in full.

	PAGE		PAGE
Administration of Estates Act 1925 (13 Statutes 38)		Child Benefit Act 1975— <i>cont'd</i>	
s. 46 (1) (vi) . . . . .	355	s. 3 (1) . . . . .	381
Administration of Justice Act 1956		(a) . . . . .	382
s. 35 (1) . . . . .	138, 311	(2) . . . . .	382
Administration of Justice Act 1970 (40 Statutes 233)	285	(3) (a) . . . . .	381
s. 36 . . . . .	286	(4) . . . . .	382
Sch. 1 . . . . .	472	16 (1) . . . . .	383
Sch. 8 . . . . .	472	21 (1) . . . . .	389, 390
Administration of Justice (Miscellaneous Provisions) Act 1938		Sch. 1 . . . . .	382
s. 14 (1) . . . . .	393	Sch. 2 . . . . .	381
Adoption Act 1950 . . . . .	369	Sch. 4 . . . . .	389, 390
Adoption Act 1958 (17 Statutes 635) . . . . .	369	Children Act 1948 (17 Statutes 538)	
Attachment of Earnings Act 1971 (41 Statutes 791)		s. 1, 2 . . . . .	400
Sch. 1 . . . . .	473	Children Act 1975 (45 Statutes 669) . . . . .	488
Bankruptcy Act 1883 (3 Statutes 14)		s. 34 . . . . .	<b>486</b>
s. 47 . . . . .	200	39, 40 . . . . .	487
Bankruptcy Act 1914 (3 Statutes 33)		100 (7) (d) . . . . .	461
s. 40, 41 . . . . .	360, 362	108 (4) (d) . . . . .	230
42 . . . . .	360	Sch. 4 . . . . .	
(1) . . . . .	177, 310, 311, 316, 360, 361, 362, 458	Pt. 1 . . . . .	230
(2) . . . . .	362	Children and Young Persons Act 1969 (40 Statutes 843)	
(3) . . . . .	363	s. 63 (6) . . . . .	472
(4) . . . . .	360	Civil Evidence Act 1968 (12 Statutes 910)	
44 . . . . .	362	s. 2 . . . . .	354
Capital Gains Tax Act 1979 (49 Statutes 1283)	4	(1) . . . . .	354
s. 5 . . . . .	330	County Courts Act 1959 (7 Statutes 302)	461, 462
(1) . . . . .	330	s. 66 . . . . .	354
44 . . . . .	<b>329, 331</b>	74 . . . . .	125
(1) . . . . .	330	109 (2) . . . . .	470
45 . . . . .	<b>329</b>	Courts Act 1971 (41 Statutes 749)	
62 . . . . .	329	s. 45 . . . . .	461, 472
101 . . . . .	330	Divorce Reform Act 1969 (40 Statutes 768)	30, 73, 75, 139, 140, 247, 394
106 (6) . . . . .	330	Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (17 Statutes 231)	
122 . . . . .	329	s. 2 . . . . .	471
Sch. 1 . . . . .	329	4 (3) . . . . .	472
Sch. 5 . . . . .	330	Domestic Proceedings and Magistrates' Courts Act 1978 (48 Statutes 730) . . . . .	3, 4, 11, 25, 33, 255, 264, 281, 364, 366, 438, 460, 461, 474
Charging Orders Act 1979 (49 Statutes 766)	138, 311	s. 1 . . . . .	<b>365, 474</b>
Child Benefit Act 1975 (45 Statutes 1481)	4	(1) (a) . . . . .	33
s. 2 (1) . . . . .	381		

*Table of Statutes*

	PAGE		PAGE
Domestic Proceedings and Magistrates' Courts Act 1978— <i>contd</i>		Family Law Reform Act 1969— <i>contd</i>	
s. 1 (1) (b) . . . . .	33, 432	s. 6 . . . . .	3, 237
(d) . . . . .	33	7 . . . . .	472
(2), (3) . . . . .	33	9 . . . . .	240, 243
2 . . . . .	365, 366, 367, 474	Finance Act 1944 . . . . .	56
(1) (a), (b) . . . . .	367, 432	s. 25 . . . . .	57
(c) . . . . .	367, 368, 369, 370, 432	Finance Act 1965 (34 <i>Statutes</i> 867)	
(d) . . . . .	367, 368, 369	s. 45 (3) . . . . .	323
3 . . . . .	367, 474	Finance Act 1970 (34 <i>Statutes</i> 1359)	
(2) . . . . .	67, 98	s. 14 (1) (f) . . . . .	242
4 . . . . .	368, 475	Sch. 4 . . . . .	171
(2) . . . . .	432	Sch. 8, Pt. VI . . . . .	242
5 . . . . .	369, 475	Finance Act 1971 (41 <i>Statutes</i> 1418) . . . . .	132
6 . . . . .	371, 476	s. 16 . . . . .	245
7 . . . . .	371, 477	23 . . . . .	323, 325
14 . . . . .	371	32 (1) (1A) – (1D) . . . . .	326
16 . . . . .	364, 478	(3) . . . . .	325
(3) . . . . .	438	33 (2) . . . . .	242
17, 18 . . . . .	364, 480	34 . . . . .	327
19 . . . . .	371, 481	36 . . . . .	328
20 . . . . .	482	56 (4) . . . . .	246
22, 23, 25 . . . . .	484	Sch. 4 . . . . .	323, 324
63 . . . . .	134, 235, 249, 256, 318, 485	Sch. 6 . . . . .	59, 166, 167, 168, 242
(1) . . . . .	448	Sch. 14, Pt. II . . . . .	166, 167, 168, 173, 322
(2) . . . . .	449	Pt. IV . . . . .	165, 246
64 . . . . .	486	Pt. VII . . . . .	244
76, 77 . . . . .	487	Finance Act 1972 (42 <i>Statutes</i> 1931)	
88 (1) . . . . .	230	Sch. 28, Pt. VI . . . . .	173
89 (2) (a) . . . . .	297	Finance Act 1973 (43 <i>Statutes</i> 1405)	
(3) . . . . .	434, 448, 449	s. 17 . . . . .	171
Sch. 2 . . . . .	297, 433	(4) . . . . .	171
Sch. 3 . . . . .	432	Sch. 22, Pt. II . . . . .	165, 166
Domestic Violence and Matrimonial Proceedings Act 1976 (46 <i>Statutes</i> 713) . . . . .	4, 281	Finance Act 1974 (44 <i>Statutes</i> 1614)	
s. 1 . . . . .	295	s. 7 (1) . . . . .	326
2 (1) – (5) . . . . .	297	15 . . . . .	325
3 . . . . .	283, 297	(2) . . . . .	246
4 . . . . .	283, 297, 438	19 . . . . .	326
(1) – (3) . . . . .	283	21 (1) . . . . .	165
Domicile and Matrimonial Proceedings Act 1973 (43 <i>Statutes</i> 620)		(9) . . . . .	165
Sch. 1 . . . . .	461	23 . . . . .	172
Education Act 1944 (11 <i>Statutes</i> 153)		38 . . . . .	322
s. 35 . . . . .	236, 369, 451, 476	39 . . . . .	322
Employment Protection Act 1975 (45 <i>Statutes</i> 316)		(3) . . . . .	322, 330
s. 35, 37 . . . . .	381	Sch. 1 . . . . .	326
Family Income Supplements Act 1970 (40 <i>Statutes</i> 1079) . . . . .	376	Finance Act 1975 (45 <i>Statutes</i> 1770) . . . . .	18
s. 1 (1) (a) . . . . .	376	s. 5 . . . . .	326
(b) . . . . .	374	15 . . . . .	56
(2) . . . . .	376	19 . . . . .	331
3 (1) . . . . .	377	20 (2), (4) . . . . .	331
4 (1) . . . . .	377	25 . . . . .	331
Family Law Act 1975 (Australia)		29 . . . . .	333
s. 75 . . . . .	32	46 . . . . .	332, 333
Family Law Reform Act 1969 (17 <i>Statutes</i> 792)		(1) (b) . . . . .	333
s. 1 . . . . .	368	Sch. 4 . . . . .	357
		Sch. 5 . . . . .	332, 357
		Sch. 6 . . . . .	333
		Finance Act 1976 (46 <i>Statutes</i> 1628)	
		s. 29 (2) . . . . .	240, 241
		34 . . . . .	324
		36 (10) . . . . .	323
		122 . . . . .	356, 357
		(1) – (8) . . . . .	357

Table of Statutes

	PAGE
Finance Act 1976— <i>contd</i>	
s. 122 (9) .....	356
Sch. 4 .....	324
Sch. 15	
Pt. IV .....	171
Finance Act 1977 (47 Statutes 1271)	
s. 25 .....	238, 240, 241
26 .....	238, 241
31 (3), (4) .....	165
Finance Act 1978 (48 Statutes 1373)	
s. 14 .....	326
(1), (2) .....	326
20 (3) .....	239
21 .....	9, 56, 325
26 (3), (4) .....	171
Sch. 13	
Pt. III .....	325
Finance Act 1979 (49 Statutes 1485)	
s. 1 (4) .....	238, 241
Finance (No. 2) Act 1975 (45 Statutes 2025)	
s. 25 .....	328
29 .....	326
30 (2) .....	242
31 (4) .....	328
(5) .....	324
44 (6), (7) .....	328
Finance (No. 2) Act 1979 (49 Statutes 1487)	
s. 11 .....	238
Sch. 1 .....	238, 242
Sch. 5	
Pt. II .....	324
Foreign Marriage Act 1892 (17 Statutes 16)	442
Foreign Marriage Act 1947 (17 Statutes 42)	442
Guardianship Act 1973 (43 Statutes 643)	4
s. 2, 3, 4, 6 .....	487
Guardianship of Minors Act 1971 (41 Statutes 761)	
s. 1 .....	4
4 (4) .....	371
9 .....	4, 487
(2) .....	371
(4) .....	372
10 .....	4
(1), (2) .....	372
11 .....	4
12 .....	4, 237
(1) .....	372
(2) .....	237, 372
14 .....	4
15 .....	4
(1) .....	371
16, 17 .....	4
20 (2) .....	4
Housing Act 1957 (16 Statutes 109)	
s. 113 (5) .....	181
Housing Finance Act 1972 (42 Statutes 557)	377

	PAGE
Housing Finance Act 1972— <i>contd</i>	
s. 18, 19 .....	378
Sch. 3 .....	378
Income and Corporation Taxes Act 1970 (33 Statutes 17)	4, 27, 70, 164
s. 8 (1) .....	240, 242
(b) .....	328
(1A) .....	324
(2) .....	327
10 .....	238, 240, 241, 244
(1) .....	324
(5) .....	245
11 .....	243
14 .....	240, 242, 324
14A .....	242
16 .....	328
19 .....	170, 324
20 .....	170
27 .....	172
37 .....	324
(1) .....	322
38 .....	325
39 (1)–(3) .....	325
40, 41 .....	330
42 (1) .....	278, 322
(2) .....	322
43–48 .....	244
52 .....	58, 60, 163, 166, 171
(1) .....	166, 167
(e) .....	59, 60
53 .....	58, 163, 166, 171
(1) .....	59, 168
(2) .....	59, 60, 168
55 (1), (2) .....	171
65 .....	56, 58, 231
(1) .....	57, 58
(a), (b) .....	57
(i) .....	57, 58
(A), (B) .....	58
(2) .....	57
(3) .....	57
(4) .....	56
(5), (7) .....	58
108 Sch. D .....	163, 164, 165, 166, 169
109 .....	163, 165
(2) .....	172
Case III .....	56, 163, 164, 166, 168
IV .....	172
V .....	172
174 .....	325
181 Sch. E .....	165
183 (1) .....	165
204 .....	328
226 (11) .....	171
227 .....	170
230 .....	170
(2) (a), (b) .....	171
(2A) .....	171
(6) .....	170
(7) .....	171
375 .....	245

Table of Statutes

	PAGE		PAGE
Income and Corporation Taxes Act 1970— <i>contd</i>		Inheritance (Provision for Family and Dependants) Act 1975— <i>contd</i>	
s. 434 .....	276	s. 9 (3), (4) .....	345
437 .....	245, 278, 420	10 .....	317, 321, 344, 348, 349, 356, 357
(1) .....	246	(1) .....	321
438 – 443 .....	420	(2) .....	345, 346
444 .....	246, 420	(3) .....	346
(2) .....	246	(4), (5) .....	346, 348
445 .....	35, 421	(6), (7) .....	347
(1) .....	276	(8) .....	321, 347
(2) .....	277, 421	11 .....	317, 321, 344, 348, 349, 350, 356
448 .....	278	(1) .....	321, 347, 348
454 (3) .....	278	(2) .....	347
497 .....	173	(3) – (5) .....	348
533 (2), (8) .....	332	(6) .....	321
Sch. 14 .....	245	12 .....	317, 346, 347
Income Tax Act 1952		(1) – (4) .....	348
s. 206 .....	57	13 .....	321, 346, 347
Indecency with Children Act 1960 (8 Statutes 486)		(1) – (3) .....	349
s. 1 .....	365	14 (1), (2) .....	350
Inheritance (Family Provision) Act 1938 (13 Statutes 118) .....	339, 358, 359	15 .....	394, 423
Inheritance (Provision for Family and Dependants) Act 1975 (45 Statutes 493) .....	4, 334, 358, 455	(1) .....	271, 352
s. 1 .....	350, 356	(2), (3) .....	350
(1) .....	321, 335, 336	(4) .....	351
(c) .....	335	16 (1) – (3) .....	351
(3) .....	335	17 (1) – (3) .....	351
2 .....	321, 335, 336, 338, 342, 343, 345, 346, 350, 351, 352, 353, 354, 356, 423, 455, 456	19 (1) .....	356, 357
(1) .....	337	(2) – (3) .....	353
(d) – (f) .....	344	20 (1), (2) .....	353
(2), (3) .....	337, 342	(3) .....	354
(4) .....	338, 342	21 .....	354
3 .....	336, 342, 350	22 .....	355
(1) .....	338	(1) – (2) .....	354
(2) .....	341	(3), (4) .....	354, 456
(3), (4) .....	342	23, 24 .....	355
(5) .....	338	25 (1) .....	354, 355
(6) .....	339	(2) – (7) .....	356
4 .....	342, 343, 358	26 (3), (4) .....	334
5 .....	351, 353	27 (3) .....	321, 334, 347, 348
(1) – (4) .....	342	Interpretation Act 1889 (32 Statutes 434)	
6 .....	353, 354	s. 38 .....	463, 464
(1) .....	343	Land Charges Act 1925 (27 Statutes 685)	
(2) .....	343, 344	s. 2 (1) .....	312
(b) .....	344	10 (1) .....	288
(3), (4) .....	343	13 .....	289
(5) .....	343, 344	20 (6) .....	312
(6) (a) .....	344	Land Charges Act 1972 (42 Statutes 1590)	
7 (1), (2) .....	344	s. 2 .....	290, 292
8 .....	357	(7) .....	288, 290
(1) .....	345, 355	4 (8) .....	288
(2) .....	345, 355	5 (1) (a) .....	5, 174, 312, 319
(3) .....	345	(7) .....	319
9 .....	344, 356, 357	16 .....	292
(1) .....	345	17 (1) .....	174, 312, 319
(2) .....	345, 357	18 .....	288, 289, 290, 291, 292
		Sch. 3 .....	288, 290, 291, 292
		Sch. 5 .....	288, 289
		Land Registration Act 1925 (27 Statutes 778) .....	289, 290

*Table of Statutes*

	PAGE
<b>Land Registration Act 1925—<i>contd</i></b>	
s. 3 (xv) . . . . .	289
(xvi) . . . . .	279, 289, 312
20(1) . . . . .	289, 312
(b) . . . . .	279
70(1) . . . . .	6, 289, 312
(g) . . . . .	279, 289
82(1) . . . . .	208, 289
144 . . . . .	292
<b>Law of Property Act 1925 (27 Statutes 341)</b>	
s. 30 . . . . .	212, 227, 300, 303, 313, 315, 316
40 . . . . .	262
53(1)(b) . . . . .	307
63(1) . . . . .	312
80 . . . . .	268
94 . . . . .	290
172 . . . . .	317
199(1) . . . . .	319
<b>Law Reform (Husband and Wife) Act 1962 (17 Statutes 135) . . . . .</b>	3, 298
<b>Law Reform (Miscellaneous Provisions) Act 1949</b>	
s. 6(1) . . . . .	393
<b>Law Reform (Miscellaneous Provisions) Act 1970 (35 Statutes 553) . . . . .</b>	4, 278, 280
s. 2 . . . . .	4, 301, 305
(2) . . . . .	303, 305
3 . . . . .	4, 305
(2) . . . . .	305
<b>Limitation Act 1939 (19 Statutes 60)</b>	
s. 2(2) . . . . .	303
<b>Limitation (Enemies and War Prisoners) Act 1945 (19 Statutes 95)</b>	
s. 2(1) . . . . .	470
<b>Local Authority Social Services Act 1970 (40 Statutes 991)</b>	
Sch. 1 . . . . .	472
<b>Local Government Act 1974 (44 Statutes 1302) . . . . .</b>	377, 378
s. 11(1) . . . . .	378
12(1) . . . . .	378
<b>Magistrates' Courts Act 1952 (21 Statutes 181) . . . . .</b>	454, 479
s. 52 . . . . .	371
(3) . . . . .	487
53 . . . . .	484
53A . . . . .	487
54(2) . . . . .	484
55(1) . . . . .	484
63 . . . . .	484
<b>Maintenance Agreement Act 1957 . . . . .</b>	261, 266, 276
s. 1 . . . . .	393
(1) . . . . .	266
2 . . . . .	393
<b>Maintenance Orders Act 1950 (17 Statutes 280) . . . . .</b>	488
s. 16 . . . . .	470
<b>Maintenance Orders Act 1958 (17 Statutes 293) . . . . .</b>	488

	PAGE
<b>Maintenance Orders Act 1968 (17 Statutes 270) . . . . .</b>	368
s. 1 . . . . .	33, 57, 255
Schedule . . . . .	33, 255
<b>Maintenance Orders (Facilities for Enforcements) Act 1920 (17 Sta- tutes 272)</b>	
s. 3 . . . . .	432
<b>Maintenance Orders (Reciprocal Enforce- ment) Act 1972 (42 Statutes 714) . . . . .</b>	432
<b>Marriage Act 1949 (17 Statutes 44) . . . . .</b>	11, 440
<b>Marriage (Registrar General's Licence) Act 1970 (40 Statutes 784) . . . . .</b>	11, 440
<b>Married Women's Property Act 1882 (17 Statutes 116) . . . . .</b>	3, 302
s. 11 . . . . .	199
17 . . . . .	3, 5, 6, 7, 143, 150, 151, 192, 193, 203, 205, 209, 211, 212, 214, 227, 279, 281, 298, 299, 300, 301, 302, 303, 305, 306, 312, 313, 314, 315, 316, 392, 424, 435, 461, 465
21 . . . . .	298
<b>Married Women's Property Act 1964 (17 Statutes 137) . . . . .</b>	3, 302
s. 1 . . . . .	302, 394
<b>Matrimonial Causes Act 1857 . . . . .</b>	391
s. 32, 45 . . . . .	391
<b>Matrimonial Causes Act 1859</b>	
s. 5 . . . . .	189, 200, 391
<b>Matrimonial Causes Act 1866</b>	
s. 1 . . . . .	392
<b>Matrimonial Causes Act 1878</b>	
s. 3 . . . . .	391
<b>Matrimonial Causes Act 1884</b>	
s. 3, 4 . . . . .	392
<b>Matrimonial Causes Act 1907</b>	
s. 1(1), (2) . . . . .	392
<b>Matrimonial Causes Act 1937</b>	
s. 10 . . . . .	393
<b>Matrimonial Causes Act 1950 . . . . .</b>	393
s. 19 . . . . .	394
20 . . . . .	394
<b>Matrimonial Causes Act 1963 . . . . .</b>	140
s. 5(1) . . . . .	133, 145, 393
<b>Matrimonial Causes Act 1965 (17 Statutes 157) . . . . .</b>	140, 394, 463
s. 1(1)(iv) . . . . .	247
15 . . . . .	26, 30, 394, 467, 468, 469
16 . . . . .	394
(1) . . . . .	71, 425, 468, 469
(a), (b) . . . . .	71, 467, 468
(c) . . . . .	71, 133, 468
(3) . . . . .	467, 468
17 . . . . .	203, 394
(2) . . . . .	187, 425, 467, 469
19 . . . . .	467, 468, 469
20 . . . . .	467
(1) . . . . .	467, 468, 469
(2) . . . . .	467
(3) . . . . .	466

*Table of Statutes*

	PAGE
<b>Matrimonial Causes Act 1965—<i>contd</i></b>	
s. 21	464, 467, 468
22	467, 468, 469
26	340, 358, 359, 470
31	469
(1)	394
33	466
34	468
(1)	469
(a), (b)	467, 468
(c)	464, 469, 470
(3)	467, 468, 469
35	468, 469
36, 37	470
39	465
42	471
Sch. 1	468
<b>Matrimonial Causes Act 1967 (17 <i>Statutes</i></b>	
225)	3, 279, 394, 461, 462
s. 1	462
(3)	2
2	471
3, 10	471
<b>Matrimonial Causes Act 1973 (43 <i>Statutes</i></b>	
539)	1, 2, 4, 8, 18, 30, 72, 73, 75, 82, 139, 190, 212, 268, 301, 356, 394, <b>436-473</b>
s. 1	85, 86
(1)	10
(2)	11, 13, 16
(d)	15, 16, 418, 419
(e)	13, 15, 16
5	13, 14, 16, 17
(1), (2)	14
7	269
10	14, 16
(1)	15
(2)	397
(4) (b)	17
11, 12	11
13	352
16	35, 268
17	11
19 (1), (2)	12
20	4
21	1, 4, 247
(1)	134
(2)	174, 188
22	4, 20, 26, 30, 32, 35, 247
23	4, 7, 14, 17, 27, 80, 100, 123, 124, 136, 137, 139, 179, 193, 233, 234, 236, 247, 262, 271, 315, 338, 350, 425
(1)	123, 134, 136, 137, 231, 232, 270
(a)	64, 85
(b)	238, 256
(c)	31, 133
(d)	231, 246
(e)	231, 246

	PAGE
<b>Matrimonial Causes Act 1973—<i>contd</i></b>	
s. 23 (1) (f)	133, 231, 246, 333
(2)	231, 232
(3) (a)	27, 133
(b)	27, 133, 232, 238
(c)	133, 134, 136, 232, 238
(4)	136, 137, 231, 232
(5)	27, 24, 64, 123, 134
24	4, 7, 14, 17, 80, 100, 108, 137, 139, 174, 179, 190, 193, 204, 212, 222, 233, 234, 247, 262, 271, 279, 301, 304, 312, 315, 316, 319, 350, 362, 425
(1)	137, 174, 175, 189
(a)	178, 179, 232, 301
(b)	178, 179, 184, 193, 232, 233
(c)	192, 193, 196, 232
(d)	192, 193, 232
(3)	27
25	4, 7, 30, 32, 53, 70, 74, 76, 77, 79, 83, 89, 92, 112, 142, 144, 145, 149, 151, 152, 157, 179, 193, 212, 221, 224, 225, 247, 255, 256, 262, 366, 378
(1)	32, 74, 79, 80, 81, 83, 86, 103, 139, 141, 150, 155, 157, 211, 233, 351
(a)	77, 84, 141, 142, 152, 155, 158, 222, 233, 235, 250, 252, 256
(b)	155, 222, 233, 235, 250, 252, 256, 376
(c)	250, 252, 256
(d)	148, 250, 252, 256
(e)	250, 252, 256
(f)	78, 143, 211, 250, 252, 256
(g)	97, 157, 158
(2)	74, 139, 233, 234
(a)	235, 252
(b), (c)	235
(d),	235, 252, 253
(e)	235, 252
(3)	75, 139, 234, 252
(b), (c)	234
26	4, 247
(1)	24, 124, 134, 175
(2) (a), (b)	100
27	4, 136, 247, 249, 256
(1)	250, 251, 485
(a)	234
(b)	234, 235, 400
(3)	234, 250, 251, 252
(4)	234, 235, 251
(5)	19, 253
(6)	253, 254
(a)	238
(b)	256
(c)	134
(d) - (f)	234

Table of Statutes

	PAGE
<b>Matrimonial Causes Act 1973—<i>contd</i></b>	
s. 27 (6A), (6B) . . . . .	235
(7) . . . . .	254
(b) . . . . .	136
28 . . . . .	97, 247
(1) . . . . .	122, 184
(a) . . . . .	24, 67, 98, 254
(b) . . . . .	124, 254
(2) . . . . .	67, 98, 124, 255
(3) . . . . .	67, 124, 134, 137, 175, 316
29 . . . . .	236, 247
(1) . . . . .	174, 230, 232, 236, 237, 254
(2) . . . . .	236, 275
(3) . . . . .	174, 230, 232, 254, 275
(a), (b) . . . . .	237
(4) . . . . .	238, 247
30 . . . . .	64, 124
(a), (b) . . . . .	176
31 . . . . .	53, 92, 117, 120, 136, 177, 194, 235, 247, 270, 351
(1) . . . . .	52, 53, 117, 119, 131, 177
(2) . . . . .	238
(a) . . . . .	23, 52
(b) . . . . .	117, 119, 238
(c) . . . . .	131, 177, 238
(d) . . . . .	136
(e) . . . . .	151
(3) . . . . .	131, 177
(4) (a), (b) . . . . .	177
(5) . . . . .	113, 120, 121, 136, 177, 238
(6) . . . . .	131, 318, 352
(7) . . . . .	53, 119, 131, 136, 177
(8), (9) . . . . .	131
32, 33 . . . . .	247, 259
34 . . . . .	137, 201, 247, 262, 266, 276, 352
(1) . . . . .	117
(a), (b) . . . . .	34, 266
(2) . . . . .	117, 238, 266, 267
35 . . . . .	34, 201, 247, 266, 276, 352, 420
(1) . . . . .	267, 365
(a) . . . . .	272
(2) . . . . .	275
(a) . . . . .	272
(3) . . . . .	274
(4) . . . . .	274
(6) . . . . .	264
36 . . . . .	34, 201, 247, 266, 276, 352
(1) . . . . .	267, 275, 352
(2) - (4) . . . . .	275
(5) . . . . .	275
37 . . . . .	247, 317, 320
(1) . . . . .	317, 318
(2) . . . . .	319
(a) - (c) . . . . .	320
(3) . . . . .	319
(4) . . . . .	319
(5) . . . . .	320
(6), (7) . . . . .	320
38 . . . . .	247
39 . . . . .	177, 247, 362
40 . . . . .	247

	PAGE
<b>Matrimonial Causes Act 1973—<i>contd</i></b>	
s. 52 (1) . . . . .	230, 486
54 (1) . . . . .	30
Sch. 1 . . . . .	121
Sch. 3 . . . . .	30
<b>Matrimonial Causes (Property and Maintenance) Act 1958 (17 <i>Statutes</i> 132)</b>	
s. 1 (1) . . . . .	393
2 . . . . .	317, 393
3 - 6 . . . . .	128
7 . . . . .	3, 299, 301, 302, 303, 305, 435
(1) - (5) . . . . .	299
(6) . . . . .	298
(7) . . . . .	300
8 (1) . . . . .	3, 301
<b>Matrimonial Homes Act 1967 (17 <i>Statutes</i> 139)</b>	
139) . . . . .	3, 281, 290, 291, 424, 438
s. 1 . . . . .	282, 284, 285, 287, 295, 435, 461, 465
(1) . . . . .	282, 286
(a), (b) . . . . .	288
(2) . . . . .	283, 284, 286, 287, 288
(3) . . . . .	284, 288, 424
(a) - (c) . . . . .	284
(4) . . . . .	284, 288
(5) . . . . .	285, 286, 288
(6) . . . . .	283, 284
(7) . . . . .	284, 286
(8) . . . . .	286, 287, 293
(9) . . . . .	282
2 . . . . .	295
(1) . . . . .	287
(2) . . . . .	287, 292
(3) . . . . .	288
(4) - (6) . . . . .	288
(7) . . . . .	289, 292
(8) . . . . .	290
3 . . . . .	290
4 (1) - (5) . . . . .	291
5 . . . . .	291
(1) . . . . .	291
(2), (3) . . . . .	292
(4) - (6) . . . . .	292
6 (1) - (3) . . . . .	292
7 . . . . .	182, 293, 461
(1) - (4) . . . . .	293
(5) - (8) . . . . .	295
Schedule . . . . .	288, 289
<b>Matrimonial Proceedings and Property Act 1970 (40 <i>Statutes</i> 795)</b>	
. . . . .	24, 71, 72, 73, 75, 77, 97, 100, 134, 139, 140, 142, 175, 187, 190, 191, 192, 215, 304, 394
s. 1 . . . . .	27, 30
2 . . . . .	139, 142, 425
(1) (c) . . . . .	133, 145
(2) (b) . . . . .	134
3 . . . . .	139, 142
4 . . . . .	139, 140, 142, 174, 219, 316, 425
(c) . . . . .	189
(d) . . . . .	189
5 . . . . .	70, 139, 142, 179, 196, 210, 219

Table of Statutes

	PAGE		PAGE
Matrimonial Proceedings and Property Act 1970— <i>cont'd</i>		Mental Health Act 1959— <i>cont'd</i>	
s. 5 (1) . . . . .	139	s. 103 . . . . .	248
(f) . . . . .	140, 143	National Insurance Act 1953	
(2) . . . . .	139	s. 6 (4) . . . . .	380
(3) . . . . .	139	Offences against the Person Act 1861 (8 Statutes 147)	
7 (2) . . . . .	140	s. 20, 42, 43, 47 . . . . .	364
9 (5) . . . . .	120, 121, 136, 177	Rent Act 1968 (18 Statutes 777) . . . . .	283, 461
16 . . . . .	317	s. 117 (2) . . . . .	293
24 (2) . . . . .	120	Sch. 15 . . . . .	293
27 (1) . . . . .	369	Rent Act 1977 (47 Statutes 387) . . . . .	181, 279 282, 293, 295
30 – 32 . . . . .	4, 432–434	s. 1, 2 . . . . .	293
33 . . . . .	4, 33, 434	103 – 106 . . . . .	285
36 . . . . .	280	155 (2) . . . . .	285, 293, 295
37 . . . . .	4, 159, 303, 305, 435	Sch. 1 . . . . .	293, 294
38 . . . . .	4, 282, 435	Sch. 23 . . . . .	285, 293, 295
39 . . . . .	4, 302, 303, 435	Rent (Agriculture) Act 1976 (46 Statutes 50)	
41 (1) . . . . .	30	50) . . . . .	182, 293, 294, 295
42 (1) . . . . .	282	s. 2 (4) . . . . .	293
43 . . . . .	435	3 (5) . . . . .	293
Sch. 1 . . . . .	121, 464	4 . . . . .	293
Matrimonial Proceedings and Property Ordinance (Hong Kong)		40 (2) . . . . .	293, 295
s. 4, 6 . . . . .	263	Sch. 8 . . . . .	293, 295
15 . . . . .	263, 264	Sexual Offences Act 1956 (8 Statutes 415)	
Matrimonial Proceedings (Children) Act 1958 (17 Statutes 323)		s. 1 – 29 . . . . .	365
s. 2 . . . . .	466	Social Security Act 1973 (43 Statutes 866)	
Matrimonial Proceedings (Magistrates' Courts) Act 1960 (17 Statutes 241) . . . . .	3, 4, 33, 371, 438	s. 17 (4) . . . . .	380
s. 1 . . . . .	364	19 . . . . .	389
2 (1) . . . . .	33	Social Security Act 1975 (45 Statutes 1071)	
(a) . . . . .	443	s. 1 (2) . . . . .	388
(b) . . . . .	33, 366, 370, 432	4 (2) (b) . . . . .	388
(c) . . . . .	33, 366, 370, 432	13 (1) . . . . .	388
(d), (g) . . . . .	370	21 . . . . .	379
(h) . . . . .	366, 368, 370	(1) . . . . .	384
(5) . . . . .	368	(2), (4) . . . . .	379
5 . . . . .	370	22 (1) (a) . . . . .	380
6 (1) (a) . . . . .	370	(2) . . . . .	380
(b), (c) . . . . .	370	(5) . . . . .	381
(2) . . . . .	370	23 (1) . . . . .	379
(3) . . . . .	370	(a) . . . . .	379
(4), (5) . . . . .	371	(5) . . . . .	379
7 . . . . .	370, 432	24 . . . . .	389
(3) . . . . .	33, 434	(1), (2) . . . . .	389
(4) . . . . .	433	25 . . . . .	390
8 . . . . .	370	(1) . . . . .	389, 390
11 . . . . .	370, 371	(b) . . . . .	389
13 . . . . .	433, 434	(2) . . . . .	390
(1) . . . . .	433	(3) . . . . .	374, 390
(2) . . . . .	371, 433	26 . . . . .	390
13A . . . . .	433	(1) (a), (b) . . . . .	390
16 (1) . . . . .	365, 368, 369, 370	(2) . . . . .	390
Mental Deficiency Act 1913 . . . . .	466	(3) . . . . .	374, 390
Mental Deficiency Act 1938 . . . . .	466	27 (1), (3) . . . . .	385
Mental Health Act 1959 (25 Statutes 42)		(6) . . . . .	386
12, 247, 404, 441, 458, 466		28 . . . . .	385
s. 102 . . . . .	248	(1) . . . . .	385
(1), (2) . . . . .	248	(3) . . . . .	386
		29 . . . . .	385, 387
		(1) – (5) . . . . .	387



Table of Statutes

	PAGE		PAGE
Social Security Act 1975— <i>contd</i>		Social Security Pensions Act 1975— <i>contd</i>	
s. 31	374, 383, 384	s. 13 (1)	387
(a) – (c)	384	19 (1), (2)	390
36 (2) (b)	374	(3) (a), (b)	386
37 (3) (b)	374	20	386
38 (1)	384	(2)	386
(2)	385	Supplementary Benefits Act 1976 (46	
(a)	384	Statutes 1046)	4
(b), (c)	385	s. 1	373
(6)	385	(2)	374
41 (1)	383	2	374
(2)	380	5	374
44	380	6 (1)	373
45, 46	387	17	375
Sch. 3	379, 380, 386, 389	(1)	249
Sch. 4	380, 384, 389	Sch. 1	374
Social Security Act 1979 (49 Statutes 930)		Supreme Court of Judicature (Con-	
s. 13	379	solidation) Act 1925 (25 Statutes	
Social Security (Miscellaneous Provisions)		708)	462, 465
Act 1977 (47 Statutes 960)		s. 47	125
s. 14 (7)	374	190, 191	393
22 (2)	374, 384, 389	192	209, 393
(4)	374	196	393
Social Security Pensions Act 1975 (45		225	470
Statutes 1381)	380	Taxes Management Act 1970 (34 Statutes	
s. 4 (1), (2)	388	1245)	4
8	385, 386	s. 8	330
(1) (a)	388	42 (5)	330
(b)	387	106 (1), (2)	171
(c)	388	Testator's Family Maintenance and	
(2)	388	Guardianship of Infants Act	
9 (1), (2)	389	1916 – 1954 (New Zealand)	271
10	324	Trustee Act 1925 (38 Statutes 104)	
		s. 44 (vii)	208