



Matrimonial Causes Act 1965

1965 CHAPTER 72

PART II

ANCILLARY RELIEF

Maintenance agreements

25 Alteration of agreements by court after death of one party.

[^{F1}(1) Where a maintenance agreement within the meaning of section 23 of this Act provides for the continuation of payments under the agreement after the death of one of the parties and that party dies after 16th August 1957 domiciled in England, the surviving party may—

- (a) before the end of the period of six months from the date when representation in regard to the deceased's estate is first taken out; or
- (b) with the permission of the court, after the end of that period but before the administration and distribution of the estate is completed,

apply to the High Court for any order under subsection (1) of the last foregoing section for which the surviving party might have applied immediately before the death.

[^{F2}An application under this section shall not, except with the permission of the court, be made after the end of the period of six months from the date on which representation in regard to the estate of the deceased is first taken out.]

(2) ^{F3}

(3) ^{F3}

(4) In considering for the purposes of subsection (1) of this section the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account, and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

Changes to legislation: There are currently no known outstanding effects for the Matrimonial Causes Act 1965, Section 25. (See end of Document for details)

- (5) For the purposes of section 162(1) of the ^{M1}Supreme Court of Judicature (Consolidation) Act 1925 (which relates to the discretion of the court as to the persons to whom administration is to be granted) a person by whom an application is proposed to be made by virtue of this section shall be deemed to be a person interested in the deceased's estate.]

Textual Amendments

- F1** S. 25(1) repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), s. 54(1), **Sch. 3** but reproduced for the purpose of construing the remaining provisions of this Act
- F2** Words added by [Family Provision Act 1966 \(c. 35\)](#), **s. 5(3)**
- F3** Ss. 1–8(1), 9–24, 25(2)(3) repealed by [Matrimonial Causes Act 1973 \(c. 18\)](#), s. 54(1), **Sch. 3**

Modifications etc. (not altering text)

- C1** S. 25(4)(5) repealed except as applied by s. 28(2) of this Act by [Matrimonial Causes Act 1973 \(c. 18\)](#), s. 54(1), **Sch. 3**

Marginal Citations

- M1** 1925 c. 49.

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes Act 1965, Section 25.