



# Matrimonial Causes Act 1973

## 1973 CHAPTER 18

### PART II

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

##### *Maintenance agreements*

#### **36 Alteration of agreements by court after death of one party.**

- (1) Where a maintenance agreement within the meaning of section 34 above provides for the continuation of payments under the agreement after the death of one of the parties and that party dies domiciled in England and Wales, the surviving party or the personal representatives of the deceased party may, subject to subsections (2) and (3) below, apply to the <sup>F1</sup>... court for an order under section 35 above.
- (2) An application under this section shall not, except with the permission of the <sup>F2</sup>... 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.
- <sup>F3</sup>(3) .....
- (4) If a maintenance agreement is altered by [<sup>F4</sup>the court] on an application made in pursuance of subsection (1) above, the like consequences shall ensue as if the alteration had been made immediately before the death by agreement between the parties and for valuable consideration.
- (5) The provisions of this section shall not render the personal representatives of the deceased liable for having distributed any part of the estate of the deceased after the expiration of the period of six months referred to in subsection (2) above on the ground that they ought to have taken into account the possibility that [<sup>F4</sup>the court] might permit an application by virtue of this section to be made by the surviving party after that period; but this subsection shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this section.

*Changes to legislation: There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 36. (See end of Document for details)*

(6) Section 31(9) above shall apply for the purposes of subsection (2) above as it applies for the purposes of subsection (6) of section 31.

<sup>F5</sup>(7) .....

**Textual Amendments**

- F1** Words in s. 36(1) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 63\(2\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F2** Words in s. 36(2) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 63\(3\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** S. 36(3) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 63\(4\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F4** Words in s. 36(4)(5) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 63\(5\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F5** S. 36(7) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 63\(4\)](#); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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

- C1** S. 36(1) amended by [Inheritance \(Provision for Family and Dependents\) Act 1975 \(c. 63\)](#), s. 18
- C2** S. 36(1) amended by [Forfeiture Act 1982 \(c. 34, SIF 116:1, 2\)](#), ss. 3(2)(b), 7(3)

**Changes to legislation:**

There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 36.