



# Inheritance (Provision for Family and Dependants) Act 1975

## 1975 CHAPTER 63

*Special provisions relating to cases of divorce, separation etc.*

### 16 Variation and discharge of secured periodical payments orders made under Matrimonial Causes Act 1973.

- (1) Where an application for an order under section 2 of this Act is made to the court by any person who was at the time of the death of the deceased entitled to payments from the deceased under a secured periodical payments order made under the <sup>M1</sup>Matrimonial Causes Act 1973 [<sup>F1</sup>or Schedule 5 to the Civil Partnership Act 2004], then, in the proceedings on that application, the court shall have power, if an application is made under this section by that person or by the personal representative of the deceased, to vary or discharge that periodical payments order or to revive the operation of any provision thereof which has been suspended under section 31 of that Act [<sup>F2</sup>of 1973 or Part 11 of that Schedule].
- (2) In exercising the powers conferred by this section the court shall have regard to all the circumstances of the case, including any order which the court proposes to make under section 2 or section 5 of this Act and any change (whether resulting from the death of the deceased or otherwise) in any of the matters to which the court was required to have regard when making the secured periodical payments order.
- (3) The powers exercisable by the court under this section in relation to an order shall be exercisable also in relation to any instrument executed in pursuance of the order.

#### Textual Amendments

- F1** Words in s. 16(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 23\(a\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1
- F2** Words in s. 16(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), ss. 71, 263(2), [Sch. 4 para. 23\(b\)](#); S.I. 2005/3175, [art. 2\(1\)](#), Sch. 1

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**Changes to legislation:** *Inheritance (Provision for Family and Dependants) Act 1975, Section 16 is up to date with all changes known to be in force on or before 06 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)*

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**Marginal Citations****M1** 1973 c. 18.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 25 (defns. of "former wife" and "former husband") amended (prosp.) by [1996 c. 27 s. 66\(1\)Sch. 8 Pt. 1 para. 27\(8\)](#)