



# Equality Act 2010

## 2010 CHAPTER 15

### PART 15

#### FAMILY PROPERTY

#### **198 Abolition of husband's duty to maintain wife**

The rule of common law that a husband must maintain his wife is abolished.

#### **199 Abolition of presumption of advancement**

- (1) The presumption of advancement (by which, for example, a husband is presumed to be making a gift to his wife if he transfers property to her, or purchases property in her name) is abolished.
- (2) The abolition by subsection (1) of the presumption of advancement does not have effect in relation to—
  - (a) anything done before the commencement of this section, or
  - (b) anything done pursuant to any obligation incurred before the commencement of this section.

#### **200 Amendment of Married Women's Property Act 1964**

- (1) In section 1 of the Married Women's Property Act 1964 (money and property derived from housekeeping allowance made by husband to be treated as belonging to husband and wife in equal shares)—
  - (a) for "the husband for" substitute "either of them for", and
  - (b) for "the husband and the wife" substitute "them".
- (2) Accordingly, that Act may be cited as the Matrimonial Property Act 1964.
- (3) The amendments made by this section do not have effect in relation to any allowance made before the commencement of this section.

## **201 Civil partners: housekeeping allowance**

(1) After section 70 of the Civil Partnership Act 2004 insert—

### **“70A Money and property derived from housekeeping allowance**

Section 1 of the Matrimonial Property Act 1964 (money and property derived from housekeeping allowance to be treated as belonging to husband and wife in equal shares) applies in relation to—

- (a) money derived from any allowance made by a civil partner for the expenses of the civil partnership home or for similar purposes, and
- (b) any property acquired out of such money,

as it applies in relation to money derived from any allowance made by a husband or wife for the expenses of the matrimonial home or for similar purposes, and any property acquired out of such money.”

(2) The amendment made by this section does not have effect in relation to any allowance made before the commencement of this section.