
Changes to legislation: There are currently no known outstanding effects for the Divorce, Dissolution and Separation Act 2020, Paragraph 44. (See end of Document for details)

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 3

AMENDMENTS TO OTHER ACTS

- 44 (1) The Inheritance (Provision for Family and Dependants) Act 1975 is amended as follows.
- (2) In section 1 (application for financial provision from deceased's estate), in subsection (2)(a)—
- (a) for “decree of judicial separation” substitute “judicial separation order”;
 - (b) for “the decree” substitute “the order”.
- (3) In section 3 (matters to which court is to have regard in exercising powers under section 2), in subsection (2), in the words after paragraph (b)—
- (a) for “decree of judicial separation” substitute “judicial separation order”;
 - (b) for “decree of divorce” substitute “divorce order”.
- (4) In section 14 (provision as to cases where no financial relief was granted in divorce proceedings etc)—
- (a) in subsection (1)—
 - (i) in the words before paragraph (a), for the words from “decree of divorce” to “granted,” substitute “divorce order or nullity of marriage order has been made final or a judicial separation order has been made,”;
 - (ii) in the words after paragraph (b), for the words from “decree of divorce” to “granted,” substitute “divorce order or nullity of marriage order had not been made final or the judicial separation order had not been made,”;
 - (b) in subsection (2)—
 - (i) for “decree of judicial separation” substitute “judicial separation order”;
 - (ii) for “the decree” substitute “the order”.
- (5) In section 15 (restriction imposed in divorce proceedings etc)—
- (a) in subsection (1), for the words from “grant” to “separation” substitute “making of a divorce, nullity of marriage or judicial separation order”;
 - (b) In subsection (2)—
 - (i) for “decree of divorce or nullity of marriage” substitute “divorce or nullity of marriage order”;
 - (ii) for the words from “after” to the end substitute “after the divorce or nullity of marriage order is made final, but if it is made before that order is made final it shall not take effect unless that order is made final”;
 - (c) in subsection (3), for “grant of a decree of divorce or nullity of marriage” substitute “making of a divorce or nullity of marriage order”;
 - (d) in subsection (4)—

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- (i) for “grant of a decree of judicial separation” substitute “ making of a judicial separation order ”;
 - (ii) for “decree is” substitute “ order is ”.
- (6) In section 19 (effect, duration and form of orders), in subsection (2)(b)—
 - (a) for “decree of judicial separation” substitute “ judicial separation order ”;
 - (b) for “the decree” substitute “ the order ”.
- (7) In section 25 (interpretation)—
 - (a) in subsection (1), in the definition of “former spouse”, in paragraph (a), for the words from “decree” to “granted” substitute “ divorce order or nullity of marriage order made, or a decree of divorce or of nullity of marriage granted ”;
 - (b) after subsection (5A) insert—
 - “(5B) In sections 1(2), 3(2), 14, 15 and 19(2)—
 - (a) a reference to a divorce order includes a decree of divorce,
 - (b) a reference to a nullity of marriage order includes a decree of nullity of marriage;
 - (c) a reference to a judicial separation order includes a decree of judicial separation;
 - (d) a reference to making includes granting;
 - (e) a reference to an order being made final includes a decree being made absolute.”

Commencement Information

II Sch. para. 44 in force at 6.4.2022 by S.I. 2022/283, reg. 2

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