1963 CHAPTER 45

An Act to amend the law relating to matrimonial causes; to facilitate reconciliation in such causes; and for purposes connected with the matters aforesaid.

[31st July 1963]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Presumption as to condonation by husband.

1. Any presumption of condonation which arises from the continuance or resumption of marital intercourse may be rebutted on the part of a husband, as well as on the part of a wife, by evidence sufficient to negative the necessary intent.

Relief notwithstanding temporary cohabitation with a view to reconciliation. 14 Geo. 6. c. 25; 8 & 9 Eliz. 2. c. 48.

2.—(1) For the purposes of the Matrimonial Causes Act 1950 and of the Matrimonial Proceedings (Magistrates' Courts) Act 1960, adultery or cruelty shall not be deemed to have been condoned by reason only of a continuation or resumption of cohabitation between the parties for one period not exceeding three months, or of anything done during such cohabitation, if it is proved that cohabitation was continued or resumed, as the case may be, with a view to effecting a reconciliation.

(2) In calculating for the purposes of section 1(1)(*b*) of the Matrimonial Causes Act 1950 the period for which the respondent has deserted the petitioner without cause, and in considering whether such desertion has been continuous, no account shall be taken of any one period (not exceeding three months) during which the parties resumed cohabitation with a view to a reconciliation.

Adultery not to be revived.

3. Adultery which has been condoned shall not be capable of being revived.

Amendment of law of collusion.

4.—(1) Section 4 of the Matrimonial Causes Act 1950 (duty of court on presentation of petition) shall be amended as follows:—

(*a*) paragraph (*c*) of subsection (2) (proof of absence of collusion), together with the word "and" immediately preceding that paragraph, shall be omitted;

(*b*) in the proviso to that subsection, after the words "if it finds" there shall be inserted the words "that the petition is presented or prosecuted in collusion with the respondent or either of the respondents or

(2) Nothing in this section affects the duty of the court under the said section 4 to inquire whether any collusion exists between the parties, or any duty of the parties to disclose to the court any agreement or arrangement made between them in contemplation

of or in connection with the proceedings, or any power or duty of Her Majesty's Proctor under the said Act.

(3) Provision may be made by rules of court for enabling the court, upon application made either before or after the presentation of a petition for divorce, to take into consideration for the purposes of the said section 4 as amended by this section any agreement or arrangement made or proposed to be made between the parties, and to give such directions in the matter as the court thinks fit.

Maintenance and alimony.

5.—(1) In any case in which the court has power to make an order (other than an interim order) under section 19 or section 20 of the Matrimonial Causes Act 1950 (maintenance and alimony) the court may, in lieu of, or in addition to, making such an order, make an order for the payment of a lump sum.

(2) Notwithstanding anything in the said Act of 1950 or in the Matrimonial Causes (Property and Maintenance) Act 1958, rules of court may provide, in such cases as may be prescribed by the rules—

6 & 7 Eliz. 2. c. 35.

(*a*) that applications for ancillary relief shall be made in the petition or answer; or

(*b*) that applications for ancillary relief which are not made as aforesaid shall be made only with the leave of the court.

(3) Any rules of court made before the commencement of this Act shall be deemed to have been validly made if such rules could be made after that date under the last foregoing subsection; but nothing in this subsection affects any order for ancillary relief made on or after 20th December 1962 and before the commencement of this Act.

(4) In subsections (2) and (3) of this section "ancillary relief" means relief under section 19, section 20, section 22 and section 26 of the said Act of 1950.

Attempts to defeat claims for financial relief.

6.—(1) Where proceedings are brought for financial relief and the court is satisfied, on an application under this section by the person bringing those proceedings—

(*a*) that the person against whom the proceedings are brought is about to make any disposition with the intention of defeating the claim for financial relief made in the proceedings, or

(*b*) that that person is about to transfer any property out of the jurisdiction of the court, or otherwise to deal with any property, with that intention,

the court may make such order restraining that person from making the disposition or transferring or otherwise dealing with

the property, as the case may be, or otherwise for protecting the claim, as the court thinks fit.

(2) In this section " financial relief " means relief (otherwise than by way of an interim order) under section 19, section 20, section 22, section 23, section 24 or section 26 of the Matrimonial Causes Act 1950 or under subsection (1) of section 5 of this Act, and " disposition " and " property " have the same meanings as in the Matrimonial Causes (Property and Maintenance) Act 1958.

(3) Subsections (4) and (7) of section 2 of the said Act of 1958 (except so much of subsection (4) as refers to a disposition falling within subsection (3) of that section) shall apply to this section, and to any transaction or claim to which this section applies, as they apply to that section and to any disposition or claim to which that section applies.

(4) For the purposes of sections 2 and 5 of the said Act of 1958, " financial relief " shall include relief under subsections (1) and (3) of section 26 of the said Act of 1950 and subsection (1) of section 5 of this Act.

Short title, construction and extent.

7.—(1) This Act may be cited as the Matrimonial Causes Act 1963.

(2) This Act shall be construed as one with the Matrimonial Causes Act 1950.

(3) This Act does not apply to Scotland or Northern Ireland.

1963 CHAPTER 46

Local Government (Financial Provisions) Act 1963

ARRANGEMENT OF SECTIONS

Section

1. Extension of local authority powers to pay expenses incurred in attending conferences and meetings.
2. Removal of limitation on class of bodies to whose expenses local authorities may contribute.
3. Extension of powers of local authorities to pay subscriptions.
4. Power of local authority to pay expenses incurred by committee members in official and courtesy visits, &c.
5. Payment of expenses of local authority officers.
6. Power of local authority to incur expenditure in the interests of their area or its inhabitants but not otherwise authorised.
7. Power of local authority to borrow by means of bonds.
8. Power to suspend annual provision for repayment of, and to borrow for payment of interest on, certain borrowed moneys.
9. Cesser of prohibition of use of capital or renewal and repairs funds for purposes of functions relating to education.