

# Divorce (Financial Provision) Bill [HL]

---

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

---

*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**Clause 1**

BARONESS DEECH  
LORD CARLILE OF BERRIEW  
BARONESS SHACKLETON OF BELGRAVIA

1 Page 1, line 2, after “25” insert “(2)”

BARONESS DEECH  
BARONESS BAKEWELL

2 Page 1, line 6, leave out “section” and insert “subsection”

3 Page 1, line 10, after second “1973” insert “as amended”

BARONESS DEECH  
LORD GRANTCHESTER

4 Page 1, line 10, at end insert –  
““2004 Act” means the Civil Partnerships Act 2004;  
“2013 Act” means the Marriage (Same Sex Couples) Act 2013;”

BARONESS DEECH  
LORD GRANTCHESTER  
LORD WALKER OF GESTINGTHORPE

5 Page 1, line 19, at end insert –  
““relevant financial order” means –  
(a) an order for lump sum provision in favour of a party to a marriage under section 23(1)(c) of the 1973 Act,  
(b) a property adjustment order in favour of a party to a marriage under section 24(1) of that Act,  
(c) a pension sharing order under section 24B of that Act,

Amendment  
No.

**Clause 1 – continued**

(d) a pension compensation sharing order under section 24E of that Act,  
and also includes any order under the corresponding provisions of the 2004 Act and the 2013 Act.”

**After Clause 1**

BARONESS DEECH  
BARONESS WILCOX  
LORD GRANTCHESTER  
LORD WALKER OF GESTINGTHORPE

6 Insert the following new Clause –

**“Orders limited to matrimonial property**

- (1) In this Act “matrimonial property” means all property and interests in property, including any pension rights, which could be the subject of a pension sharing order or a pension compensation sharing order, belonging to the parties or either of them at the date of the relevant financial order which –
  - (a) was acquired –
    - (i) during the marriage; and
    - (ii) otherwise than by gift, inheritance or succession from a third party; and
  - (b) does not directly or indirectly represent property acquired by them or either of them before the marriage.
- (2) For the purposes of subsection (1)(b) –
  - (a) any premises and household goods acquired before the marriage for use by them as or in their home shall be treated as acquired during the marriage;
  - (b) if any property that would otherwise fall within subsection (1)(b) is used and applied so as to increase the value of any matrimonial property the property so used or applied shall be treated as matrimonial property;
  - (c) if any matrimonial property belonging to one party is used or applied so as to increase the value of an asset which belongs to the other party, and is not matrimonial property, a proportionate share (by value) of that asset shall be treated as matrimonial property; and
  - (d) paragraph (c) shall also apply if by exceptional personal skill or effort a party to the marriage increases the value of an asset which belongs to the other party, and is not matrimonial property.
- (3) Subsections (2)(b) to (d) do not apply in relation to any asset if it appears that the costs of investigation and valuation required for the application of the relevant paragraph in subsection (2) would be likely to exceed one-fifth of the amount of the proportionate part or adjustment.
- (4) Except as provided in section 3 (pre-nuptial and post-nuptial agreements), no relevant financial order shall be made otherwise than in relation to matrimonial property.”

**Amendment  
No.**

**Clause 2**

BARONESS DEECH

*Baroness Deech gives notice of her intention to oppose the Question that Clause 2 stand part of the Bill.*

**Clause 3**

BARONESS DEECH  
BARONESS WILCOX  
LORD GRANTCHESTER

7 Page 2, line 16, after “agreement” insert “in writing and signed by both parties to the marriage”

BARONESS DEECH  
LORD GRANTCHESTER

8 Page 2, line 16, leave out from “on” to “unless” and insert “them”

9 Page 2, leave out line 26 and insert “one or both parties failed to make proper disclosure of that party’s assets before the agreement”

BARONESS DEECH  
BARONESS BAKEWELL

10 Page 2, line 28, leave out “the applicable rules” and insert “any rule”

BARONESS DEECH  
LORD GRANTCHESTER

11 Page 2, line 29, at end insert—

“( ) Any non-compliance with subsection (1)(b) or (d) may be relied on only by the party disadvantaged by such non-compliance.”

BARONESS DEECH  
BARONESS BAKEWELL

12 Page 2, line 35, leave out subsection (3)

BARONESS DEECH  
LORD GRANTCHESTER

13 Page 2, line 41, leave out from “may” to end and insert “make a relevant financial order”

**Clause 4**

BARONESS DEECH  
BARONESS BAKEWELL

14 Page 3, line 4, leave out “relevant date” and insert “date of the relevant financial order”

- Amendment No.**
- Clause 4 – continued**
- 15 Page 3, line 10, leave out subsection (4)
- BARONESS DEECH
- 16 Page 3, line 14, leave out subsections (5) and (6)
- BARONESS DEECH  
LORD GRANTCHESTER  
LORD WALKER OF GESTINGTHORPE
- 17 Page 3, line 14, at end insert –
- “( ) The amount of any order for lump sum provision in favour of a party to a marriage shall be taken into account as part of the equal sharing of the matrimonial property (irrespective of what assets are actually resorted to by the other party in compliance with the order).”
- BARONESS DEECH  
LORD WALKER OF GESTINGTHORPE
- 18 Page 4, line 1, leave out paragraph (b)
- BARONESS DEECH  
BARONESS BAKEWELL
- 19 Page 4, line 6, leave out paragraph (d)
- 20 Page 4, line 14, leave out subsections (1) and (2)
- Clause 5**
- BARONESS DEECH  
BARONESS BAKEWELL
- 21 Page 4, line 23, leave out “or lump sum”
- 22 Page 4, line 32, leave out “or lump sum”
- BARONESS DEECH  
LORD GRANTCHESTER
- 23 Page 4, line 33, leave out “three” and insert “five”
- 24 Page 4, line 34, after “divorce” insert “, such period not to be exceeded unless the court is satisfied that there is no other means of making provision for a party to the marriage and that that party would otherwise be likely to suffer serious financial hardship as a result”
- BARONESS DEECH  
BARONESS BAKEWELL
- 25 Page 4, line 35, leave out paragraph (d)
- 26 Page 5, line 10, leave out “or lump sum”

**Amendment  
No.**

**Clause 6**

BARONESS DEECH

*Baroness Deech gives notice of her intention to oppose the Question that Clause 6 stand part of the Bill.*

# Divorce (Financial Provision) Bill [HL]

---

---

MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE

---

*19th November 2014*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS  
LONDON - THE STATIONERY OFFICE LIMITED  
£3.00

HL Bill 8-I

(44669)

55/4



ISBN 978-0-10-854867-3



9 780108 548673