

## Maintenance

**In the light of judicial inconsistency, what are the trends in spousal maintenance decisions, and what is the impact on client advice?**

- Sec 25A of the Matrimonial Causes Act 1973  
URL: <https://www.legislation.gov.uk/ukpga/1973/18/section/25A>

## Judicial Inconsistency

- SS v NS (Spousal Maintenance) (Rev 1) [2014] EWHC 4183 (Fam)  
URL: <https://www.bailii.org/ew/cases/EWHC/Fam/2014/4183.html>
- ND v GD (Financial Remedies) [2021] EWFC 53  
URL: <https://www.bailii.org/ew/cases/EWFC/H CJ/2021/53.html>

## Three trends in decisions

### 1. Nominal Maintenance Orders

- **Making of a nominal maintenance order**
  - S v B (Ancillary Relief: Costs) [2005] 1 FLR 474; [2004] EWHC 2089 (Fam).
  - Matthews v Matthews [2013] EWCA Civ 1874  
URL: <https://www.bailii.org/ew/cases/EWCA/Civ/2013/1874.html>
  - WD v HD [2015] EWHC 1547 (Fam)  
URL: <https://www.bailii.org/ew/cases/EWHC/Fam/2015/1547.html>
  - A v M [2021] EWFC 89  
URL: <https://www.bailii.org/ew/cases/EWFC/H CJ/2021/89.html>
- **Test for activating or varying up a nominal maintenance order**
  - North v North [2007] EWCA Civ 760  
URL: <https://www.bailii.org/ew/cases/EWCA/Civ/2007/760.html>
  - AJC v PJP [2021] EWFC B25  
URL: <https://www.bailii.org/ew/cases/EWFC/OJ/2021/B25.html>

### 2. Term Orders

- C v C [1997] 2 FLR 26
- Murphy v Murphy [2014] EWHC 2263 (Fam)  
URL: <https://www.bailii.org/ew/cases/EWHC/Fam/2014/2263.html>
- Miller v. Miller; McFarlane v McFarlane [2006] UKHL 24  
URL: <https://www.bailii.org/uk/cases/UKHL/2006/24.html>
- L v L [2011] EWHC 2207 (Fam)  
URL: <https://www.bailii.org/ew/cases/EWHC/Fam/2011/2207.html>
- BD v FD (No 2) (Application of the Principle of Need) [2016] EWHC 594 (Fam)  
URL: <https://www.bailii.org/ew/cases/EWHC/Fam/2016/594.html>
- Quan v Bray & Ors [2018] EWHC 3558 (Fam)  
URL: <https://www.bailii.org/ew/cases/EWHC/Fam/2018/3558.html>

### **3. Amortisation of capital**

- Waggott v Waggott [2018] EWCA Civ 727  
URL: <https://www.bailii.org/ew/cases/EWCA/Civ/2018/727.html>
- Vaughan v Vaughan [2010] EWCA Civ 349  
URL: <https://www.bailii.org/ew/cases/EWCA/Civ/2010/349.html>
- O'Dwyer v O'Dwyer [2019] EWHC 1838 (Fam)  
URL: <https://www.bailii.org/ew/cases/EWHC/Fam/2019/1838.html>
- CB v KB [2019] EWFC 78  
URL: <https://www.bailii.org/ew/cases/EWFC/HCI/2019/78.html>