
DRAFT SCOTTISH STATUTORY INSTRUMENTS

2014 No.

The Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) (Scotland) Regulations 2014

PART 1

JURISDICTION

Jurisdiction

2.—(1) In this Part—

“relevant foreign decree” means a decree of divorce of, nullity of the marriage of, or judicial separation of a married same sex couple granted outwith a member State.

(2) The courts in Scotland have jurisdiction in proceedings for the declarator of recognition, or non-recognition, of a relevant foreign decree and in proceedings for the divorce of, declarator of nullity of the marriage of, or judicial separation of a married same sex couple where—

- (a) both spouses are habitually resident in Scotland;
- (b) both spouses were last habitually resident in Scotland and one of the spouses continues to reside there;
- (c) the defender is habitually resident in Scotland;
- (d) the pursuer is habitually resident in Scotland and has resided there for at least one year immediately preceding the date on which the action is begun;
- (e) the pursuer is domiciled and habitually resident in Scotland and has resided there for at least six months immediately preceding the date on which the action is begun; or
- (f) both spouses are domiciled in Scotland.