



Matrimonial Causes Act 1973

1973 CHAPTER 18

PART I

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

Other matrimonial suits

17 **Judicial separation.**

- (1) A petition for judicial separation may be presented to the court by either party to a marriage on the ground that any such fact as is mentioned in section 1(2) above exists, and the provisions of section 2 above shall apply accordingly for the purposes of a petition for judicial separation alleging any such fact, as they apply in relation to a petition for divorce alleging that fact.
- (2) On a petition for judicial separation it shall be the duty of the court to inquire, so far as it reasonably can, into the facts alleged by the petitioner and into any facts alleged by the respondent, but the court shall not be concerned to consider whether the marriage has broken down irretrievably, and if it is satisfied on the evidence of any such fact as is mentioned in section 1(2) above it shall^{F1} ... grant a decree of judicial separation.
- (3) Sections 6 and 7 above shall apply for the purpose of encouraging the reconciliation of parties to proceedings for judicial separation and of enabling the parties to a marriage to refer to the court for its opinion an agreement or arrangement relevant to actual or contemplated proceedings for judicial separation, as they apply in relation to proceedings for divorce.

Textual Amendments

- F1** Words in s. 17(2) omitted (22.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\), ss. 17\(4\), 139\(6\); S.I. 2014/793, art. 2](#) (with transitional provisions in [S.I. 2014/1042, arts. 5, 11](#))

Status:

Point in time view as at 22/04/2014. This version of this provision has been superseded.

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 17.