



# Domicile and Matrimonial Proceedings Act 1973

## CHAPTER 45

### DOMICILE AND MATRIMONIAL PROCEEDINGS ACT 1973

#### PART I

##### DOMICILE

###### *Husband and wife*

- 1 Abolition of wife's dependent domicile.
- 2 .....

###### *Minors and pupils*

- 3 Age at which independent domicile can be acquired.
- 4 Dependent domicile of child not living with his father.

#### PART II

##### JURISDICTION IN MATRIMONIAL PROCEEDINGS (ENGLAND AND WALES)

- 5 Jurisdiction of High Court and family court.
- 6 Miscellaneous amendments, transitional provision and savings.

#### PART III

##### JURISDICTION IN CONSISTORIAL CAUSES (SCOTLAND)

- 7 Jurisdiction of Court of Session.
- 8 Jurisdiction of sheriff court in respect of actions for separation.
- 8A Same sex marriages
- 9 .....

*Status: Point in time view as at 31/12/2020.*

*Changes to legislation: There are currently no known outstanding effects for the Domicile and Matrimonial Proceedings Act 1973. (See end of Document for details)*

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- 10 Ancillary and collateral orders.
- 11 Sisting of certain actions.
- 12 Supplementary.

#### PART IV

- 13, 14 .....

#### PART V

#### MISCELLANEOUS AND GENERAL

- 15 .....
- 16 .....
- 17 Citation, etc.

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#### SCHEDULES

##### SCHEDULE A1 — JURISDICTION IN RELATION TO MARRIAGE OF SAME SEX COUPLES

- 1 Introduction
- 2 Divorce, judicial separation or annulment
- 3 Presumption of death order
- 4 Declaration of validity
- 5 Power to make provision corresponding to provision for opposite sex married couples
- 6 Interpretation

##### SCHEDULE 1 — STAYING OF MATRIMONIAL PROCEEDINGS (ENGLAND AND WALES)

###### *Interpretation*

- 1 The following five paragraphs have effect for the interpretation of...
- 2 “Matrimonial proceedings” means any proceedings so far as they are...
- 3 (1) “Another jurisdiction” means any country outside England and Wales...
- 4 (1) References to the trial or first trial in any...
- 5 Any reference in this Schedule to proceedings in another jurisdiction...
- 6 “Prescribed” means prescribed by rules of court.

###### *Duty to furnish particulars of concurrent proceedings in another jurisdiction*

- 7 While matrimonial proceedings are pending in the court in respect...

###### *Obligatory stays*

- 8 (1) Where before the beginning of the trial or first...

###### *Discretionary stays*

- 9 (1) Where before the beginning of the trial or first...

###### *Supplementary*

- 10 (1) Where an order staying any proceedings is in force...

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11 (1) The provisions of sub-paragraphs (2) and (3) below shall...

## SCHEDULE 1B — JURISDICTION IN RELATION TO SAME SEX MARRIAGES (SCOTLAND)

### *Introduction*

1 (1) This Schedule has effect with respect to the jurisdiction...

#### *Power to make provision corresponding to EC Regulation 2201/2003*

2 (1) The Scottish Ministers may by regulations make provision—

#### *Divorce or separation*

3 (1) The Court of Session has jurisdiction to entertain proceedings...

#### *Declarator of marriage*

4 (1) In relation to a same sex marriage, the Court...

#### *Nullity of marriage*

5 (1) The Court of Session has jurisdiction to entertain proceedings...

#### *Recognition, or non-recognition, of foreign decrees*

6 (1) The Court of Session has jurisdiction to entertain proceedings...

#### *Supplementary provision*

7 (1) Paragraph 3(1) does not affect any rule of law...

## SCHEDULE 2 — ANCILLARY AND COLLATERAL ORDERS (SCOTLAND)

### Part I

*Enactments and rules of law referred to in section 10(1) and in Schedule 3 paragraph 11(1)*

- 1, 2 . . . . .
- 2A Any enactment or rule of law empowering a court to...
- 3 Paragraph (2) of section 5 of the Sheriff Courts (Scotland)...
- 4 Section 9 (orders with respect to children) of the Conjugal...
- 5 Section 10 of the Matrimonial Proceedings (Children) Act 1958 so...
- 6 Section 13 (power to prohibit in certain cases removal of...
- 7 Any enactment or rule of law empowering a court to...

### Part II

*Further enactments and rules of law referred to in section 10(1)*

- 8 . . . . .
- 9 Section 2 (effect of divorce on property rights) of the...
- 10 Section 10 of the Matrimonial Proceedings (Children) Act 1958, so...
- 11 Section 12 (power of court to provide for supervision of...
- 12 Section 26 (orders for financial provision on divorce) and section...
- 12A Section 5 (orders for financial provision) and section 6 (orders...
- 12B Section 8 (orders for financial provision on divorce), section 17(1)...
- 13 Any rule of law empowering a court, in connection with...

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- 14 Any rule of law empowering a court to make an...
- 15 Any enactment or rule of law empowering a court to...

### SCHEDULE 3 — SISTING OF CONSISTORIAL ACTIONS (SCOTLAND)

#### *Interpretation*

- 1 The following six paragraphs have effect for the interpretation of...
- 2 “Consistorial action” means any action so far as it is...
- 3 (1) “Another jurisdiction” means any country outside Scotland.
- 4 For the purposes of this Schedule— (a) in any action...
- 5 Any reference in this Schedule to proceedings in another jurisdiction...
- 6 “Prescribed” means prescribed by rules of court.

#### *Duty to furnish particulars of concurrent proceedings in another jurisdiction*

- 7 While any consistorial action is pending in the Court of...

#### *Mandatory sists*

- 8 Where before the beginning of the proof in any action...

#### *Discretionary sists*

- 9 (1) Where before the beginning of the proof in any...

#### *Supplementary*

- 10 (1) Where an action is sisted in pursuance of paragraph...
- 11 (1) The provisions of sub-paragraphs (2) and (3) below shall...

### SCHEDULE 4 — CONSEQUENTIAL AMENDMENTS OF SCOTTISH ENACTMENTS

- 1 In section 6 of the Sheriff Courts (Scotland) Act 1907,...
- 2 .....

### SCHEDULE 5 — ...

### SCHEDULE 6 — Repeals

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