



Domicile and Matrimonial Proceedings Act 1973

1973 CHAPTER 45

PART IV

JURISDICTION IN MATRIMONIAL PROCEEDINGS (NORTHERN IRELAND)

13 Jurisdiction of High Court in Northern Ireland

- (1) Subsections (2) to (5) below shall have effect, subject to section 14 of this Act, with respect to the jurisdiction of the court to entertain—
- (a) proceedings for divorce, judicial separation or nullity of marriage; and
 - (b) proceedings for death to be presumed and a marriage to be dissolved in pursuance of section 12 of the Matrimonial Causes Act (Northern Ireland) 1939 ;

and in this Part of this Act " the court " means the High Court in Northern Ireland.

- (2) The court shall have jurisdiction to entertain proceedings for divorce or judicial separation if (and only if) either of the parties to the marriage—
- (a) is domiciled in Northern Ireland on the date when the proceedings are begun ;
or
 - (b) was habitually resident in Northern Ireland throughout the period of one year ending with that date.
- (3) The court shall have jurisdiction to entertain proceedings for nullity of marriage if (and only if) either of the parties to the marriage—
- (a) is domiciled in Northern Ireland on the date when the proceedings are begun ;
or
 - (b) was habitually resident in Northern Ireland throughout the period of one year ending with that date; or
 - (c) died before that date and either—
 - (i) was at death domiciled in Northern Ireland, or

Status: This is the original version (as it was originally enacted).

- (ii) had been habitually resident in Northern Ireland throughout the period of one year ending with the date of death.
- (4) The court shall have jurisdiction to entertain proceedings for death to be presumed and a marriage to be dissolved if (and only if) the petitioner—
 - (a) is domiciled in Northern Ireland on the date when the proceedings are begun ;
or
 - (b) was habitually resident in Northern Ireland throughout the period of one year ending with that date.
- (5) The court shall, at any time when proceedings are pending in respect of which it has jurisdiction by virtue of subsection (2) or (3) above (or of this subsection), also have jurisdiction to entertain other proceedings, in respect of the same marriage, for divorce, judicial separation or nullity of marriage, notwithstanding that jurisdiction would not be exercisable under subsection (2) or (3).
- (6) Schedule 5 to this Act shall have effect for applying in Northern Ireland, in relation to the High Court in Northern Ireland, Schedule 1 to this Act with the necessary modifications.

14 Transitional provision and saving

- (1) No proceedings for divorce shall be entertained by the court by virtue of section 13(2) or (5) of this Act while proceedings for divorce or nullity of marriage begun before the commencement of this Act are pending (in respect of the same marriage) in England and Wales, Scotland, the Channel Islands or the Isle of Man; and provision may be made by rules under section 7 of the Northern Ireland Act 1962 as to when for the purposes of this subsection proceedings are to be treated as begun or pending in any of those places.
- (2) In section 4(1) of the Law Reform (Miscellaneous Provisions) Act (Northern Ireland) 1951 (which confers on the court jurisdiction to entertain an application for maintenance by a wife where it would have jurisdiction to entertain proceedings for judicial separation) for the words from " if it would " to " separation " the following shall be substituted—
 - “if—
 - (a) the wife or the husband is domiciled in Northern Ireland; or
 - (b) the wife has been habitually resident there through out the period of one year ending with that date or;
 - (c) the husband is resident there on that date.”.
- (3) Nothing in this Part of this Act affects the court's jurisdiction to entertain any proceedings begun before the commencement of this Act.