



Matrimonial and Family Proceedings Act 1984

1984 CHAPTER 42

PART III

FINANCIAL RELIEF IN ENGLAND AND WALES AFTER OVERSEAS DIVORCE ETC.

Applications for financial relief

15 Jurisdiction of the court.

- (1) Subject to subsection (2) below, the court shall have jurisdiction to entertain an application for an order for financial relief if any of the following jurisdictional requirements are satisfied, that is to say—
 - (a) either of the parties to the marriage was domiciled in England and Wales on the date of the application for leave under section 13 above or was so domiciled on the date on which the divorce, annulment or legal separation obtained in the overseas country took effect in that country; or
 - (b) either of the parties to the marriage was habitually resident in England and Wales throughout the period of one year ending with the date of the application for leave or was so resident throughout the period of one year ending with the date on which the divorce, annulment or legal separation obtained in the overseas country took effect in that country; or
 - (c) either or both of the parties to the marriage had at the date of the application for leave a beneficial interest in possession in a dwelling-house situated in England or Wales which was at some time during the marriage a matrimonial home of the parties to the marriage.
- (2) Where the jurisdiction of the court to entertain proceedings under this Part of this Act would fall to be determined by reference to the jurisdictional requirements imposed by virtue of Part I of the ^{M1}Civil Jurisdiction and Judgments Act 1982 (implementation of certain European conventions) [^{F1}or by virtue of Council Regulation (EC) No. 44/2001 of 22nd December 2000 on jurisdiction and the recognition and enforcement

Status: Point in time view as at 01/07/2007. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Matrimonial and Family Proceedings Act 1984, Section 15. (See end of Document for details)

of judgments in civil and commercial matters [^{F2}, as amended from time to time and as applied by the Agreement made on 19th October 2005 between the European Community and the Kingdom of Denmark on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (OJNo. L 299 16.11.2005 at p62)] or] then—

- (a) satisfaction of the requirements of subsection (1) above shall not obviate the need to satisfy the requirements imposed by virtue of [^{F3}that Regulation or] Part I of that Act; and
- (b) satisfaction of the requirements imposed by virtue of [^{F3}that Regulation or] Part I of that Act shall obviate the need to satisfy the requirements of subsection (1) above;

and the court shall entertain or not entertain the proceedings accordingly.

Textual Amendments

- F1** Words in s. 15(2) inserted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 5, **Sch. 3 para. 19(a)**
- F2** Words in s. 15(2) inserted (1.7.2007) by The Civil Jurisdiction and Judgments Regulations 2007 (S.I. 2007/1655), reg. 1, **Sch. para. 13**
- F3** Words in s. 15(2)(a)(b) inserted (1.3.2002) by S.I. 2001/3929, arts. 1(b), 5, **Sch. 3 para. 19(b)**

Marginal Citations

- M1** 1982 c. 27.

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