



Family Law Act 1986

1986 CHAPTER 55

PART II

RECOGNITION OF DIVORCES, ANNULMENTS AND LEGAL SEPARATIONS

Overseas divorces, annulments and legal separations

48 Proof of facts relevant to recognition.

- (1) For the purpose of deciding whether an overseas divorce, annulment or legal separation obtained by means of proceedings is entitled to recognition by virtue of section 46 and 47 of this Act, any finding of fact made (whether expressly or by implication) in the proceedings and on the basis of which jurisdiction was assumed in the proceedings shall—
 - (a) if both parties to the marriage took part in the proceedings, be conclusive evidence of the fact found; and
 - (b) in any other case, be sufficient proof of that fact unless the contrary is shown.
- (2) In this section “finding of fact” includes a finding that either party to the marriage—
 - (a) was habitually resident in the country in which the divorce, annulment or legal separation was obtained; or
 - (b) was under the law of that country domiciled there; or
 - (c) was a national of that country.
- (3) For the purposes of subsection (1)(a) above, a party to the marriage who has appeared in judicial proceedings shall be treated as having taken part in them.

Status:

Point in time view as at 30/03/2001.

Changes to legislation:

Family Law Act 1986, Section 48 is up to date with all changes known to be in force on or before 25 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.