



Family Law Act 1986

1986 CHAPTER 55

PART II

RECOGNITION OF DIVORCES, ANNULMENTS AND LEGAL SEPARATIONS

Supplemental

51 Refusal of recognition.

- (1) Subject to section 52 of this Act, recognition of the validity of—
 - (a) a divorce, annulment or judicial separation granted by a court of civil jurisdiction in any part of the British Islands, or
 - (b) an overseas divorce, annulment or legal separation,may be refused in any part of the United Kingdom if the divorce, annulment or separation was granted or obtained at a time when it was irreconcilable with a decision determining the question of the subsistence or validity of the marriage of the parties previously given (whether before or after the commencement of this Part) by a court of civil jurisdiction in that part of the United Kingdom or by a court elsewhere and recognised or entitled to be recognised in that part of the United Kingdom.
- (2) Subject to section 52 of this Act, recognition of the validity of—
 - (a) a divorce or judicial separation granted by a court of civil jurisdiction in any part of the British Islands, or
 - (b) an overseas divorce or legal separation,may be refused in any part of the United Kingdom if the divorce or separation was granted or obtained at a time when, according to the law of that part of the United Kingdom (including its rules of private international law and the provisions of this Part), there was no subsisting marriage between the parties.
- (3) Subject to section 52 of this Act, recognition by virtue of section 45 of this Act of the validity of an overseas divorce, annulment or legal separation may be refused if—
 - (a) in the case of a divorce, annulment or legal separation obtained by means of proceedings, it was obtained—

Status: This is the original version (as it was originally enacted).

- (i) without such steps having been taken for giving notice of the proceedings to a party to the marriage as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken; or
 - (ii) without a party to the marriage having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to those matters, he should reasonably have been given; or
 - (b) in the case of a divorce, annulment or legal separation obtained otherwise than by means of proceedings—
 - (i) there is no official document certifying that the divorce, annulment or legal separation is effective under the law of the country in which it was obtained; or
 - (ii) where either party to the marriage was domiciled in another country at the relevant date, there is no official document certifying that the divorce, annulment or legal separation is recognised as valid under the law of that other country; or
 - (c) in either case, recognition of the divorce, annulment or legal separation would be manifestly contrary to public policy.
- (4) In this section—
 - “official”, in relation to a document certifying that a divorce, annulment or legal separation is effective, or is recognised as valid, under the law of any country, means issued by a person or body appointed or recognised for the purpose under that law;
 - “the relevant date” has the same meaning as in section 46 of this Act;and subsection (5) of that section shall apply for the purposes of this section as it applies for the purposes of that section.
- (5) Nothing in this Part shall be construed as requiring the recognition of any finding of fault made in any proceedings for divorce, annulment or separation or of any maintenance, custody or other ancillary order made in any such proceedings.