



Family Law Act 1996

1996 CHAPTER 27

PART II

DIVORCE AND SEPARATION

Jurisdiction and commencement of proceedings

19 Jurisdiction in relation to divorce and separation

- (1) In this section “the court’s jurisdiction” means—
- (a) the jurisdiction of the court under this Part to entertain marital proceedings; and
 - (b) any other jurisdiction conferred on the court under this Part, or any other enactment, in consequence of the making of a statement.
- (2) The court’s jurisdiction is exercisable only if—
- (a) at least one of the parties was domiciled in England and Wales on the statement date;
 - (b) at least one of the parties was habitually resident in England and Wales throughout the period of one year ending with the statement date; or
 - (c) nullity proceedings are pending in relation to the marriage when the marital proceedings commence.
- (3) Subsection (4) applies if—
- (a) a separation order is in force; or
 - (b) an order preventing divorce has been cancelled.
- (4) The court—
- (a) continues to have jurisdiction to entertain an application made by reference to the order referred to in subsection (3); and
 - (b) may exercise any other jurisdiction which is conferred on it in consequence of such an application.

Status: This is the original version (as it was originally enacted).

- (5) Schedule 3 amends Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973 (orders to stay proceedings where there are proceedings in other jurisdictions).
- (6) The court’s jurisdiction is exercisable subject to any order for a stay under Schedule 1 to that Act.
- (7) In this section—
 - “nullity proceedings” means proceedings in respect of which the court has jurisdiction under section 5(3) of the Domicile and Matrimonial Proceedings Act 1973; and
 - “statement date” means the date on which the relevant statement was received by the court.

20 Time when proceedings for divorce or separation begin

- (1) The receipt by the court of a statement is to be treated as the commencement of proceedings.
- (2) The proceedings are to be known as marital proceedings.
- (3) Marital proceedings are also—
 - (a) separation proceedings, if an application for a separation order has been made under section 3 by reference to the statement and not withdrawn;
 - (b) divorce proceedings, if an application for a divorce order has been made under section 3 by reference to the statement and not withdrawn.
- (4) Marital proceedings are to be treated as being both divorce proceedings and separation proceedings at any time when no application by reference to the statement, either for a divorce order or for a separation order, is outstanding.
- (5) Proceedings which are commenced by the making of an application under section 4(3) are also marital proceedings and divorce proceedings.
- (6) Marital proceedings come to an end—
 - (a) on the making of a separation order;
 - (b) on the making of a divorce order;
 - (c) on the withdrawal of the statement by a notice in accordance with section 5(3)(a);
 - (d) at the end of the specified period mentioned in section 5(3)(b), if no application under section 3 by reference to the statement is outstanding;
 - (e) on the withdrawal of all such applications which are outstanding at the end of that period;
 - (f) on the withdrawal of an application under section 4(3).