



# Divorce (Religious Marriages) Act 2002

## 2002 CHAPTER 27

An Act to make provision enabling a court to require the dissolution of a religious marriage before granting a civil divorce. [24th July 2002]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

### **1 Power to refuse decree absolute if steps not taken to dissolve religious marriage**

(1) In the Matrimonial Causes Act 1973 (c. 18), insert—

#### **“10A Proceedings after decree nisi: religious marriage**

- (1) This section applies if a decree of divorce has been granted but not made absolute and the parties to the marriage concerned—
  - (a) were married in accordance with—
    - (i) the usages of the Jews, or
    - (ii) any other prescribed religious usages; and
  - (b) must co-operate if the marriage is to be dissolved in accordance with those usages.
- (2) On the application of either party, the court may order that a decree of divorce is not to be made absolute until a declaration made by both parties that they have taken such steps as are required to dissolve the marriage in accordance with those usages is produced to the court.
- (3) An order under subsection (2)—
  - (a) may be made only if the court is satisfied that in all the circumstances of the case it is just and reasonable to do so; and
  - (b) may be revoked at any time.
- (4) A declaration of a kind mentioned in subsection (2)—

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*Status: This is the original version (as it was originally enacted).*

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- (a) must be in a specified form;
  - (b) must, in specified cases, be accompanied by such documents as may be specified; and
  - (c) must, in specified cases, satisfy such other requirements as may be specified.
- (5) The validity of a decree of divorce made by reference to such a declaration is not to be affected by any inaccuracy in that declaration.
- (6) “Prescribed” means prescribed in an order made by the Lord Chancellor and such an order—
- (a) must be made by statutory instrument;
  - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) “Specified” means specified in rules of court.”
- (2) Subsections (3) and (4) of section 9 of the Family Law Act 1996 (c. 27) (arrangements on divorce: religious marriages) are repealed.

## **2 Short title, commencement and extent**

- (1) This Act may be cited as the Divorce (Religious Marriages) Act 2002.
- (2) Section 1 comes into force on such day as the Lord Chancellor may appoint by order made by statutory instrument.
- (3) This Act extends to England and Wales only.