

1970 No. 1540

**SOUTHERN RHODESIA****The Southern Rhodesia (Matrimonial Jurisdiction)  
Order 1970**

|                               |                    |
|-------------------------------|--------------------|
| <i>Made</i> - - - -           | 19th October 1970  |
| <i>Laid before Parliament</i> | 23rd October 1970  |
| <i>Coming into Operation</i>  | 16th November 1970 |

At the Court at Buckingham Palace, the 19th day of October 1970

Present,

The Queen's Most Excellent Majesty in Council

Whereas it is desirable to mitigate the hardship caused to private persons because the laws of Southern Rhodesia with respect to matrimonial causes cannot be satisfactorily administered by reason of the fact that, since 11th November 1965, there have been no authorities in Southern Rhodesia competent to appoint judges and other officers for the purpose of exercising jurisdiction or performing other functions in accordance with the provisions of those laws and that certain persons in Southern Rhodesia have on or after that date purported or may hereafter purport to perform functions in relation thereto in the capacity of judges or other officers although those persons have not been validly appointed or authorised in that behalf before that date or, having been validly appointed or authorised in that behalf before that date, have ceased since that date to hold valid appointments or to possess a valid authority to perform those functions, as the case may be:

Now, therefore, Her Majesty, in exercise of the powers conferred on Her by section 2 of the Southern Rhodesia Act 1965(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

*Additional jurisdiction of United Kingdom Courts*

1.—(1) Without prejudice to any jurisdiction exercisable apart from this article and subject to paragraph (2) thereof, the High Court or a county court in England and Wales, the Court of Session in Scotland and the High Court in Northern Ireland shall have the same jurisdiction to entertain proceedings for divorce or nullity of marriage in respect of a marriage either party to which is or was at any particular time domiciled in Southern Rhodesia, or is or has for any period been resident there, as if that party were or had at that time been domiciled, or were or during that period had been resident, in England and Wales, or in Scotland or in Northern Ireland, as the case may be:

Provided that if either party to the marriage has been resident in Southern Rhodesia on or after 11th November 1965 and has thereafter resided in some

(a) 1965 c. 76.

other country or countries before becoming resident in England and Wales, or in Scotland or in Northern Ireland, as the case may be, his period of residence in Southern Rhodesia may for the purposes of this paragraph be regarded as having immediately preceded his period of residence in England and Wales, or in Scotland or in Northern Ireland, as the case may be.

(2) No proceedings shall be instituted in any part of the United Kingdom by virtue of paragraph (1) of this article unless the party instituting those proceedings has been ordinarily resident in that part for a period of not less than six months immediately preceding their institution.

(3) In any proceedings in which the court has jurisdiction by virtue of paragraph (1) of this article, the issues shall be determined in accordance with the law which would have been applicable thereto if both parties had been domiciled in England and Wales, or in Scotland or in Northern Ireland, as the case may be.

*Effect of orders and decrees*

2. Any decree or order granted or made by virtue of this Order shall, in addition to having effect within the law of that part of the United Kingdom in which it was granted or made, have the like effect within the law of Southern Rhodesia.

*Citation, commencement and extent*

3.—(1) This Order may be cited as the Southern Rhodesia (Matrimonial Jurisdiction) Order 1970 and shall come into operation on 16th November 1970.

(2) Article 2 of this Order shall extend to Southern Rhodesia as part of the law thereof.

*W. G. Agnew.*

---

EXPLANATORY NOTE

*(This Note is not part of the Order.)*

This Order enables the Courts of the United Kingdom to exercise matrimonial jurisdiction in certain circumstances in respect of persons domiciled or resident in Southern Rhodesia.

SI 1970/1540  
ISBN 0-11-001540-1

