Draft Order laid before Parliament under paragraph 5(6) of Schedule A1 to the Domicile and Matrimonial Proceedings Act 1973, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

JUDGMENTS, ENGLAND AND WALES
FAMILY LAW, ENGLAND AND WALES

The Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014

Made - - - -	***
Coming into force - -	*13th March 2014*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by paragraph 5 of Schedule A1 to the Domicile and Matrimonial Proceedings Act 1973(**1**). In accordance with paragraph 5(6) of Schedule A1 to that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

PART 1

Introductory

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgments) Regulations 2014 and shall come into force on 13th March 2014.

(2) These Regulations extend to England and Wales only.

(**1**) 1973 c. 45. Schedule A1 was inserted by Schedule 4 to the Marriage (Same Sex Couples) Act 2013 (c.30).

PART 2

Jurisdiction

Jurisdiction

2. The court has jurisdiction in proceedings for the divorce of, or annulment of the marriage of, a same sex couple or for the judicial separation of a married same sex couple where—

(a) both spouses are habitually resident in England and Wales;

(b) both spouses were last habitually resident in England and Wales and one of the spouses continues to reside there;

(c) the respondent is habitually resident in England and Wales;

(d) the petitioner is habitually resident in England and Wales and has resided there for at least one year immediately preceding the presentation of the petition;

(e) the petitioner is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately preceding the presentation of the petition; or

(f) both spouses are domiciled in England and Wales.

PART 3

Recognition and Refusal of Recognition of Judgments

Interpretation and application of Part 3

3.—(1) In this Part—

(a) "judgment" means a judgment of a court of a member State which orders the divorce of, or annulment of the marriage of, a same sex couple or the judicial separation of a married same sex couple;

(b) "member State" means a member State of the European Union other than the United Kingdom.

(2) A "court of a member State" referred to in paragraph (1)(a) means any authority, whether judicial or administrative, in a member State with jurisdiction in those matters falling within the scope of these Regulations.

(3) This Part applies to all judgments even if the date of the judgment is earlier than the date on which paragraph 5 of Schedule A1 to the Domicile and Matrimonial Proceedings Act 1973 and these Regulations come into force.

Recognition of a judgment

4.—(1) Where a judgment is (or has been) given in respect of a marriage of a same sex couple, that judgment shall, without any special formalities, be recognised.

(2) Any interested party may, in accordance with the procedure set out in the Family Procedure Rules 2010(**2**), apply to the court for a judgment to be, or not to be, recognised.

(3) Where the recognition of a judgment is raised as an incidental issue in proceedings before the court, that court may determine the issue.

(**2**) S.I. 2010/2995.