



# Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

## PART 1

### MARRIAGE

#### CHAPTER 6

##### SHERIFF COURT JURISDICTION IN RELATION TO DECLARATOR OF MARRIAGE

#### **23 Sheriff court jurisdiction in relation to declarator of marriage**

(1) Section 8 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of the sheriff court in relation to actions for separation, divorce etc.) is amended as follows.

(2) In subsection (1), before paragraph (a) insert—

“(za) an action for declarator of marriage;”.

(3) After subsection (2) insert—

“(2ZA) The court has jurisdiction to entertain an action for declarator of marriage if (and only if)—

(a) either party to the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the action is begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date, and

(b) any of the following requirements is met in relation to either of the parties to the marriage—

(i) the party is domiciled in Scotland on the date on which the action is begun,

(ii) the party was habitually resident in Scotland throughout the period of one year ending with that date, or

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*Status: This is the original version (as it was originally enacted).*

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- (iii) the party died before that date and either—
  - (A) was at death domiciled in Scotland, or
  - (B) had been habitually resident in Scotland throughout the period of one year ending with the date of death.”.
- (4) In subsection (3)—
  - (a) after “declarator of” insert “marriage or of”, and
  - (b) after “subsection (2)” in both places where those words appear insert “, (2ZA)”.
- (5) In subsection (4), after “declarator of” insert “marriage or of”.