



# Family Law Act 1986

## 1986 CHAPTER 55

### PART II

#### RECOGNITION OF DIVORCES, ANNULMENTS AND LEGAL SEPARATIONS

##### *Supplemental*

#### **52 Provisions as to divorces, annulments etc. obtained before commencement of Part II.**

- (1) The provisions of this Part shall apply—
  - (a) to a divorce, annulment or judicial separation granted by a court of civil jurisdiction in the British Islands before the date of the commencement of this Part, and
  - (b) to an overseas divorce, annulment or legal separation obtained before that date,as well as to one granted or obtained on or after that date.
- (2) In the case of such a divorce, annulment or separation as is mentioned in subsection (1) (a) or (b) above, the provisions of this Part shall require or, as the case may be, preclude the recognition of its validity in relation to any time before that date as well as in relation to any subsequent time, but those provisions shall not—
  - (a) affect any property to which any person became entitled before that date, or
  - (b) affect the recognition of the validity of the divorce, annulment or separation if that matter has been decided by any competent court in the British Islands before that date.
- (3) Subsections (1) and (2) above shall apply in relation to any divorce or judicial separation granted by a court of civil jurisdiction in the British Islands before the date of the commencement of this Part whether granted before or after the commencement of section 1 of the <sup>M1</sup>Recognition of Divorces and Legal Separations Act 1971.

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*Changes to legislation: Family Law Act 1986, Section 52 is up to date with all changes known to be in force on or before 29 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (4) The validity of any divorce, annulment or legal separation mentioned in subsection (5) below shall be recognised in the United Kingdom whether or not it is entitled to recognition by virtue of any of the foregoing provisions of this Part.
- (5) The divorces, annulments and legal separations referred to in subsection (4) above are—
- (a) a divorce which was obtained in the British Islands before 1st January 1974 and was recognised as valid under rules of law applicable before that date;
  - (b) an overseas divorce which was recognised as valid under the Recognition of Divorces and Legal Separations Act 1971 and was not affected by section 16(2) of the Domicile and <sup>M2</sup>Matrimonial Proceedings Act 1973 (proceedings otherwise than in a court of law where both parties resident in United Kingdom);
  - (c) a divorce of which the decree was registered under section 1 of the <sup>M3</sup>Indian and Colonial Divorce Jurisdiction Act 1926;
  - (d) a divorce or annulment which was recognised as valid under section 4 of the <sup>M4</sup>Matrimonial Causes (War Marriages) Act 1944; and
  - (e) an overseas legal separation which was recognised as valid under the <sup>M5</sup>Recognition of Divorces and Legal Separations Act 1971.

**Marginal Citations**

- M1** 1971 c. 53.  
**M2** 1973 c. 45.  
**M3** 1926 c. 40.  
**M4** 1944 c. 43.  
**M5** 1971 c. 53

**Changes to legislation:**

Family Law Act 1986, Section 52 is up to date with all changes known to be in force on or before 29 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(1)(ca)-(cc) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 7](#)
- s. 2A(1)(1A) substituted for s. 2(1) by [1996 c. 27 Sch. 8 para. 37\(3\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))
- s. 19(1A)-(1C) inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 8](#)
- s. 29A inserted by [2020 asp 16 s. 29\(2\)](#)
- s. 38(4) inserted by [1996 c. 27 Sch. 8 para. 37\(9\)](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 8 Pt. I repealed (except for paras. 4, 16(1)(5)(a)(6)(b)(7)) (13.5.2014) by Children and Families Act 2014 (c. 6), ss. 18(2)(e), 139(4))