



Matrimonial Causes Act 1973

1973 CHAPTER 18

PART I

DIVORCE, NULLITY AND OTHER MATRIMONIAL SUITS

Other matrimonial suits

17 Judicial separation.

[^{F1}(1) Either or both parties to a marriage may apply to the court for an order (a “judicial separation order”) which provides for the separation of the parties to the marriage.

(1A) An application under subsection (1) must be accompanied by—

- (a) if the application is by one party to the marriage only, a statement by that person that they seek to be judicially separated from the other party to the marriage, or
- (b) if the application is by both parties to the marriage, a statement by them that they seek to be judicially separated from one another.

(1B) The court dealing with an application under subsection (1) must make a judicial separation order.]

^{F2}(2)

(3) Sections 6 and 7 above shall apply for the purpose of encouraging the reconciliation of parties to proceedings for [^{F3}a judicial separation order] and of enabling the parties to a marriage to refer to the court for its opinion an agreement or arrangement relevant to actual or contemplated proceedings for [^{F3}a judicial separation order], as they apply in relation to proceedings for [^{F4}a divorce order].

Textual Amendments

F1 S. 17(1)-(1B) substituted for s. 17(1) (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), ss. 2(2), 8(1)(8) (with s. 8(5)); S.I. 2022/283, reg. 2

Changes to legislation: There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 17. (See end of Document for details)

- F2** S. 17(2) omitted (6.4.2022) by virtue of Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 2(3)**, 8(1)(8) (with s. 8(5)); S.I. 2022/283, reg. 2
- F3** Words in s. 17(3) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 2(4)(a)**, 8(1)(8) (with s. 8(5)); S.I. 2022/283, reg. 2
- F4** Words in s. 17(3) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 2(4)(b)**, 8(1)(8) (with s. 8(5)); S.I. 2022/283, reg. 2

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial Causes Act 1973, Section 17.