

SCHEDULES

SCHEDULE 1

STAYING OF MATRIMONIAL PROCEEDINGS (ENGLAND AND WALES)

Obligatory stays

- 8 (1) Where before the beginning of the trial or first trial in any proceedings for divorce which are continuing in the court it appears to the court on the application of a party to the marriage—
- (a) that in respect of the same marriage proceedings for divorce or nullity of marriage are continuing in a related jurisdiction ; and
 - (b) that the parties to the marriage have resided together after its celebration ; and
 - (c) that the place where they resided together when the proceedings in the court were begun or, if they did not then reside together, where they last resided together before those proceedings were begun, is in that jurisdiction ; and
 - (d) that either of the said parties was habitually resident in that jurisdiction throughout the year ending with the date on which they last resided together before the date on which the proceedings in the court were begun,
- it shall be the duty of the court, subject to paragraph 10(2) below, to order that the proceedings in the court be stayed.
- (2) References in sub-paragraph (1) above to the proceedings in the court are, in the case of proceedings which are not only proceedings for divorce, to the proceedings so far as they are proceedings for divorce.