



# Family Law Act 1986

## 1986 CHAPTER 55

### PART III

#### DECLARATIONS OF STATUS

#### **58 General provisions as to the making and effect of declarations.**

- (1) Where on an application [<sup>F1</sup>to a court] for a declaration under this Part the truth of the proposition to be declared is proved to the satisfaction of the court, the court shall make that declaration unless to do so would manifestly be contrary to public policy.
- (2) Any declaration made under this Part shall be binding on Her Majesty and all other persons.
- (3) [<sup>F2</sup>A] court, on the dismissal of an application for a declaration under this Part, shall not have power to make any declaration for which an application has not been made.
- (4) No declaration which may be applied for under this Part may be made otherwise than under this Part by any court.
- (5) No declaration may be made by any court, whether under this Part or otherwise—
  - (a) that a marriage was at its inception void;
  - <sup>F3</sup>(b) .....
- (6) Nothing in this section shall effect the powers of any court to [<sup>F4</sup>make a nullity of marriage order].

#### **Textual Amendments**

- F1** Words in s. 58(1) inserted (1.4.2001) by 2000 c. 19, s. 83, **Sch. 8 para. 7(a)** (with s. 83(6)); S.I. 2001/774, **art. 2(b)(c)**
- F2** Word in s. 58(3) substituted (1.4.2001) by 2000 c. 19, s. 83, **Sch. 8 para. 7(b)** (with s. 83(6)); S.I. 2001/774, **art. 2(b)(c)**
- F3** S. 58(5)(b) repealed (1.4.2001) by 2000 c. 19, ss. 83(3), 85, **Sch. 9 Pt. IX** (with s. 83(6)); S.I. 2001/774, **art. 2(b)-(d)**

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*Changes to legislation: Family Law Act 1986, Section 58 is up to date with all changes known to be in force on or before 15 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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**F4** Words in s. 58(6) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 51(6)** (with s. 8(6)); S.I. 2022/283, reg. 2

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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))