

## SCHEDULE

### Amendment of primary and secondary legislation

#### PART 1

#### Amendment of primary legislation

#### **Amendment of the Domicile and Matrimonial Proceedings Act 1973**

- 7.—(1) The Domicile and Matrimonial Proceedings Act 1973(1) is amended as follows.
- (2) In section 5 (jurisdiction of High Court and family court)—
- (a) in subsection (1A)—
    - (i) omit the definition of “the Council Regulation”;
    - (ii) omit the definition of “Contracting State”;
  - (b) in subsection (2) for the words from “if”—” to the end substitute “if) on the date of the application—
    - “(a) both parties to the marriage are habitually resident in England and Wales;
    - (b) both parties to the marriage were last habitually resident in England and Wales and one of them continues to reside there;
    - (c) the respondent is habitually resident in England and Wales;
    - (d) the applicant is habitually resident in England and Wales and has resided there for at least one year immediately before the application was made;
    - (e) the applicant is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately before the application was made;
    - (f) both parties to the marriage are domiciled in England and Wales; or
    - (g) either of the parties to the marriage is domiciled in England and Wales.”;
  - (c) in subsection (3) for the words from “if)—” to the end substitute “if) on the date of the application—
    - “(a) both parties to the marriage are habitually resident in England and Wales;
    - (b) both parties to the marriage were last habitually resident in England and Wales and one of them continues to reside there;
    - (c) the respondent is habitually resident in England and Wales;
    - (d) the applicant is habitually resident in England and Wales and has resided there for at least one year immediately before the application was made;
    - (e) the applicant is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately before the application was made;
    - (f) both parties to the marriage are domiciled in England and Wales; or
    - (g) either of the parties to the marriage—
      - (i) is domiciled in England and Wales; or
      - (ii) died before the application was made and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of one year ending with the date of death.”;

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(1) 1973 c. 45. Section 5 was amended by paragraph 66 to Schedule 11 of Crime and Courts Act 2013 (c. 22) and S.I. 2001/310; 2005/265, section 10 was amended by S.I. 2011/1484 and schedule 1 was amended by S.I. 2001/310. There are other amending instruments but none is relevant.

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

- (d) omit subsection (6A).
- (3) In section 10 (ancillary and collateral orders) omit—
  - (a) subsection (1C);
  - (b) subsection (1D).
- (4) In Schedule 1 (staying of matrimonial proceedings (England and Wales)), in paragraph 9(1), omit “, other than proceedings governed by the Council Regulation,”.