



**AN BILLE UM SHAINCHÓNAÍ AGUS AITHINT COLSCARTHAÍ
COIGRÍCHE, 1985
DOMICILE AND RECOGNITION OF FOREIGN
DIVORCES BILL, 1985**

*Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas*

ARRANGEMENT OF SECTIONS

Section

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6. Short title and commencement.



AN BILLE UM SHAINCHÓNAÍ AGUS AITHINT COLSCARTHAÍ
COIGRÍCHE, 1985
DOMICILE AND RECOGNITION OF FOREIGN
DIVORCES BILL, 1985

BILL

entitled

AN ACT TO AMEND THE LAW RELATING TO DOMICILE
AND THE RECOGNITION OF FOREIGN DIVORCES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Abolition of wife's
dependent
domicile.

1.—(1) From the commencement of this Act the domicile of a
married woman shall be an independent domicile and shall be deter- 10
mined by reference to the same factors as in the case of any other
person capable of having an independent domicile and, accordingly,
the rule of law whereby upon marriage a woman acquires the domicile
of her husband and is during the subsistence of the marriage incapable 15
of having any other domicile is hereby abolished.

(2) This section applies to the parties to every marriage, irrespec-
tive of where and under what law the marriage takes place and
irrespective of the domicile of the parties at the time of the marriage.

Domicile before
commencement of
Act.

2.—The domicile that a person had at any time before the com- 20
mencement of this Act shall be determined as if this Act had not been
passed.

Domicile after
commencement of
Act.

3.—The domicile that a person has at any time after the commence-
ment of this Act shall be determined as if this Act had always been 25
in force.

Dependent
domicile of minor.

4.—(1) The domicile of a minor at any time when his father and
mother are living apart shall be that of his mother if—

(a) the minor then has his home with her and has no home with
his father, or

(b) the minor has at any time had her domicile by virtue of 30
paragraph (a) of this subsection and has not since had a
home with his father.

(2) The domicile of a minor whose mother is dead shall be that
which she last had before she died if at her death the minor had her
domicile by virtue of *subsection (1)* of this section and has not since 35
had a home with his father.

(3) This section shall not affect any existing rule of law as to the cases in which a minor's domicile is regarded as being, by dependence, that of his mother.

5 (4) In the application of this section to a minor who has been adopted, references to the father or mother of such minor shall be construed as references to the adoptive father or adoptive mother of such minor.

10 5.—(1) For the rule of law that a divorce is recognised if granted in a country where both spouses are domiciled, there is hereby substituted a rule that a divorce shall be recognised if granted in the country where either spouse is domiciled. Recognition of foreign divorces.

15 (2) In relation to a country which has in matters of divorce two or more systems applying in different territorial units, this section shall, without prejudice to subsection (3) of this section, have effect as if each territorial unit were a separate country.

(3) A divorce granted in any of the following jurisdictions—

- (a) England and Wales,
- (b) Scotland,
- (c) Northern Ireland,
- 20 (d) the Isle of Man,
- (e) the Channel Islands,

shall be recognised if either spouse is domiciled in any of those jurisdictions.

25 (4) In a case where neither spouse is domiciled in the State, a divorce shall be recognised if, although not granted in the country where either spouse is domiciled, it is recognised in the country or countries where the spouses are domiciled.

(5) This section shall apply to a divorce granted after the commencement of this Act.

30 (6) Nothing in this section shall affect a ground on which a court may refuse to recognise a divorce, other than such a ground related to the question whether a spouse is domiciled in a particular country, or whether the divorce is recognised in a country where a spouse is domiciled.

35 (7) In this section—

“divorce” means divorce *a vinculo matrimonii*;

“domiciled” means domiciled at the date of the institution of the proceedings for divorce.

40 6.—(1) This Act may be cited as the Domicile and Recognition of Foreign Divorces Act, 1986. Short title and commencement.

(2) This Act shall come into operation on the day that is three months after the date of the passing of this Act.



AN BILLE UM SHAINCHÓNAÍ AGUS
AITHINT COLSCARTHAÍ COIGRÍCHE,
1985

BILLE

dá ngairtear

Acht do leasú an dlí a bhaineann le sainchónaí
agus aithint colscarthaí coigríche.

*Ritheadh ag dhá Theach an Oireachtais,
25 Meitheamh, 1986*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
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FOREIGN DIVORCES BILL, 1985

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An Act to amend the law relating to domicile and
the recognition of foreign divorces.

*Passed by both Houses of the Oireachtas,
25th June, 1986*

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