



Family Law (Scotland) Act 2006

2006 asp 2

Jurisdiction

37 Jurisdiction: actions for declarator of recognition of certain foreign decrees

- (1) The Domicile and Matrimonial Proceedings Act 1973 (c. 45) shall be amended in accordance with subsections (2) and (3).
- (2) In section 7 (jurisdiction of Court of Session in certain consistorial causes)—
 - (a) in subsection (1)—
 - (i) for “(2) to (8)” there shall be substituted “(2A) to (10)”; and
 - (ii) at the end there shall be inserted—

“(aa) an action for declarator of recognition, or non-recognition, of a relevant foreign decree.”;
 - (b) in subsection (3A), after “marriage”, where it first occurs, there shall be inserted “or for declarator of recognition, or non-recognition, of a relevant foreign decree”; and
 - (c) after subsection (8) there shall be added—

“(9) In this section, “relevant foreign decree” means a decree of divorce, nullity or separation granted outwith a member state of the European Union.

“(10) References in subsection (3A) to a marriage shall, in the case of an action for declarator of recognition, or non-recognition, of a relevant foreign decree, be construed as references to the marriage to which the relevant foreign decree relates.”.
- (3) In section 8 (jurisdiction of sheriff court in certain consistorial causes)—
 - (a) in subsection (1)—
 - (i) for “(4)” there shall be substituted “(6)”; and
 - (ii) the words from “an” to the end shall become paragraph (a) of that subsection; and
 - (iii) at the end there shall be added “and”
 - (b) an action for declarator of recognition, or non-recognition, of a relevant foreign decree.”;

Status: This is the original version (as it was originally enacted).

- (b) in subsection (2), after “divorce” there shall be inserted “or for declarator of recognition, or non-recognition, of a relevant foreign decree”; and
- (c) after subsection (4) there shall be added—
 - “(5) In this section, “relevant foreign decree” has the meaning given by section 7(9).
 - (6) References in subsection (2) to a marriage shall, in the case of an action for declarator of recognition, or non-recognition, of a relevant foreign decree, be construed as references to the marriage to which the relevant foreign decree relates.”.