



Matrimonial and Family Proceedings Act 1984

1984 CHAPTER 42

PART I

TIME RESTRICTIONS ON PRESENTATION OF PETITIONS FOR DIVORCE OR NULLITY OF MARRIAGE

1 Bar on petitions for divorce within one year of marriage

For section 3 of the Matrimonial Causes Act 1973 (in this Part referred to as "the 1973 Act") (which provides that no petition for divorce shall be presented within three years of marriage unless the leave of the court has been obtained) there shall be substituted the following section—

“3 Bar on petitions for divorce within one year of marriage.

- (1) No petition for divorce shall be presented to the court before the expiration of the period of one year from the date of the marriage.
- (2) Nothing in this section shall prohibit the presentation of a petition based on matters which occurred before the expiration of that period.”

2 Extension of period for proceedings for decree of nullity in respect of voidable marriage

- (1) Section 13 of the 1973 Act (which imposes restrictions on the institution of proceedings for a decree of nullity in respect of a voidable marriage) shall be amended as follows.
- (2) For subsection (2) of section 13 there shall be substituted the following subsection—

Status: This is the original version (as it was originally enacted).

- “(2) Without prejudice to subsection (1) above, the court shall not grant a decree of nullity by virtue of section 12 above on the grounds mentioned in paragraph (c), (d), (e) or (f) of that section unless—
- (a) it is satisfied that proceedings were instituted within the period of three years from the date of the marriage, or
 - (b) leave for the institution of proceedings after the expiration of that period has been granted under subsection (4) below.”
- (3) At the end of section 13 there shall be added the following subsections—
- “(4) In the case of proceedings for the grant of a decree of nullity by virtue of section 12 above on the grounds mentioned in paragraph (c), (d), (e) or (f) of that section, a judge of the court may, on an application made to him, grant leave for the institution of proceedings after the expiration of the period of three years from the date of the marriage if—
- (a) he is satisfied that the petitioner has at some time during that period suffered from mental disorder within the meaning of the Mental Health Act 1983, and
 - (b) he considers that in all the circumstances of the case it would be just to grant leave for the institution of proceedings.
- (5) An application for leave under subsection (4) above may be made after the expiration of the period of three years from the date of the marriage.”