



# Family Law Act 1986

## 1986 CHAPTER 55

### PART III

#### DECLARATIONS OF STATUS

#### 55 Declarations as to marital status.

- (1) Subject to the following provisions of this section, any person may apply to [<sup>F1</sup> the High Court or [<sup>F2</sup>the family court]] for one or more of the following declarations in relation to a marriage specified in the application, that is to say—
- (a) a declaration that the marriage was at its inception a valid marriage;
  - (b) a declaration that the marriage subsisted on a date specified in the application;
  - (c) a declaration that the marriage did not subsist on a date so specified;
  - (d) a declaration that the validity of a divorce, annulment or legal separation obtained in any country outside England and Wales in respect of the marriage is entitled to recognition in England and Wales;
  - (e) a declaration that the validity of a divorce, annulment or legal separation so obtained in respect of the marriage is not entitled to recognition in England and Wales.
- (2) A court shall have jurisdiction to entertain an application under subsection (1) above if, and only if, either of the parties to the marriage to which the application relates—
- (a) is domiciled in England and Wales on the date of the application, or
  - (b) has been habitually resident in England and Wales throughout the period of one year ending with that date, or
  - (c) died before that date and either—
    - (i) was at death domiciled in England and Wales, or
    - (ii) had been habitually resident in England and Wales throughout the period of one year ending with the date of death.
- (3) Where an application under subsection (1) above is made [<sup>F3</sup>to a court] by any person other than a party to the marriage to which the application relates, the court shall

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*Changes to legislation: Family Law Act 1986, Section 55 is up to date with all changes known to be in force on or before 16 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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refuse to hear the application if it considers that the applicant does not have a sufficient interest in the determination of that application.

#### **Textual Amendments**

- F1** Words in s. 55(1) substituted (1.4.2001) by 2000 c. 19, s. 83, **Sch. 8 para. 4(a)** (with s. 83(6)); S.I. 2001/774, **art. 2(b)(c)**
- F2** Words in s. 55(1) substituted (22.4.2014) by **Crime and Courts Act 2013 (c. 22)**, s. 61(3), **Sch. 11 para. 96**; S.I. 2014/954, **art. 2(e)** (with **art. 3**) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)
- F3** Words in s. 55(3) inserted (1.4.2001) by 2000 c. 19, s. 83, **Sch. 8 para. 4(b)** (with s. 83(6)); S.I. 2001/774, **art. 2(b)(c)**

**Changes to legislation:**

Family Law Act 1986, Section 55 is up to date with all changes known to be in force on or before 16 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.

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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))