

Status: Point in time view as at 06/04/2022.

Changes to legislation: There are currently no known outstanding effects for the Divorce, Dissolution and Separation Act 2020, PART 3. (See end of Document for details)

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 3

AMENDMENTS TO OTHER ACTS

- 43 In section 18A of the Wills Act 1837 (effect of dissolution or annulment of marriage on wills), in subsection (1), in the words before paragraph (a) omit “a decree of”.

Commencement Information

- II** Sch. para. 43 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 44 (1) The Inheritance (Provision for Family and Dependants) Act 1975 is amended as follows.
- (2) In section 1 (application for financial provision from deceased's estate), in subsection (2)(a)—
- (a) for “decree of judicial separation” substitute “judicial separation order”;
 - (b) for “the decree” substitute “the order”.
- (3) In section 3 (matters to which court is to have regard in exercising powers under section 2), in subsection (2), in the words after paragraph (b)—
- (a) for “decree of judicial separation” substitute “judicial separation order”;
 - (b) for “decree of divorce” substitute “divorce order”.
- (4) In section 14 (provision as to cases where no financial relief was granted in divorce proceedings etc)—
- (a) in subsection (1)—
 - (i) in the words before paragraph (a), for the words from “decree of divorce” to “granted,” substitute “divorce order or nullity of marriage order has been made final or a judicial separation order has been made,”;
 - (ii) in the words after paragraph (b), for the words from “decree of divorce” to “granted,” substitute “divorce order or nullity of marriage order had not been made final or the judicial separation order had not been made,”;
 - (b) in subsection (2)—
 - (i) for “decree of judicial separation” substitute “judicial separation order”;
 - (ii) for “the decree” substitute “the order”.
- (5) In section 15 (restriction imposed in divorce proceedings etc)—
- (a) in subsection (1), for the words from “grant” to “separation” substitute “making of a divorce, nullity of marriage or judicial separation order”;
 - (b) In subsection (2)—
 - (i) for “decree of divorce or nullity of marriage” substitute “divorce or nullity of marriage order”;

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Changes to legislation: There are currently no known outstanding effects for the Divorce, Dissolution and Separation Act 2020, PART 3. (See end of Document for details)

- (ii) for the words from “after” to the end substitute “ after the divorce or nullity of marriage order is made final, but if it is made before that order is made final it shall not take effect unless that order is made final ”;
 - (c) in subsection (3), for “grant of a decree of divorce or nullity of marriage” substitute “ making of a divorce or nullity of marriage order ”;
 - (d) in subsection (4)—
 - (i) for “grant of a decree of judicial separation” substitute “ making of a judicial separation order ”;
 - (ii) for “decree is” substitute “ order is ”.
- (6) In section 19 (effect, duration and form of orders), in subsection (2)(b)—
- (a) for “decree of judicial separation” substitute “ judicial separation order ”;
 - (b) for “the decree” substitute “ the order ”.
- (7) In section 25 (interpretation)—
- (a) in subsection (1), in the definition of “former spouse”, in paragraph (a), for the words from “decree” to “granted” substitute “ divorce order or nullity of marriage order made, or a decree of divorce or of nullity of marriage granted, ”;
 - (b) after subsection (5A) insert—
 - “(5B) In sections 1(2), 3(2), 14, 15 and 19(2)—
 - (a) a reference to a divorce order includes a decree of divorce,
 - (b) a reference to a nullity of marriage order includes a decree of nullity of marriage;
 - (c) a reference to a judicial separation order includes a decree of judicial separation;
 - (d) a reference to making includes granting;
 - (e) a reference to an order being made final includes a decree being made absolute.”

Commencement Information

I2 Sch. para. 44 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 45 In the Legitimacy Act 1976, in section 10 (interpretation), in subsection (1), in the definition of “void marriage”, after “jurisdiction” insert “ to make a nullity of marriage order or ”.

Commencement Information

I3 Sch. para. 45 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 46 In section 18 of the Senior Courts Act 1981 (restrictions on appeals to Court of Appeal), after paragraph (d) insert—
- “(da) from a divorce order or nullity of marriage order that has been made final, by a party who, having had time and opportunity to appeal from the conditional order on which that final order was founded, has not appealed from the conditional order;”.

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Commencement Information

I4 Sch. para. 46 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 47 In the Civil Jurisdiction and Judgments Act 1982, in section 18 (enforcement of UK judgments in other parts of UK), in subsection (6)(a), at the beginning insert “ a judicial separation order or ”.

Commencement Information

I5 Sch. para. 47 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 48 (1) The Matrimonial and Family Proceedings Act 1984 is amended as follows.
- (2) In section 17 (orders for financial provision and property adjustment), in subsection (1)(a), for the words from “decree of divorce” to “granted” substitute “ divorce order, nullity of marriage order or judicial separation order in respect of the marriage had been made ”.
- (3) In section 22 (powers of court in relation to certain tenancies of dwelling-houses), in subsection (2), for the words from “decree of divorce” to “granted” substitute “ divorce order, nullity of marriage order or judicial separation order had been made ”.

Commencement Information

I6 Sch. para. 48 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 49 In the Finance Act 1985, in section 83 (transfers in connection with divorce, dissolution of civil partnership etc), in subsection (1)—
- (a) in paragraph (a), for the words from “a decree” to “separation,” substitute “ an order or decree for their divorce, the annulment of the marriage or their judicial separation, ”;
- (b) in paragraph (b), for “a decree,” substitute “ an order or decree for divorce, annulment or judicial separation as is mentioned in paragraph (a), ”.

Commencement Information

I7 Sch. para. 49 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 50 In the Agricultural Holdings Act 1986, in Schedule 6 (eligibility to apply for new tenancy under Part 4 of the Act), in paragraph 1(3), for the words from “subject of” to the end substitute “subject of—
- (a) a judicial separation order or decree of judicial separation, or
- (b) a conditional divorce or nullity of marriage order or a decree nisi of divorce or of nullity of marriage.”

Commencement Information

I8 Sch. para. 50 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 51 (1) The Family Law Act 1986 is amended as follows.

Status: Point in time view as at 06/04/2022.

Changes to legislation: There are currently no known outstanding effects for the Divorce, Dissolution and Separation Act 2020, PART 3. (See end of Document for details)

- (2) In section 2A (jurisdiction in or in connection with matrimonial proceedings or civil partnership proceedings), in subsection (2)(a), after “grant of a decree of judicial separation” insert “ or the making of a judicial separation order ”.
- (3) In section 6 (duration and variation of Part 1 Orders), in subsection (3B)(c), for “decree of judicial separation has not yet been granted” substitute “ judicial separation order ”.
- (4) In section 42 (general interpretation of Part 1), in subsection (2), for the words from “eighteen” to the end substitute “eighteen—
- (a) in the case of proceedings for a decree of divorce, nullity or judicial separation, whether or not a decree has been granted and whether or not (in the case of a decree of divorce or nullity of marriage) that decree has been made absolute;
 - (b) in the case of proceedings for a divorce, nullity of marriage or judicial separation order, whether or not an order has been made and whether or not (in the case of a divorce or nullity of marriage order) that order has been made final.”
- (5) In section 54 (interpretation of Part 2), in the definition of “annulment”, after “any” insert “ nullity of marriage order or ”.
- (6) In section 58 (general provisions as to the making and effect of declarations), in subsection (6) for “grant a decree of nullity of marriage” substitute “ make a nullity of marriage order ”.

Commencement Information

I9 Sch. para. 51 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 52 In the Children Act 1989, in section 6 (guardians: revocation and disclaimer), in subsection (3A)(a) omit “a decree of”.

Commencement Information

I10 Sch. para. 52 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 53 In section 225B of the Taxation of Chargeable Gains Act 1992 (disposals in connection with divorce etc), in subsection (2)(b)(i)—
- (a) for “an order or” substitute “ a divorce or nullity of marriage order, ”;
 - (b) after “marriage,” insert “ an order or decree ”;
 - (c) after “partnership, or” insert “ an order or decree ”.

Commencement Information

I11 Sch. para. 53 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 54 (1) Schedule 7 to the Family Law Act 1996 (transfer of certain tenancies on divorce etc or on separation of cohabitants) is amended as follows.
- (2) In paragraph 2(2), for paragraph (a) substitute—

Status: Point in time view as at 06/04/2022.

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- “(a) on making a divorce, nullity of marriage or judicial separation order or at any time after making such an order (whether, in the case of a divorce or nullity of marriage order, before or after the order is made final), or”.
- (3) In paragraph 12(a)—
- (a) for “decree of divorce or nullity has been granted,” substitute “divorce or nullity of marriage order has been made,”;
- (b) for “decree is made absolute” substitute “order is made final”.
- (4) In paragraph 13(1), for “grant of a decree” substitute “making of an order” and for “grant of that decree,” substitute “making of that order,”.
- (5) After paragraph 13 insert—

“Inclusion of references to decrees in references to orders

- 13A In paragraphs 2 to 13—
- (a) a reference to a divorce order includes a decree of divorce;
- (b) a reference to a nullity of marriage order includes a decree of nullity of marriage;
- (c) a reference to a judicial separation order includes a decree of judicial separation;
- (d) a reference to making includes granting;
- (e) a reference to an order being made final includes a decree being made absolute.”

Commencement Information

I12 Sch. para. 54 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 55 In the Finance Act 2003, in Schedule 3 (stamp duty land tax: transactions exempt from charge), in paragraph 3—
- (a) in paragraph (a), for the words from “a decree” to “separation;” substitute “an order or decree for their divorce, the annulment of the marriage or their judicial separation;”;
- (b) in paragraph (b), for “a decree;” substitute “an order or decree for divorce, annulment or judicial separation as is mentioned in paragraph (a);”.

Commencement Information

I13 Sch. para. 55 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 56 In section 5 of the Gender Recognition Act 2004 (issue of full certificates where applicant has been married), in subsection (1)—
- (a) in paragraph (a), for “absolute a decree of nullity granted” substitute “final a nullity of marriage order made”;
- (b) omit “or” at the end of that paragraph;
- (c) after paragraph (a) insert—
- “(aa) (in Northern Ireland) makes absolute a decree of nullity granted on that ground, or”.

Status: Point in time view as at 06/04/2022.

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Commencement Information

I14 Sch. para. 56 in force at 6.4.2022 by S.I. 2022/283, reg. 2

57 (1) Section 55D of the Income Tax Act 2007 (procedure for elections under section 55C) is amended as follows.

(2) In subsection (8)—

(a) for paragraph (a) and the “or” after it substitute—

“(a) in England and Wales, a divorce order which has been made final, a nullity of marriage order which has been made final, a judicial separation order or a corresponding decree,”;

(b) in paragraph (b), at the end insert “ or ”;

(c) after paragraph (b) insert—

“(c) in Northern Ireland, a decree absolute of divorce, a decree of nullity of marriage or a decree of judicial separation.”

(3) At the end insert—

“(12) In subsection (8) “corresponding decree” means any of the following—
a decree absolute of divorce;
a decree absolute of nullity of marriage;
a decree of judicial separation.”

Commencement Information

I15 Sch. para. 57 in force at 6.4.2022 by S.I. 2022/283, reg. 2

58 In Schedule 1 to the Land and Buildings Transaction Tax (Scotland) Act 2013 (asp 11) (exempt transactions), in paragraph 4—

(a) in paragraph (a), for “a decree of divorce, nullity of marriage or” substitute “ an order or decree for the dissolution or annulment of the marriage or their ”;

(b) in paragraph (b), for “such a” substitute “ such an order or ”.

Commencement Information

I16 Sch. para. 58 in force at 6.4.2022 by S.I. 2022/283, reg. 2

59 (1) In Schedule 3 to the Land Transaction Tax and Anti-avoidance of Devolved Taxes (Wales) Act 2017 (anaw 1) (transactions exempt from charge), paragraph 3 is amended as follows.

(2) In paragraph (a)—

(a) in the English language text, for “a decree of divorce, nullity of marriage or” substitute “ an order or decree for the dissolution or annulment of the marriage or their ”;

(b) in the Welsh language text, for “archddyfarniad ysgariad, dirymedd priodas” substitute “ gorchymyn neu archddyfarniad ar gyfer diddymiad neu ddirymiad y briodas ”.

Status: Point in time view as at 06/04/2022.

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- (3) In paragraph (b)—
- (a) in the English language text, for “such a” substitute “ such an order or ”;
 - (b) in the Welsh language text, before “archddyfarniad o'r fath” insert “ gorchymyn neu ”.

Commencement Information

I17 Sch. para. 59 in force at 6.4.2022 by S.I. 2022/283, reg. 2

- 60 In the Wills and Administration Proceedings (Northern Ireland) Order 1994 (S.I. 1994/1899 (N.I. 13)), in Article 13 (effect of dissolution or annulment of marriage), in paragraph (5)(a)—
- (a) after “divorce” insert “ or divorce order, ”;
 - (b) for “granted” substitute “ or nullity of marriage order, granted or made ”.

Commencement Information

I18 Sch. para. 60 in force at 6.4.2022 by S.I. 2022/283, reg. 2

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