



Isle of Man

Ellan Vannin

AT 15 of 1974

**DOMICILE AND MATRIMONIAL
PROCEEDINGS ACT 1974**



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**Isle of Man***Ellan Vannin*

DOMICILE AND MATRIMONIAL PROCEEDINGS ACT 1974

<i>Received Royal Assent:</i>	28 June 1974
<i>Passed:</i>	9 July 1974
<i>Commenced:</i>	1 January 1975

AN ACT to amend the law relating to the domicile of married women and persons not of full age, to matters connected with domicile and to jurisdiction in matrimonial proceedings; to make further provision about the recognition of divorces and legal separations; and for purposes connected therewith.

PART I – DOMICILE

Husband and Wife

1 Abolition of wife's dependent domicile

[P1973/45/1]

- (1) Subject to subsection (2) below, the domicile of a married woman as at any time after the coming into force of this section shall, instead of being the same as her husband's by virtue only of marriage, be ascertained by reference to the same factors as in the case of any other individual capable of having an independent domicile.
- (2) Where, immediately before this section came into force, a woman was married and then had her husband's domicile by dependence, she is to be treated as retaining that domicile (as a domicile of choice, if it is not also her domicile of origin) unless and until it is changed by acquisition or revival of another domicile either on or after the coming into force of this section.

2 [Repealed]¹*Minors***3 Age at which independent domicile can be acquired**

[P1973/45/3]

The time at which a person first becomes capable of having an independent domicile shall be when he attains the age of sixteen or marries under that age; and, in the case of a person who immediately before this section takes effect was incapable of having an independent domicile, but had then attained the age of sixteen or been married, it shall be that date.

4 Dependent domicile of child not living with his father

[P1973/45/4]

- (1) Subsection (2) below shall have effect with respect to the dependent domicile of a child as at any time after the coming into force of this section when his father and mother are alive but living apart.
- (2) The child's domicile as at that time shall be that of his mother if —
 - (a) he then has his home with her and has no home with his father; or
 - (b) he has at any time had her domicile by virtue of paragraph (a) above and has not since had a home with his father.
- (3) As at any time after the coming into force of this section, the domicile of a child whose mother is dead shall be that which she last had before she died if at her death he had her domicile by virtue of subsection (2) above and he has not since had a home with his father.
- (4) Nothing in this section prejudices any existing rule of law as to the cases in which a child's domicile is regarded as being, by dependence, that of his mother.
- (5) In this section, "child" means a person incapable of having an independent domicile; and, in its application to a child who has been adopted, references to his father and his mother shall be construed as references to his adoptive father and mother.

PART II

5 **and 6 [Repealed]**²

PART III – MISCELLANEOUS AND GENERAL

7 **[Repealed]**³

8 **Citation, etc**

[P1973/45/17]

- (1) This Act may be cited as the Domicile and Matrimonial Proceedings Act 1974.
- (2) [Repealed]⁴
- (3) This Act shall, subject to subsection (4) below, come into operation when the Royal Assent thereto has been by the Governor announced to Tynwald and a certificate hereof has been signed by the Governor and the Speaker of the House of Keys.
- (4) This section (except subsection (2) above) shall take effect on the coming into operation of this Act, but the other provisions of this Act shall take effect on such day as the Governor shall by order appoint.⁵

SCHEDULE 1⁶

SCHEDULE 2⁷

ENDNOTES

Table of Endnote References

¹ S 2 repealed by Recognition of Divorces etc. Act 1987 Sch.

² Ss 5 and 6 repealed by Matrimonial Proceedings Act 2003 Sch 6.

³ S 7 repealed by Recognition of Divorces etc. Act 1987 Sch.

⁴ Subs (2) repealed by Statute Law Revision Act 1983 Sch 2.

⁵ ADO (whole Act, except as indicated above) 1/1/1975 (GC119/74).

⁶ Sch 1 repealed by Matrimonial Proceedings Act 2003 Sch 6.

⁷ Sch 2 repealed by Statute Law Revision Act 1983 Sch 2.