



Isle of Man

Ellan Vannin

AT 10 of 2020

**DIVORCE, DISSOLUTION AND
SEPARATION (ISLE OF MAN) ACT 2020**



Isle of Man

Ellan Vannin

DIVORCE, DISSOLUTION AND SEPARATION (ISLE OF MAN) ACT 2020

Index

Section		Page
	<i>Introductory</i>	5
1	Short title	5
2	Commencement	5
	<i>Divorce and judicial separation</i>	6
3	Divorce: removal of requirement to establish facts etc	6
4	Separation: removal of factual grounds	6
	<i>Civil partnership: dissolution and separation</i>	6
5	Dissolution: removal of requirement to establish facts	6
6	Dissolution orders: time limits	6
7	Separation: removal of factual grounds	7
	<i>General</i>	7
8	Minor and consequential amendments	7
	SCHEDULE	9
	MINOR AND CONSEQUENTIAL AMENDMENTS	9
	PART 1: AMENDMENT OF THE MATRIMONIAL PROCEEDINGS ACT 2003	9
	PART 2: AMENDMENT OF THE CIVIL PARTNERSHIP ACT 2011	11
	PART 3: AMENDMENT OF OTHER ENACTMENTS	12
	ENDNOTES	13
	TABLE OF ENDNOTE REFERENCES	13

**Isle of Man***Ellan Vannin*

DIVORCE, DISSOLUTION AND SEPARATION (ISLE OF MAN) ACT 2020

<i>Signed in Tynwald:</i>	<i>20 October 2020</i>
<i>Received Royal Assent:</i>	<i>20 October 2020</i>
<i>Announced to Tynwald:</i>	<i>20 October 2020</i>

AN ACT to make, in relation to marriage and civil partnership, provision about divorce, dissolution and separation; and for connected purposes.

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows: —

Introductory¹

1 Short title

The short title of this Act is the Divorce, Dissolution and Separation (Isle of Man) Act 2020.

2 Commencement

- (1) This Act comes into operation on such day or days as the Council of Ministers, after consultation with the Deemsters, may by order appoint.
This is subject to the following qualification.²
- (2) Section 8(2) comes into operation on announcement day.
- (3) An order under subsection (1) may include such consequential, incidental, supplemental, transitional and transitory provision, including amendments or repeals of Manx enactments as the Council of Ministers, after consultation with the Deemsters, considers appropriate.³
Tynwald procedure for an order under subsection (1) — laying only.

*Divorce and judicial separation***3 Divorce: removal of requirement to establish facts etc**

2019/20 HL Bill 02/1

[Substituted section 2 of the *Matrimonial Proceedings Act 2003*]**4 Separation: removal of factual grounds**

2019/20 HL Bill 02/2

- (1) Section 17 of the *Matrimonial Proceedings Act 2003* (separation) is amended as follows.
- (2) [Substituted subsection (1) and inserted subsections (1A) and (1B)]
- (3) [Repealed subsections (2) and (3)]

*Civil partnership: dissolution and separation***5 Dissolution: removal of requirement to establish facts**

2019/20 HL Bill 02/3

- (1) Section 42 of the *Civil Partnership Act 2011* (dissolution of civil partnership which has broken down irretrievably) is amended as follows.
- (2) [Amended subsection (1)]
- (3) [Inserted subsection (1A)]
- (4) [Repealed subsections (2) and (3)]
- (5) [Substituted subsection (4) and inserted subsection (4A)]
- (6) [Repealed subsections (5) and (6)]

6 Dissolution orders: time limits

2019/20 HL Bill 02/4

- (1) The *Civil Partnership Act 2011* is amended as follows.
- (2) [Repealed subsection 35(2)]
- (3) [Inserted section 35A]
- (4) In section 36 (the period before provisional orders may be made final)—
 - (a) [Substituted section 36 heading]
 - (b) [Inserted subsection (A1)]
 - (c) [Amended subsection (1)]
 - (d) [Amended subsection (2)]

7 Separation: removal of factual grounds

2019/20 HL Bill 02/5

- (1) Section 54 of the *Civil Partnership Act 2011* (separation orders) is amended as follows.⁴
- (2) [Amended subsection (1)]
- (3) [Inserted subsection (1A)]
- (4) [Repealed subsection (2)]
- (5) [Substituted subsection (3)]
- (6) [Repealed subsection (4)]

*General***8 Minor and consequential amendments**

2019/20 HL Bill 02/6

- (1) The Schedule contains minor and consequential amendments.
- (2) The Council of Ministers, after consulting the Deemsters, may by order make provision consequential on any provision made by this Act, including making amendments to any Manx enactment (whenever passed or made) or modifications to Parliamentary enactments in their application to the Island.⁵
Tynwald procedure — approval required.
- (3) [Repealed]⁶

SCHEDULE**MINOR AND CONSEQUENTIAL AMENDMENTS**

2019/20 HL Bill 02/Sch. 1 (so far as relevant)

[Section 8(1)]⁷**PART 1: AMENDMENT OF THE MATRIMONIAL
PROCEEDINGS ACT 2003****1 Matrimonial Proceedings Act 2003 amended***The Matrimonial Proceedings Act 2003* is amended as follows.**2 Sections 3, 4(2), 5 and 6 omitted⁸**

- (1) [Repealed section 3]
- (2) [Repealed section 4(2)]
- (3) [Repealed section 5]
- (4) [Repealed section 6]

3 Attempts at reconciliation: section 7 amended

[Amended section 7(1)]

4 Consideration of certain agreements or arrangements: section 8 amended

- (1) Section 8 is amended as follows.
- (2) [Amended paragraph (a)]

5 Special protection for respondent in separation cases: section 9 amended

- (1) Section 9 is amended as follows.
- (2) [Substituted heading]
- (3) [Repealed subsection (1)]
- (4) [Substituted subsections (2) and (3) and inserted subsection (3A)]
- (5) [Amended subsection (4)]

6 Relief for respondent in divorce proceedings: section 10 omitted

[Repealed section 10]

7 Period before annulment orders may be made final: section 13B inserted

[Inserted section 13B]⁹

13B Period before annulment orders may be made final

- (1) An annulment order, —
 - (a) is, in the first instance, a provisional order, and¹⁰
 - (b) may not be made final before the end of the period of 6 weeks from the making of the provisional order.¹¹
- (2) Rules of court may amend this section so as to shorten or lengthen the period for the purposes of subsection (1)(b).
Tynwald procedure — laying only.
- (3) But rules of court under subsection (2) may not lengthen the period so that it exceeds 6 months.
- (4) In a particular case the court dealing with the case may by order shorten the period that would otherwise apply for the purposes of subsection (1)(b).¹²

8 Bars to relief where marriage voidable: section 14 amended

- (1) Section 14 is amended as follows.
- (2) [Amended subsection (1)(a)]

9 Provisional and final orders: section 23 amended

- (1) Section 23 is amended as follows.
- (2) [Amended subsection (1)]
- (3) In subsection (3) for “a divorce order, annulment order or” substitute **an order**.¹²
- (4) Omit subsection (4).

10 Parties to proceedings under Part I: section 24 amended

- (1) Section 24 is amended as follows.
- (2) [Repealed subsections (1) to (3)]
- (3) [Amended subsection (4)]
- (4) [Repealed subsection (5)(a)]

11 Duration of continuing financial provision orders and effect of remarriage: section 40 amended

- (1) Section 40 is amended as follows.

(2) [Amended subsection (2)]

PART 2: AMENDMENT OF THE CIVIL PARTNERSHIP ACT 2011

12 Civil Partnership Act 2011 amended

The *Civil Partnership Act 2011* is amended as follows.

13 Proceedings before order has been made final: section 38 amended

[Amended section 38(4)]

14 Time bar on applications for dissolution orders: section 39 amended

[Repealed section 39(2)]

15 Supplemental provisions as to facts raising presumption of breakdown: section 43 omitted

[Repealed section 43]

16 Dissolution not precluded by previous separation order, etc.: section 44 omitted

[Repealed section 44]

17 Refusal of dissolution in 5 year separation cases on ground of severe hardship: section 45 omitted

[Repealed section 45]

18 Proceedings before order made final: protection for respondent in separation cases: section 46 amended

In section 46, —

- (a) [Amended the heading]
- (b) [Repealed subsection (1)]
- (c) [Substituted subsection (2)]

19 Relief for respondent in dissolution proceedings: section 60 omitted

[Repealed section 60]

PART 3: AMENDMENT OF OTHER ENACTMENTS**20 Inheritance (Provision for Family and Dependants) Act 1982 amended**

- (1) The *Inheritance (Provision for Family and Dependants) Act 1982* is amended as follows.
- (2) [Amended section 1(2)(a)]
- (3) [Amended section 3(2)]
- (4) In section 14 (provision as to cases where no financial relief granted in divorce proceedings etc) —
 - (a) [Amended subsection (1)]
 - (b) [Amended subsection (2)]
- (5) In section 15 (restriction imposed in divorce proceedings etc) —
 - (a) [Amended subsection (1)]
 - (b) [Substituted subsection (2)]
 - (c) [Amended subsection (3)]
 - (d) [Amended subsection (4)]
- (6) [Amended section 19(2)(b)]
- (7) In section 24 (interpretation) —
 - (a) [Amended subsection (1)(a) of the definition of “former spouse”]
 - (b) [Inserted subsection (5B)]

21 Wills Act 1985 amended

[Amended section 8(1)]

22 Legitimacy Act 1985 amended

[Amended definitions of “void civil partnership” and “void marriage” in section 11(1) of the Legitimacy Act 1985]

23 High Court Act 1991 amended

[Inserted section 19(2A) of the *High Court Act 1991*]

24 Children and Young Persons Act 2001 amended

[Amended section 8(4)(a) of the *Children and Young Persons Act 2001*]

ENDNOTES

Table of Endnote References

¹ Heading substituted by Statute Law Revision Act 2021 s 13.

² ADO – Remaining provisions in operation 03/04/2023, except for paragraph 7 of the Schedule to the extent that it inserts section 13B(2) into the Matrimonial Proceedings Act 2003 and paragraph 9(3) and (4) of the Schedule, subject to transitional provisions – SD2023/0134.

³ Subs (3) amended by Statute Law Revision Act 2021 s 13.

⁴ Subs (1) amended by Statute Law Revision Act 2021 s 13.

⁵ Subs (2) amended by Statute Law Revision Act 2021 s 13.

⁶ Subs (3) repealed by Statute Law Revision Act 2021 s 13.

⁷ Subsubheading amended by Statute Law Revision Act 2021 s 13.

⁸ Para 2 heading amended by Statute Law Revision Act 2021 s 13.

⁹ Editorial Note: insertion of section 13B(2) not in operation – see SD2023/0134.

¹⁰ Inserted para (a) amended by Statute Law Revision Act 2021 s 13.

¹¹ Inserted para (b) amended by Statute Law Revision Act 2021 s 13.

¹² Subpara (3) amended by Statute Law Revision Act 2021 s 13.