

# STATES OF JERSEY

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## **DRAFT MATRIMONIAL CAUSES (AMENDMENT No. 11) (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200-**

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**Lodged au Greffe on 28th June 2005  
by the Legislation Committee**

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**STATES GREFFE**





Jersey

## **DRAFT MATRIMONIAL CAUSES (AMENDMENT No. 11) (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200-**

### **REPORT**

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The Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003 stemmed from proposals of the Jersey Law Society –

- (a) to abolish the ground of cruelty in petitions for divorce and replace it with the ground of ‘unreasonable behaviour’; and
- (b) to equalise the position of the husband and wife in respect of their being able to petition for divorce after a certain qualifying period of residence in the Island.

The Legislation Committee itself went on to consider a further aspect of the Matrimonial Causes (Jersey) Law 1949, namely, the ground of adultery and whether it should be a requirement that the petitioner not only prove the allegation of adultery, but also be required to show that he or she found it intolerable to live with the respondent as a result of the adultery.

The Committee came up with proposals for reform as set out below. The resulting projet de loi was adopted unanimously by the States on 1st July 2003 and registered by the Royal Court on 5th December, 2003.

This Law, as well as reforms effected by the Children (Jersey) Law 2002, have necessitated a re-writing of the entire Rules of Court for the Family Division of the Royal Court. Hence the delay in being able to implement the reforms.

#### **Summary of the reforms**

1. The existing ground of cruelty in proceedings for divorce or judicial separation is abolished and replaced with the ground that “the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent”.
2. The existing ground of adultery in proceedings for divorce or judicial separation is replaced with the ground that “the respondent has committed adultery and that the petitioner finds it intolerable to live with the respondent”.
3. The jurisdiction of the Family Division of the Royal Court is increased to enable either spouse (irrespective of the husband’s domicile) to petition if he or she has been habitually resident in the Island for one year.

## **Explanatory Note**

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This Act brings the Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003 into force on 1st August 2005. The Law replaces cruelty as a ground for divorce with the ground of “unreasonable behaviour” and modifies the ground of adultery by requiring the petitioner also to show that he or she finds it intolerable to live with the respondent. It also equalizes the position of husband and wife with respect to the requirements of domicile or residence in Jersey before they can petition for divorce. The Law is being brought into force on the same day as the new Children (Jersey) Law 2002, the Rules of Court enabling both Laws to operate being inextricably linked.





Jersey

## **DRAFT MATRIMONIAL CAUSES (AMENDMENT No. 11) (JERSEY) LAW 2003 (APPOINTED DAY) ACT 200-**

*Made*

*[date to be inserted]*

*Coming into force*

*[date to be inserted]*

**THE STATES**, in pursuance of Article 11 of the Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003,<sup>[1]</sup> have made the following Act –

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### **1 Commencement of Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003**

The Matrimonial Causes (Amendment No. 11) (Jersey) Law 2003 shall come into force on 1st August 2005.

### **2 Citation**

This Act may be cited as the Matrimonial Causes (Amendment No. 11) (Appointed Day) Act 200.

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<sup>[1]</sup> *Recueil des Lois, Volume 2003, page 557.*