

Ireland

Family Law (Divorce) Act 1996

Number 33 of 1996

An Act To Make Provision For The Exercise By The Courts Of The Jurisdiction Conferred By The Constitution To Grant Decrees Of Divorce, To Enable The Courts To Make Certain Preliminary And Ancillary Orders In Or After Proceedings For Divorce, To Provide, As Regards Transfers Of Property Of Divorced Spouses, For Their Exemption From, Or For The Abatement Of, Certain Taxes (Including Stamp Duty) And To Provide For Related Matters.

[27th November, 1996]

Be It Enacted By The Oireachtas As Follows:

[...]

Part V Miscellaneous

[...]

Exercise of jurisdiction by court in relation to divorce.

39.—(1) The court may grant a decree of divorce if, but only if, one of the following requirements is satisfied—

(a) either of the spouses concerned was domiciled in the State on the date of the institution of the proceedings concerned,

(b) either of the spouses was ordinarily resident in the State throughout the period of one year ending on that date.

(2) Where proceedings are pending in a court in respect of an application for the grant of a decree of divorce or in respect of an appeal from the determination of such an application and the court has or had, by virtue of subsection (1), jurisdiction to determine the application, the court shall, notwithstanding section 31(4) of the Act of 1989 or section 39 of the Act of 1995, as the case may be, have jurisdiction to determine an application for the grant of a decree of judicial separation or a decree of nullity in respect of the marriage concerned.

(3) Where proceedings are pending in a court in respect of an application for the grant of a decree of nullity or in respect of an appeal from the determination of such an application and the court has or had, by virtue of section 39 of the Act of 1995, jurisdiction to determine the application, the court shall, notwithstanding subsection (1), have jurisdiction to determine an application for the grant of a decree of divorce in respect of the marriage concerned.

(4) Where proceedings are pending in a court in respect of an application for the grant of a decree of judicial separation or in respect of an appeal from the determination of such an application and the court has or had, by virtue of section 31 (4) of the Act of 1989, jurisdiction to determine the application, the court shall, notwithstanding subsection (1), have jurisdiction to determine an application for the grant of a decree of divorce in respect of the marriage concerned.

[...]

Domicile and Recognition of Foreign Divorces Act 1986

Number 24 of 1986

An Act To Amend The Law Relating To Domicile And The Recognition Of Foreign Divorces.

[2nd July, 1986]

Be It Enacted By The Oireachtas As Follows:

[...]

Recognition of foreign divorces.

5. (1) For the rule of law that a divorce is recognised if granted in a country where both spouses are domiciled, there is hereby substituted a rule that a divorce shall be recognised if granted in the country where either spouse is domiciled.

(2) In relation to a country which has in matters of divorce two or more systems applying in different territorial units, this section shall, without prejudice to subsection (3) of this section, have effect as if each territorial unit were a separate country.

(3) A divorce granted in any of the following jurisdictions—

(a) England and Wales,

(b) Scotland,

(c) Northern Ireland,

(d) the Isle of Man,

(e) the Channel Islands, shall be recognised if either spouse is domiciled in any of those jurisdictions.

(4) In a case where neither spouse is domiciled in the State, a divorce shall be recognised if, although not granted in the country where either spouse is domiciled, it is recognised in the country or countries where the spouses are domiciled.

(5) This section shall apply to a divorce granted after the commencement of this Act.

(6) Nothing in this section shall affect a ground on which a court may refuse to recognise a divorce, other than such a ground related to the question whether a spouse is domiciled in a particular country, or whether the divorce is recognised in a country where a spouse is domiciled.

(7) In this section—

‘divorce’ means divorce a vinculo matrimonii;

‘domiciled’ means domiciled at the date of the institution of the proceedings for divorce.

[...]

Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

Number 24 of 2010

An Act To Provide For The Registration Of Civil Partners And For The Consequences Of That Registration, To Provide For The Rights And Obligations Of Cohabitants And To Provide For Connected Matters.

[19th July, 2010]

Be It Enacted By The Oireachtas As Follows:

[...]

Part 2 Status of Civil Partnerships

[...]

Recognition of registered foreign relationships.

5.— (1) The Minister may, by order, declare that a class of legal relationship entered into by two parties of the same sex is entitled to be recognised as a civil partnership if under the law of the jurisdiction in which the legal relationship was entered into—

(a) the relationship is exclusive in nature,

(b) the relationship is permanent unless the parties dissolve it through the courts,

(c) the relationship has been registered under the law of that jurisdiction, and

(d) the rights and obligations attendant on the relationship are, in the opinion of the Minister, sufficient to indicate that the relationship would be treated comparably to a civil partnership.

(2) An order under subsection (1) entitles and obliges the parties to the legal relationship to be treated as civil partners under the law of the State from the later of—

(a) the day which is 21 days after the date on which the order is made, and

(b) the day on which the relationship was registered under the law of the jurisdiction in which it was entered into.

(3) Notwithstanding subsections (1) and (2), an order made under subsection (1) shall not be construed as entitling parties to a legal relationship otherwise recognised by that order to be treated as civil partners under the law of the State if those parties are within the prohibited degrees of relationship set out in the Third Schedule to the Civil Registration Act 2004 (inserted by section 26).

(4) Where an order is made under subsection (1), a dissolution of a legal relationship under the law of the jurisdiction in which it was entered into, or under the law of any other jurisdiction in respect of which a class of legal relationship has been declared by an order made under that subsection to be entitled to be recognised as a civil partnership, shall be recognised as a dissolution and deemed to be a dissolution under section 110, and any former parties to such a relationship shall not be treated as civil partners under the law of the State from the later of—

(a) the day which is 21 days after the date on which the order is made, and

(b) the day on which the dissolution became effective under the law of the relevant jurisdiction.

(5) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under it.

[...]

Adoption Act 2010

Number 21 of 2010

An Act To Provide For The Dissolution Of An Bord Uchtála And The Establishment Of A Body To Be Known As Údarás Uchtála Na Héireann And In The English Language As The Adoption Authority Of Ireland; To Provide For Matters Relating To The Adoption Of Children; To Give The Force Of Law To The Convention On The Protection Of Children And Co-Operation In Respect Of Inter- Country Adoption Signed At The Hague On 29 May 1993; To Provide For The Making And Recognition Of Intercountry Adoptions In Accordance With Bilateral Agreements And With Other Arrangements; To Provide For The Recognition Of Certain Adoptions Effected Outside The State; To Repeal The Adoption Acts 1952 To 1998; To Make Consequen-tial Amendments To Other Acts And To Provide For Related Matters.

[14th July, 2010]

Be It Enacted By The Oireachtas As Follows:

[...]

Part 8 Effects of Adoption orders and of State Recognition of Intercountry Adoptions

Recognition and effects of intercountry adoption effected outside State

57.— (1) In this section, ‘competent authority’ includes a person serving in another state in the capacity of a competent authority for the purposes of an intercountry adoption effected outside the State.

(2) Subject to subsections (3) and (4), an intercountry adoption effected outside the State that—

(a) if effected at any time before the establishment day—

(i) is an adoption that, at that time, conformed to the definition of ‘foreign adoption’ in section 1 of the Adoption Act 1991, and

(ii) has been certified under a certificate issued by the competent authority of the state of the adoption as having been effected under and in accordance with the law of that state, or

(b) if effected on or after the establishment day, has been certified under a certificate issued by the competent authority of the state of the adoption—

(i) in the case of an adoption referred to in paragraph (b) of the definition of ‘intercountry adoption effected outside the State’ in section 3 (1), as having been effected by an adopter or adopters who were habitually resident in that state at the time of the adoption under and in accordance with the law of that state, and

(ii) in any other case, as having been effected in accordance with the Hague Convention or with a bilateral agreement or with an arrangement referred to in section 81, as the case may be, unless contrary to public policy, is hereby recognised, and is deemed to have been effected by a valid adoption order made on the later of the following:

(I)

the date of the adoption;

(II)

the date on which, under section 90, the Authority enters particulars of the adoption in the register of intercountry adoptions.

(3) Subject to subsection (4), if an intercountry adoption effected outside the State that, under subsection (2), is recognised and deemed to have been effected by a valid adoption order has the effect in the state of the adoption of terminating a pre-existing legal parent-child

relationship, the adoption, as of the date of the deeming under that subsection, has substantially the same effect as an adoption effected by an adoption order.

(4) If an intercountry adoption effected outside the State that, under subsection (2) is recognised and deemed to have been effected by a valid adoption order, does not have the effect in the state of the adoption of terminating a pre-existing legal parent-child relationship, the adoption, as of the date of the deeming under that subsection, has the effect, in respect of the child, of making applicable section 58 (a) but not section 58 (b).

[...]

The Family Law (Divorce) Act

<www.irishstatutebook.ie/eli/1996/act/33/enacted/en/print.html>

The Domicile and Recognition of Foreign Divorce Act

<www.irishstatutebook.ie/eli/1986/act/24/enacted/en/print.html>

The Civil Partnership and Certain Rights and Obligations of Cohabitants Act from

<www.irishstatutebook.ie/eli/2010/act/24/enacted/en/print.html>

The Adoption Act <www.irishstatutebook.ie/eli/2010/act/21/enacted/en/print.html>