

LAWS OF BRUNEI

CHAPTER 165

DISSOLUTION OF MARRIAGE

ARRANGEMENT OF SECTIONS

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DISSOLUTION OF MARRIAGE ACT

S.16/92

An Act to confer on the High Court jurisdiction in respect of divorce and other matters in connection with certain monogamous marriages and for matters incidental thereto

Commencement : 29th April 1992

Citation

1. This Act may be cited as the Dissolution of Marriage Act.

Jurisdiction
of High
Courts

2. The High Court shall notwithstanding the provisions of any other law, but subject to the provisions of this Act, have the same powers as those vested in the Family Division of the High Court in England on 1st January, 1992, in relation to the matters specified in section 3 of this Act.

Matters
within
jurisdiction

3. The High Court shall have the jurisdiction set out in section 2 of this Act in relation to the following matters —

- (a) divorce and nullity of marriage ;
- (b) judicial separation ;
- (c) declarations and presumptions of death ;
- (d) property and financial relief ;
- (e) custody of children ;
- (f) all such other matters as are ancillary or supplementary to any jurisdiction conferred by this section of this Act.

Application
of this Act

4. This Act shall apply only to marriages which are —

- (a) monogamous in nature ;

(b) celebrated either in a church or in a civil marriage office, howsoever described ;

(c) between parties, neither of whom, at the date of the petition, is of the Muslim faith.

5. The High Court shall have jurisdiction under this Act if, at the date of the petition, either party to the marriage —

Connection
or residence

(a) had a substantial connection with Brunei Darussalam ; or

(b) had been ordinarily resident within Brunei Darussalam for at least twelve months immediately preceding the date of the petition.

6. For the avoidance of doubt, the provisions of section 2 of the Application of Laws Act, in so far as it provides that statutes of general application in force in England on 25th April, 1951 shall be in force in Brunei Darussalam, shall not apply so as to restrict the jurisdiction conferred by this Act.

Application
of Cap. 2