

Religious divorces

Will my religious divorce be recognised in the UK?

If you obtain a divorce in the UK under Jewish law (a get) or under Islamic law (a talaq) it will not be regarded as effective to bring your marriage to an end.

A religious divorce made in the UK will not be recognised in the UK even if it is started or finished abroad. To be divorced here you need to go through the court under the law and procedures that apply here.

However, your religious divorce may be recognised in the UK if it is made abroad.

Will my get made overseas be recognised?

If the get made overseas is effective under the laws of the country in which it was obtained and you or your spouse at the time of the proceedings were "habitually resident" in that country, "domiciled" in that country or a national of that country, then it will be recognised as a valid divorce in the UK.

Will my talaq made overseas be recognised?

To be recognised as a valid divorce in the UK a talaq made overseas **must** be effective under the law of the country where it is pronounced. The next step is to look at whether it is obtained through "proceedings" in the country in question. "Proceedings" means some kind of State or administrative involvement. A "bare talaq" which just involves speaking the words "I divorce you" or equivalent will not be "obtained through proceedings".

A talaq obtained through proceedings will be recognised in the UK if at the commencement of the proceedings either you or your spouse were:

- "habitually resident" in that country;
- "domiciled" in that country, or;
- a national of that country.

If the talaq was not obtained through proceedings there are two further conditions before it is recognised here:

1. For the whole of the year before the talaq was obtained neither of you must have been habitually resident in the UK, **and**
2. Unless you were both domiciled in the country where the talaq was obtained, then whichever one of you wasn't domiciled there must be domiciled in a country that would also recognise the talaq as effective.