

CAYMAN ISLANDS



MATRIMONIAL CAUSES ACT

(2026 Revision)

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PUBLISHING DETAILS

Law 9 of 1976 consolidated with Laws 9 of 1995 (part), 4 of 2003 (part) and 23 of 2003 (part), and as read with Law 28 of 1985.

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Law 9 of 1976-25th June, 1976

Law 9 of 1995-13th September, 1995

Law 28 of 1985-2nd December, 1985

Law 4 of 2003-13th June, 2003*

Law 23 of 2003-3rd December, 2003

Act 35 of 2020-4th September, 2020*

Act 56 of 2020-7th December, 2020.

Consolidated and revised this 31st December, 2025.

Note (not forming part of this Act): This revision replaces the 2005 Revision which should now be discarded.

**See note 2 on page 17.*



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MATRIMONIAL CAUSES ACT
(2026 Revision)

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CAYMAN ISLANDS



MATRIMONIAL CAUSES ACT

(2026 Revision)

Short title

1. This Act may be cited as the *Matrimonial Causes Act (2026 Revision)*.

Definitions and application

2. (1) In this Act —

“**child of a marriage**” includes any child under the age of sixteen years who is the child, adopted or otherwise, of either party to such marriage or who has been brought up in the matrimonial, or civil partnership, home of the parties to such marriage as a member of their family;

“**civil partner**” means a party to a civil partnership as defined in the *Civil Partnership Act, 2020 [Law 35 of 2020]*;

“**competent**”, with reference to any court, means competent in the place of its location to make any particular decree;

“**Court**” means the Grand Court;

“**domicile**” has the meaning ascribed to it, from time to time, in English law;

“**foreign court**” means a court of law having jurisdiction outside the Islands;

“**legally effective proceedings**” in relation to any divorce or legal separation obtained outside the Islands, means judicial or other proceedings in any country outside the Islands which render such divorce or legal separation effective under the law of that country and applies to polygamous as well as to monogamous marriages, or civil partnerships;

“**marriage**” means a marriage which at any given time is according to the law of the place of its celebration —

- (a) monogamous; and
- (b) indissoluble save by the death of one of the parties thereto, or by the decree of a competent court or other legally effective proceeding;

“**ordinary residence**” has the meaning ascribed to it from time to time in English law;

“**petition**” includes cross-petition and “**petitioner**” includes cross-petitioner;

“**respondent**” includes cross-respondent;

“**rules**” means such rules and orders of court in relation to matrimonial causes, or civil partnership causes, and matters generally as may be made or applied under this Act; and

“**spouse**” means the male or female party to a marriage.

- (2) The provisions of this Act, relating to legal separations and divorces obtained outside the Islands, applies to such legal separations and divorces obtained before 2nd December, 1985 as well as after and, in the case of a legal separation or divorce obtained before 2nd December, 1985 —
 - (a) operate in relation to any time before 2nd December, 1985 as well as in relation to any subsequent time; but
 - (b) do not affect any property rights to which any person became entitled or question of the validity of any legal separation or divorce granted in the Islands before 2nd December, 1985.

Powers of the Court

- 3. The Court has jurisdiction in all matters pertaining to this Act and, subject to the provisions thereof, has power to pronounce and enforce decrees of —

- (a) nullity of marriage, or civil partnerships;
- (b) presumption of the death of a spouse, or civil partner;
- (c) dissolution of marriage, or civil partnerships;
- (d) judicial separation;
- (e) reversal of decrees of judicial separation; and
- (f) matters ancillary thereto,

and has, in addition, all the powers of the Court of Chancery in England necessary to enable it to exercise the jurisdiction conferred upon it by this Act.

Rules of Court

- 4. The Court may make rules and orders for regulating the practice and procedure, Court fees, taxation of costs and other matters arising out of matrimonial, or civil partnership, suits brought under this Act.



Jurisdiction over persons

5. The Court has jurisdiction to entertain a suit arising out of this Act where, at the time of filing suit, or at a material time with reference to the suit and within one year of the presentation of the petition, either of the parties to the suit was domiciled in the Islands; or the party filing suit, being a female, has been ordinarily resident in the Islands for at least two years immediately preceding the presentation of the petition.

Foreign marriages or civil partnerships

6. The Court will recognise a marriage, or civil partnership, celebrated outside the Islands upon being satisfied that the marriage, or civil partnership, was in fact celebrated in accordance with the law of the place of such celebration —

Provided that it is not proved to the Court, in accordance with section 8, that such marriage, or civil partnership is void.

Foreign decrees

7. (1) The Court will recognise the decree or order of a foreign court or other legally effective proceeding with reference to the marital status, or civil status, of the parties to a marriage, or civil partnership, where, irrespective of whether the grounds for the making of such decree or order would, in the Islands, be grounds for making a similar decree or order, the Court is satisfied that with respect to the country within which the foreign court has jurisdiction either spouse, or civil partner, was at the date of the petition giving rise to the proceedings (whether in the first instance for legal separation or divorce) and culminating in such decree or order —

- (a) habitually resident in that country;
- (b) a national of that country; or
- (c) domiciled in that country under the law relating to domicile there appertaining,

and the Court is satisfied that the foreign court, tribunal or authority was competent in that country to make the decree or order or other legally effective pronouncement —

Provided that the validity of such decree or order of a foreign court granting a divorce or judicial separation shall not be recognised in the Islands if it was granted at a time when, according to the law of the Islands, there was no subsisting marriage, or civil partnership, between the parties:

Provided further that recognition by virtue of this section may be refused if such decree or order was obtained by one spouse, or civil partner —

- (a) without such steps having been taken for giving notice of the proceedings to the other spouse, or civil partner, as, having regard to the nature of the

- proceedings and all the circumstances, should reasonably have been taken;
or
- (b) without the other spouse, or civil partner, having been given such opportunity to take part in the proceedings as, having regard to the matters aforesaid, should reasonably have been given,
- or recognition would manifestly be contrary to public policy.
- (2) Where the validity of a decree of divorce pronounced by a foreign court is entitled to recognition by virtue of subsection (1) neither spouse, or civil partner, shall be precluded from re-marriage, or a new civil partnership, in the Islands on the grounds that the validity of the divorce would not be recognised in some other country.
- (3) Nothing in this section shall be construed as requiring the recognition of any finding of fact made in the proceedings of the foreign court other than findings of fact upon which the jurisdiction was assumed, which latter findings shall be binding upon the Court.

Grounds for pronouncing decrees for nullity of marriage or civil partnership

- 8.** (1) For the purpose of this section a marriage, or civil partnership is void if —
- (a) it was celebrated in the Islands and —
- (i) it is within the prohibited degrees of consanguinity or affinity; or
- (ii) it is void under the law in force for the time being in the Islands relating to marriage, or civil partnership;
- (b) it is bigamous; or
- (c) the parties were not virtually consenting thereto by reason of duress, fraud or incapacity of mind.
- (2) *Spent pursuant to the Mental Health Act (2023 Revision).*
- (3) A decree of nullity may be pronounced by the Court in respect of any marriage, or civil partnership, or purported marriage, or civil partnership, on the ground that —
- (a) such marriage, or civil partnership, is void;
- (b) one of the parties thereto was, at the time of the marriage physically incapable of consummating the marriage, and remains so incapable;
- (c) the marriage has not been consummated by reason of the wilful refusal of the respondent to consummate the marriage;
- (d) that either party to the marriage, or civil partnership, was, at the time of the marriage, or civil partnership, mentally impaired to an extent that they could not validly consent;
- (e) the respondent was at the time of the marriage suffering from venereal disease in a communicable form; or



- (f) the respondent was at the time of marriage, or civil partnership, pregnant by some person other than the petitioner:

Provided that, in the cases specified in paragraphs (b) to (f) the petitioner was, at the time of the celebration of the marriage, or civil partnership, ignorant of the facts alleged and the proceedings were instituted within one year from the date of the marriage; and in the cases specified in paragraphs (d) to (f), marital intercourse with the consent of the petitioner has not taken place since the discovery by the petitioner of the existence of the grounds of the decree.

- (4) Where, apart from this Act, any matter affecting the validity of a marriage, or civil partnership, would fall to be determined (in accordance with the rules of private international law) by reference to the law of a country outside the Islands, nothing in the section shall —
 - (a) preclude the determination of that matter as aforesaid; or
 - (b) require the application to the marriage, or civil partnership, of the grounds there mentioned except so far as applicable in accordance with those rules.

Presumption of death

- 9. Where the Court is satisfied that for a period of at least seven years immediately preceding the presentation of an *ex parte* petition by a party to a marriage, or civil partnership, that the other party to the marriage, or civil partnership, has been continuously absent from the petitioner, and the petitioner has no reason to believe that the other party has been living within that time, the Court may grant a decree of the presumption of the death of such other party.

Grounds for pronouncing decrees for dissolution of marriage, or civil partnership

- 10. (1) A decree of dissolution of marriage, or civil partnership, may be pronounced by the Court in respect of a marriage, or civil partnership, on the ground that since the celebration of the marriage, or civil partnership —
 - (a) the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent;
 - (b) the respondent has behaved in such a way that the petitioner cannot reasonably be expected to live with the respondent;
 - (c) the respondent has deserted the petitioner for a continuous period of at least two years immediately preceding the presentation of the petition;
 - (d) the parties to the marriage, or civil partnership, have lived apart for a continuous period of at least two years immediately preceding the presentation of the petition and the respondent consents to the decree being pronounced; or

- (e) the parties to the marriage, or civil partnership, have lived apart for a continuous period of at least five years immediately preceding the presentation of the petition,

if the Court, after inquiring so far as it can into the facts of the case, is satisfied that —

- (i) the grounds for the petition have been established;
- (ii) the marriage, or civil partnership, has broken down irretrievably; and
- (iii) no material impediment under this Act exists to the pronouncement of the decree.

- (2) For the purpose of subsection (1) —

- (a) spouses, or civil partners, shall be treated as living apart unless they are living with each other in the same household;
- (b) the period of desertion shall be deemed to run —
 - (i) whether or not there has, during such period, been an attempt at reconciliation as hereinafter provided;
 - (ii) whether or not the parties are judicially separated; and
 - (iii) whether or not the deserting party is incapable of continuing the necessary intention, if the Court is of the opinion that, had such a party been so capable, the desertion would have continued at the time.

- (3) In considering whether a period of desertion or absence has been continuous for the purposes of paragraphs (c), (d) or (e) of subsection (1), no account shall be taken of any one period (not exceeding three months) during which the parties may have resumed cohabitation with a view to reconciliation.
- (4) No petition under paragraph (a) of subsection (1) shall be presented to the Court unless, at the date of the presentation of the petition, two years have passed since the celebration of the marriage, or civil partnership —

Provided that, if upon application made, the Court is satisfied that exceptional hardship is suffered by the petitioner it may grant leave for the petition to be presented within such period.



Grounds for pronouncing judicial separation

11. (1) A decree of judicial separation may be pronounced by the Court in respect of any marriage, or civil partnership, at any time after its celebration upon any ground upon which a decree of dissolution could be granted under paragraphs (a) to (e) of section 10(1) if the Court, after inquiring so far as it can into the facts of the case, is satisfied that such grounds have been established, having regard, where appropriate, to paragraph (a) and subparagraphs(i) and (iii) of paragraph (b) of section 10(2) and without regard to any time limit imposed under paragraph (c), (d) or (e) of subsection (1) of that section.
- (2) The Court may, on the application of either party and with the consent of the other party in respect of a marriage, or civil partnership, in which a decree of judicial separation has been pronounced, reverse such decree.

Effect of certain decrees

12. (1) The effect of a decree of nullity in respect of a void marriage, or civil partnership, is declaratory that no marriage, or civil partnership, ever existed and the ceremony thereof was void *ab initio*.
- (2) The effect of a decree of nullity in respect of a marriage, or civil partnership, other than a void marriage, or civil partnership, is to annul the marriage, or civil partnership, with effect from the date of the decree and that every child who would have been the legitimate child of the parties if the marriage, or civil partnership, had been dissolved instead of being annulled shall be deemed to be their legitimate child notwithstanding the annulment.
- (3) The effect of a decree of presumption of death or of dissolution of marriage, or civil partnership, is to dissolve the marriage, or civil partnership, with effect from the date of the decree.
- (4) The effect of a decree of judicial separation is, while such separation subsists, that —
- (a) neither party may interfere with or molest the other; and
 - (b) that the parties shall be deemed to be in mutual desertion of and absence from one another for the purpose of any future petition for dissolution of the said marriage, or civil partnership.
- (5) The Court shall postpone pronouncement of a decree under subsections (2) to (4) until it is satisfied that provision has been made for the custody and care of all the children of the marriage, or civil partnership, and that no application for any order for —
- (a) settlement of marital property;
 - (b) financial provision;
 - (c) periodic payments;
 - (d) damages; or

- (e) costs,
remains outstanding.
- (6) Nothing in subsection (5) shall prejudice the right of either party at any time after the pronouncement of a decree to apply for a variation of any order made by the Court as hereinafter provided.

Restrictions on decree *See note 2 on p. 17

- 13.** (1) In any proceedings for a decree of divorce or nullity of marriage, or civil partnership, or a decree of judicial separation, the court shall consider —
- (a) whether there are any children of the marriage, or civil partnership, to whom this section applies; and
 - (b) where there are any such children, whether (in the light of the arrangements which have been, or are proposed to be, made for their upbringing and welfare) it should exercise any of its powers under the *Children Law, 2003* [Law 4 of 2003] with respect to any of them.
- (2) Where, in any case to which this section applies, it appears to the court that —
- (a) the circumstances of the case require it, or are likely to require it, to exercise any of its powers under the *Children Law, 2003* [Law 4 of 2003] with respect to any child of the marriage, or civil partnership;
 - (b) it is not in a position to exercise that power or (as the case may be) those powers without giving further consideration to the case; and
 - (c) there are exceptional circumstances which make it desirable in the interests of the child that the court should give a direction under this section, it may direct that the decree of divorce or nullity is not to be made absolute, or that the decree of judicial separation is not to be granted, until the court orders otherwise.
- (3) This section applies to —
- (a) any child of the marriage, or civil partnership, who has not reached the age of sixteen years at the date when the court considers the case in accordance with the requirements of this section; and
 - (b) any child of the marriage, or civil partnership, who has reached that age at that date and in relation to whom the court directs that this section should apply.

Collusion

- 14.** It is lawful for the parties to a marriage, or civil partnership, for the purpose of facilitating proceedings under this Act, to enter into an agreement for —
- (a) providing that evidence of past matters and transactions be available to the Court;



- (b) the custody and care and control of the children of the marriage, or civil partnership;
- (c) the settlement of matrimonial, or civil partnership, property;
- (d) pecuniary provision; or
- (e) periodical payments:

Provided that —

- (i) a full and frank disclosure of such agreement and the negotiations leading thereto is made to the Court;
- (ii) neither party has themselves committed or has procured or connived at the commission by the other party of a matrimonial offence in order to obtain or accelerate a decree; and
- (iii) neither party has exerted improper persuasion upon or offered improper advantage to an otherwise unwilling party for the purpose of obtaining such party's consent to a decree being obtained or accelerated.

Impediments to the grant of a decree

15. The Court may refuse the grant of a decree where —

- (a) there has been unjustifiable delay in the presentation of the petition; or
- (b) where the party seeking the decree has wilfully attempted to deceive the Court in a matter or particular material to the case.

Proceedings for dissolution after judicial separation

16. In considering any petition for dissolution of a marriage, or civil partnership, the Court may treat any subsisting decree of judicial separation in respect of that marriage, or civil partnership, as sufficient proof of the grounds upon which such decree was granted, but the Court shall not pronounce a decree of dissolution of such marriage, or civil partnership, without receiving evidence from the petitioner.

Co-respondent to be cited

17. Where either party to a suit for dissolution of marriage, or civil partnership alleges that the other party has, since the celebration of the marriage, or civil partnership, committed adultery, the person with whom adultery is alleged to have been committed shall be joined in the suit by the party making such allegation and shall be cited as a co-respondent:

Provided that the Court may, for special reasons, dispense with the joinder of such person.

When damages and costs may be awarded against co-respondent

18. Where a petition contains a prayer for general damages or costs against a co-respondent and the Court —

- (a) pronounces a decree of dissolution of the marriage, or civil partnership;
- (b) finds that such co-respondent has committed adultery with the respondent; and
- (c) finds that the conduct of such co-respondent has contributed materially to the breakdown of the marriage, or civil partnership,

the Court may, as the case may be, order the co-respondent to pay the whole or such proportion of the costs of the suit and such damages as appears just and shall, at its discretion, allocate the damages to the petitioner or to any settlement for the benefit of the children of the marriage, or civil partnership.

General principles to be followed by the Court in ancillary matters

19. In dealing with all ancillary matters arising under this Act, the Court shall have regard first of all to the best interests of any children of a marriage, or civil partnership, and thereafter to the responsibilities, needs, financial and other resources, actual and potential earning power and the deserts of the parties.

Orders pending suit

20. The Court may make orders pending the outcome of any suit in respect of which a petition has been presented providing for —

- (a) the care and control of the children of a marriage, or civil partnership;
- (b) the use of a matrimonial, or civil partnership, home;
- (c) periodic payments to be made by one party to another pending suit;
- (d) an injunction for the protection of settled and other property in which either spouse, or civil partner, claims an interest;
- (e) the protection of one spouse, or civil partner, from interference by the other; and
- (f) security for costs.

Ancillary orders

21. At the time of pronouncing a decree under this Act, the Court shall, as appropriate, make orders for —

- (a) the custody, care and control of the children of the marriage, or civil partnership;
- (b) the disposition of matrimonial, or civil partnership, property, including the matrimonial, or civil partnership, home;



- (c) varying any settlement of the property of the spouses, or civil partners, made in consideration of the marriage, or civil partnership, whether such settlement was made before or upon the treaty of the said marriage, or civil partnership.
- (d) varying any other settlement of matrimonial, or civil partnership, property;
- (e) making financial provision from the property of either spouse, or civil partner, for the children of the marriage, or civil partnership, and for the other spouse, or civil partner;
- (f) providing for periodic payments to be made by either spouse, or civil partner, for the benefit of the children of the marriage, or civil partnership, and for the other spouse, or civil partner; and
- (e) costs.

Duration of periodic payments

- 22.** (1) Where an order is made under section 21 for periodic payments such order, unless varied by the Court, shall remain in force in respect of payments to a spouse, or civil partner, until the remarriage, new civil partnership, or death of such spouse, or civil partner, and in respect of payments for the benefit of a child of the marriage, or civil partnership, until the death of such child or until such child attains the age of sixteen years —

Provided that in the case of payments for the benefit of a child of the marriage, or civil partnership, the Court may extend the period of such payments so long as the child is receiving education and is under the age of twenty-one years —

Provided further that, where a child of the marriage, or civil partnership, is, at the time of pronouncing a decree, under a disability of such a nature as to preclude it from maintaining itself independently, the Court may order that the payments shall be continued throughout the period of disability, notwithstanding the age of the child.

- (2) Liability for periodic payments shall remain a charge on the estate of a deceased spouse or civil partner.

Variations of ancillary orders

- 23.** Either spouse, or civil partner or the personal representatives of either spouse, or civil partner, may make application for variation of any order made under section 21, and the Court, after hearing the parties, may make such variation.

Notice of appeal

- 24.** Either party to a suit brought under this Act may appeal to the Court of Appeal against any decree or order pronounced or made by the Court in such suit in respect of any matter of law or of mixed fact and law, provided that written notice of appeal is lodged within twenty-one days of the pronouncement of the decree or such notice is given orally in open court at the time of the pronouncement of the decree.

Powers of Court of Appeal

- 25.** The Court of Appeal may, after hearing and considering any appeal against any decree pronounced under this Act —
- (a) rescind the decree; or
 - (b) confirm the decree with or without variation of any order made therein.

Right of parties to remarry or new civil partnerships

- 26.** Any spouse, or civil partner, whose marriage, civil partnership, has been dissolved or annulled under this Act may remarry or enter a new civil partnership—
- (a) when the time for appeal against the decree has expired without notice of appeal having been given; or
 - (b) if notice of appeal has been given then —
 - (i) upon the withdrawal of such notice; or
 - (ii) after the pronouncement of the judgment of the Court of Appeal confirming the decree,
- whichever is appropriate.

Procedure

- 27.** (1) All parties to be affected by a petition shall, unless the Court orders otherwise, be served with notice thereof in such manner as the Court or the rules may provide.
- (2) All suits under this Act shall be tried by a Judge sitting without a jury.
- (3) The Court may, if it thinks fit, require the attendance of the petitioner at any hearing, who shall be subject to examination and cross-examination.
- (4) The Court may, from time to time, adjourn the hearing of a petition and may require further evidence thereof if it thinks fit, and may require ancillary matters to be dealt with in chambers.
- (5) Witnesses in proceedings before the Court, where they can be had, shall be examined *viva voce* in open court:
- Provided that the parties, except as hereinbefore provided, shall be at liberty to verify their respective cases in whole or in part by affidavit, but so that the deponent in each case shall, on the application of the opposite party or by



direction of the Court, be subject to be cross-examined by or on behalf of the opposite party *viva voce* in open court, and, after such cross-examination, may be re-examined orally in open court as aforesaid by or on behalf of the party by whom such affidavit was filed.

- (6) Where the Court dispenses with the attendance of a witness for illness or other sufficient cause, it may order that witness to be examined by interrogatories, otherwise by a commissioner or examiner to be appointed by the Court.

Publication in consolidated and revised form authorised by the Cabinet this 28th day of January, 2026.

Kim Bullings
Clerk of Cabinet

Notes (not forming part of this Act):

1. *By a Government Notice dated 2nd December, 1985 and published in the Extraordinary Gazette of 2nd December 1985, the said 2nd December, 1985 was appointed under section 2 of the Law as the date on which the Law came into operation. However, under section 2 of the Matrimonial Causes (Validation) Law, 1985 (28 of 1985), it was provided that anything which had been done between the 14th February, 1977 and the 2nd December, 1985 in purported exercise of any power conferred by the Matrimonial Causes Law which would have been lawfully done if that Law had come into operation on 14th February, 1977, shall, for all purposes whatsoever, be deemed to have been lawfully done and shall have effect and be deemed to have had effect accordingly.*
2. *The provisions of section 13 were inserted into this Act by paragraph 3 of Schedule 10 of the Children Law, 2003 (3 of 2003), as amended by [Law 24 of 2003] which had not, as at the 12th day of July, 2005, been brought into force.*
3. *Section 42 of the Civil Partnership Act, 2020 [Law 35 of 2020] provides as follows: The Matrimonial Causes Law (2005 Revision), the Maintenance Law (1996 Revision) and the rules and regulations made under those Laws shall apply with necessary changes to proceedings brought in respect of the breakdown, dissolution*



and nullity of civil partnerships and related financial relief in such proceedings, as they apply in respect of matrimonial proceedings.

ENDNOTES

Table of Legislation history:

SL #	Act/Law #	Legislation	Commencement	Gazette
	56/2020	Citation of Acts of Parliament Act, 2020	3-Dec-2020	LG89/2020/s1
	35/2020	Civil Partnership Law, 2020	4-Sep-2020	LG64/2020/s1
		Matrimonial Causes Law (2005 Revision)	8-Aug-2005	G16/2005/s11
	23/2003	Status of Children Law, 2003	1-Jun-2004	G2/2004/s11
	4/2003	Children Law, 2003	1-Jul-2012	G23/2003/s7
		Matrimonial Causes Law (1997 Revision)	16-Mar-1995	G6/1998/s5
	9/1995	Children Law, 1995	???	GE2/1996/s2
	28/1985	Matrimonial Causes (Validation) Law, 1985	2-Dec-1985	GE.4Dec/1985/s7
	9/1976	Matrimonial Causes Law, 1976	14-Feb-1977	G4/1977/s1

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