Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

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FAMILY LAW ACT 2019

REVISED

Updated to 17 December 2020

This Revised Act is an administrative consolidation of the *Family Law Act 2019*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Finance (Miscellaneous Provisions) Act 2020* (25/2020), enacted 16 December 2020, and all statutory instruments up to and including the *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 (Part 1) (Commencement) Order 2020* (S.I. No. 634 of 2020), made 16 December 2020, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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An Act to amend the Judicial Separation and Family Law Reform Act 1989; to amend the Family Law (Divorce) Act 1996; to amend the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010; to make provision, in the event of the withdrawal of the United Kingdom from membership of the European Union occurring without an agreement between the United Kingdom and the European Union under Article 50 of the Treaty on European Union setting out the arrangements for such withdrawal, for the recognition of certain divorces, legal separations and marriage annulments granted in the United Kingdom or Gibraltar; and to provide for related matters.

[25*th October*, 2019]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title and commencement

1. (1) This Act may be cited as the Family Law Act 2019.

(2) This Act shall come into operation on such day or days as the Minister for Justice and Equality may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations

Editorial Notes:

E1 Power pursuant to subs. (2) exercised (1.12.2019) by *Family Law Act 2019 (Commencement) Order 2019* (S.I. No. 585 of 2019).

2. The 1st day of December 2019 is appointed as the day on which Parts 1 and 2 of the Family Law Act 2019 (No. 37 of 2019) shall come into operation.

PART 2

Amendments to Acts Relating to Family Law

Amendment of section 2 of Judicial Separation and Family Law Reform Act 1989

2. (1) Section 2 of the Act of 1989 is amended—

(a) in subsection (1) —

(i) in paragraph (d), by the deletion of "and the respondent consents to a decree being granted", and

(ii) by the deletion of paragraph (e),

(b) in subsection (2) —

(i) in paragraph (b), by the deletion of "or (e)", and

(ii) by the substitution of "living apart from one another" for "not living with each other",

and

(c) in subsection (3), by the substitution of the following paragraph for paragraph (a):

"(a) For the purposes of this section—

(i) spouses who live in the same dwelling as one another shall be considered as living apart from one another if the court is satisfied that, while so living in the same dwelling, the spouses do not live together as a couple in an intimate and committed relationship, and

(ii) a relationship does not cease to be an intimate relationship merely because it is no longer sexual in nature.".

(2) The amendments effected by *subsection (1)* shall apply to proceedings for the grant of a decree of judicial separation under the Act of 1989—

(a) that are instituted on or after the date this section comes into operation, or

(b) that have been instituted, and have not been concluded, prior to such date.

(3) In this section, "Act of 1989" means the Judicial Separation and Family Law Reform Act 1989.

Amendment of section 5 of Family Law (Divorce) Act 1996

3. (1) Section 5 of the Act of 1996 is amended—

(a) in subsection (1)(a), by the substitution of "at least two years during the previous three years" for "at least four years during the previous five years", and

(b) by the insertion of the following subsection after subsection (1):

"(1A) For the purposes of this section—

(a) spouses who live in the same dwelling as one another shall be considered as living apart from one another if the court is satisfied that, while so living in the same dwelling, the spouses do not live together as a couple in an intimate and committed relationship, and

(b) a relationship does not cease to be an intimate relationship merely because it is no longer sexual in nature.".

(2) The amendments effected by *subsection (1)* shall apply to proceedings for the grant of a decree of divorce under the Act of 1996—

(a) that are instituted on or after the date this section comes into operation, or

(b) that have been instituted, and have not been concluded, prior to such date.

(3) In this section, "Act of 1996" means the Family Law (Divorce) Act 1996.

Amendment of Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

4. (1) Section 110 of the Act of 2010 is amended by the insertion of the following subsection after subsection (1):

"(1A) For the purposes of this section—

(a) civil partners who live in the same dwelling as one another shall be considered as living apart from one another if the court is satisfied that, while so living in the same dwelling, the civil partners do not live together as a couple in an intimate and committed relationship, and

(b) a relationship does not cease to be an intimate relationship merely because it is no longer sexual in nature.".

(2) Section 172(6) of the Act of 2010 is amended—

(a) by the substitution of "where the relationship concerned ends before the coming into operation of *section 4(2)* of the *Family Law Act 2019*, an adult who" for "an adult who", and

(b) in paragraph (b), by the substitution of "lived apart (which term shall, in this section, be construed in accordance with section 5(1A) of the Family Law (Divorce) Act 1996)" for "lived apart".

(3) The amendment effected by *subsection (1)* shall apply to proceedings for the grant of a decree of dissolution under the Act of 2010—

(a) that are instituted on or after the date this section comes into operation, or

(b) that have been instituted, and have not been concluded, prior to such date.

(4) In this section, "Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

PART 3

Recognition of Certain Divorces, Legal Separations and Marriage Annulments

Definitions and application (*Part 3*)

5. F1**[**...**]**

Annotations

Amendments:

F1 Repealed (17.12.2020) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 4(c), S.I. No. 634 of 2020.

Recognition of certain divorces, legal separations and marriage annulments granted in United Kingdom or Gibraltar before coming into operation of section

6. F2**[**...**]**

Annotations

Amendments:

F2 Repealed (17.12.2020) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 4(c), S.I. No. 634 of 2020.

Recognition of certain divorces, legal separations and marriage annulments granted in United Kingdom or Gibraltar after coming into operation of section

7. F3**[**...**]**

Annotations

Amendments:

F3 Repealed (17.12.2020) by *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020), s. 4(c), S.I. No. 634 of 2020.

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About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020* (23/2020)

All Acts up to and including *Finance (Miscellaneous Provisions) Act 2020* (25/2020), enacted 16 December 2020, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

• *Family Law Act 2019 (Commencement) Order 2019* (S.I. No. 585 of 2019)

All statutory instruments up to and including *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2020 (Part 1) (Commencement) Order 2020* (S.I. No. 634 of 2020), made 16 December 2020, were considered in the preparation of this revision.