



Eatons

Foreign Marriage Not Recognised

A marriage carried out under foreign law will not be recognised as valid in England and Wales if it could not have been validly contracted under English law.

This was the conclusion of the court after a Bangladeshi couple sought an order that the marriage of their son, in a Bangladeshi ceremony, was a valid marriage under English law.

Their son could not marry here as he is autistic and lacks the intellectual capacity necessary to be a party to a valid marriage.

The ceremony was conducted over the telephone, he being in England at the time and his bride in Bangladesh.

The judge concluded that the ceremony was void under English law and the man's parents appealed.

The Court of Appeal considered that the rules governing domiciliaries of two countries applied but those rules could not help validate the marriage under English law. Nor could public policy considerations be ignored – not every marriage contracted validly abroad was entitled to be recognised as valid by the English court. Indeed, the actions of the man's parents were potentially, if not actually, abusive to him and the court had the duty to protect him from that abuse.

For advice on all aspects of family law please contact Liz Williams, Head of Family and Matrimonial Law, on Tel: 01274 728 327.

EATONS SOLICITORS

THE OLD LIBRARY,
34 DARLEY STREET,
BRADFORD,
BD1 3LH.

T: 01274 728 327
F: 01274 305 056

ASPECT COURT,
47 PARK SQUARE,
LEEDS,
LS1 2NL.

T: 0113 246 0444
F: 0113 394 4101

49-51 PEGHOLME,
WHARFEBANK BUSINESS
CENTRE, ILKLEY ROAD,
OTLEY, LS21 3JP.

T: 08456 446 006
F: 08456 446 005