

ground of failure to comply with a decree for restitution of conjugal rights and any ground on which a decree of divorce *a mensa et thoro* might have been pronounced immediately before the commencement of the Matrimonial Causes Act 1857, 20 & 21 Vict. 85 (UK), shall cease to be a ground on which such a petition may be presented.

(2) A petition for judicial separation may be presented to the Court by either party to a marriage on the ground that any such fact as is mentioned in section 3(1) exists, and sections 3(2), (4), (5) and (6), and sections 7 and 10, with the necessary modifications, apply in relation to such a petition as they apply in relation to a petition for divorce.

(3) The Court hearing a petition for judicial separation shall not be concerned to consider whether the marriage has broken down irretrievably, and if it is satisfied on the evidence of any such fact as is mentioned in section 3(1), it shall, subject to section 46, grant a decree of judicial separation.

(4) Where the Court grants a decree of judicial separation, it shall no longer be obligatory for the petitioner to cohabit with the respondent.

(5) A decree of judicial separation that has been obtained in the absence of the respondent may at any time be reversed by the Court on the petition of the respondent, if the Court is satisfied that the decree ought not to have been made.

Presumption of death and dissolution of marriage

15. (1) Any married person who alleges that reasonable grounds exist for supposing that the other party is dead may, subject to subsection (2), present a petition to the Court to have it presumed that the other party is dead and to have the marriage dissolved, and the Court may, if satisfied that such reasonable grounds exist, make a decree of presumption of death and dissolution of the marriage.

(2) A petition may be presented in pursuance of subsection (1)—

- (a) in any case, if the petitioner is domiciled in Anguilla; and
- (b) in the case of a petition presented by a wife, if she is resident in Anguilla and has been ordinarily resident there for a period of 3 years immediately preceding the commencement of the proceedings.

(3) In any proceedings under this section, the fact that for a period of 7 years or more the other party to the marriage has been continually absent from the petitioner and the petitioner has no reason to believe that the party has been living within that time shall be evidence that the other party is dead until the contrary is proved.

(4) In determining for the purposes of this section whether a woman is domiciled in Anguilla, her husband shall be treated as having died immediately after the last occasion on which she knew or had reason to believe him to be living; and in any proceedings brought in pursuance of paragraph (2)(b), the issues shall be determined in accordance with the law which would be applicable thereto if both parties to the marriage were domiciled in Anguilla at the time of the proceedings.

Decrees nisi and absolute and remarriage

16. (1) Every decree of divorce, of nullity of marriage or of presumption of death and dissolution of marriage (in this section and in section 17(1)(b) referred to as a decree nisi shall in the first