Chapter 8: Guidance on answering the self-test questions

Question 1: What is ‘jurisdiction’?

Jurisdiction describes the court’s ability to hear a case and is connected with a person’s domicile or habitual residence.

Question 2: List the ways in which a court in England and Wales may have jurisdiction in a divorce case.

A court in England and Wales may have jurisdiction to hear a divorce through habitual residence or domicile.

Question 3: What are the two requirements that must be established for a person to have a domicile of choice?

In order to have domicile of choice, a person must show that they reside in the country of potential domicile and also show that they intend to remain there. This intention can be inferred from evidence of a settled life, e.g. a job, bank accounts etc.

Question 4: Where are you domiciled?

That depends! Think about both concepts discussed in this chapter: habitual residence and domicile separately. Where are you habitually resident? Is this different from your domicile?