



ANNO SECUNDO

## GEORGI VI REGIS.

A.D. 1938.

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No. 2428.

An Act to amend the Matrimonial Causes Act, 1929-1936.

[*Reserved, 15th December, 1938.*  
 [*Royal Assent Proclaimed, 15th February, 1939.*]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows :

Short title.

1. (1) This Act may be cited as the "Matrimonial Causes Act Amendment Act, 1938".

(2) The Matrimonial Causes Act, 1929-1936, is in this Act referred to as "the principal Act".

Incorporation.

2. This Act is incorporated with the principal Act and that Act and this Act shall be read as one Act.

Amendment of  
s. 6 of the  
principal Act—  
Amendment of  
grounds for  
divorce.

3. (1) Section 6 of the principal Act is amended by striking out the word "five" in paragraphs (c) and (j) and substituting therefor in each case the word "three," and by inserting at the end thereof the following paragraph—

(k) that during the five years preceding the commencement of the action the husband and wife have been living separately under and pursuant to a decree or order, granting a judicial separation or relief from cohabitation, and made whether before or after the enactment of this paragraph by any court, whether superior or inferior, in any part of His Majesty's dominions.

In computing the period of separation for the purposes of this paragraph, separation before the enactment of this paragraph may be taken into account :

Provided that if the claim for divorce is made by a husband against whom the decree or order for judicial separation or relief from cohabitation has been made the court may refuse to make the order for divorce until such husband has made such provision for the maintenance of the wife and any children of the marriage as the court thinks proper.

(2) The following section is enacted and inserted in the principal Act after section 39 thereof :—

Enactment of  
s. 39a of the  
principal Act—

39a. When any order for divorce is made on the grounds set out in paragraph (k) of section 6 of this Act at the suit of the party against whom the judicial separation or relief from cohabitation has been granted, the order for divorce shall set out the circumstances in which it has been made.

Contents of  
certain orders.

Reserved for the signification of His Majesty the King's pleasure thereon.

W. DUGAN, Governor.