



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 2

#### DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

#### *Nullity*

#### **49 Grounds on which civil partnership is void**

Where two people register as civil partners of each other in England and Wales, the civil partnership is void if—

- (a) at the time when they do so, they are not eligible to register as civil partners of each other under Chapter 1 (see section 3), <sup>F1</sup>or
- (b) at the time when they do so they both know—
  - (i) that due notice of proposed civil partnership has not been given,
  - (ii) that the civil partnership document has not been duly issued,
  - (iii) that the civil partnership document is void under section 17(3) or 27(2) (registration after end of time allowed for registering),
  - (iv) that the place of registration is a place other than that specified in the notices (or notice) of proposed civil partnership and the civil partnership document, <sup>F2</sup> . . .
  - (v) that a civil partnership registrar is not present, or
  - <sup>F3</sup>(vi) that the place of registration is on premises that are not approved premises although the registration is purportedly in accordance with section 6(3A)(a), <sup>F4</sup> . . .]

<sup>F5</sup>(c) .....

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### Textual Amendments

- F1** Word in s. 49(a) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) (c. 28), s. 7(1), **Sch. para. 4(6)(a)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F2** Word in s. 49(b)(iv) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005](#) (S.I. 2005/2000), art. 3, **Sch. para. 14(2)** (subject to art. 1(3))
- F3** S. 49(b)(vi) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005](#) (S.I. 2005/2000), art. 3, **Sch. para. 14(3)** (subject to art. 1(3))
- F4** Word in s. 49(b)(vi) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) (c. 28), s. 7(1), **Sch. para. 4(6)(b)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F5** S. 49(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) (c. 28), s. 7(1), **Sch. para. 4(6)(c)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

## 50 Grounds on which civil partnership is voidable

- (1) Where two people register as civil partners of each other in England and Wales, the civil partnership is voidable if—
  - (a) either of them did not validly consent to its formation (whether as a result of duress, mistake, unsoundness of mind or otherwise);
  - (b) at the time of its formation either of them, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder of such a kind or to such an extent as to be unfitted for civil partnership;
  - (c) at the time of its formation, the respondent was pregnant by some person other than the applicant;
  - (d) an interim gender recognition certificate under the Gender Recognition Act 2004 (c. 7) has, after the time of its formation, been issued to either civil partner;
  - (e) the respondent is a person whose gender at the time of its formation had become the acquired gender under the 2004 Act.
- (2) In this section and section 51 “mental disorder” has the same meaning as in the Mental Health Act 1983 (c. 20).

## 51 Bars to relief where civil partnership is voidable

- (1) The court must not make a nullity order on the ground that a civil partnership is voidable if the respondent satisfies the court—
  - (a) that the applicant, with knowledge that it was open to him to obtain a nullity order, conducted himself in relation to the respondent in such a way as to lead the respondent reasonably to believe that he would not seek to do so, and
  - (b) that it would be unjust to the respondent to make the order.
- (2) Without prejudice to subsection (1), the court must not make a nullity order by virtue of section 50(1)(a), (b), (c) or (e) unless—
  - (a) it is satisfied that proceedings were instituted within 3 years from the date of the formation of the civil partnership, or
  - (b) leave for the institution of proceedings after the end of that 3 year period has been granted under subsection (3).

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- (3) A judge of the court may, on an application made to him, grant leave for the institution of proceedings if he—
  - (a) is satisfied that the applicant has at some time during the 3 year period suffered from mental disorder, and
  - (b) considers that in all the circumstances of the case it would be just to grant leave for the institution of proceedings.
- (4) An application for leave under subsection (3) may be made after the end of the 3 year period.
- (5) Without prejudice to subsection (1), the court must not make a nullity order by virtue of section 50(1)(d) unless it is satisfied that proceedings were instituted within the period of 6 months from the date of issue of the interim gender recognition certificate.
- (6) Without prejudice to subsections (1) and (2), the court must not make a nullity order by virtue of section 50(1)(c) or (e) unless it is satisfied that the applicant was at the time of the formation of the civil partnership ignorant of the facts alleged.

## 52 Proof of certain matters not necessary to validity of civil partnership

- (1) Where two people have registered as civil partners of each other in England and Wales, it is not necessary in support of the civil partnership to give any proof—
  - <sup>F6</sup>(a) .....
  - <sup>F7</sup>(aa) that before the registration either of the civil partners resided, or resided for any period, in the area stated in the notices of proposed civil partnership to be the area of that person's place of residence;]<sup>F8</sup> or
  - (ab) that, in the case of a civil partnership to which Schedule 3A applied, any of the events listed in paragraph 2(2) to (6) of that Schedule occurred.]
  - <sup>F9</sup>(b) .....and no evidence is to be given to prove the contrary in any proceedings touching the validity of the civil partnership.
- <sup>F10</sup>(2) .....

### Textual Amendments

- F6** S. 52(1)(a) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) (c. 28), s. 7(1), [Sch. para. 4\(7\)\(a\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F7** S. 52(1)(aa) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005](#) (S.I. 2005/2000), art. 3, [Sch. para. 15\(2\)](#) (subject to art. 1(3))
- F8** S. 52(1)(ab) and word inserted (1.3.2015) by [Immigration Act 2014](#) (c. 22), s. 75(3), [Sch. 4 para. 29\(b\)](#) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)
- F9** S. 52(1)(b) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005](#) (S.I. 2005/2000), art. 3, [Sch. para. 15\(3\)](#) (subject to art. 1(3))
- F10** S. 52(2) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) (c. 28), s. 7(1), [Sch. para. 4\(7\)\(b\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

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### **53 Power to validate civil partnership**

- (1) Where two people have registered as civil partners of each other in England and Wales, the Lord Chancellor may by order validate the civil partnership if it appears to him that it is or may be void under section 49(b).
- (2) An order under subsection (1) may include provisions for relieving a person from any liability under section 31(2), 32(2) or 33(5) or (7).
- (3) The draft of an order under subsection (1) must be advertised, in such manner as the Lord Chancellor thinks fit, not less than one month before the order is made.
- (4) The Lord Chancellor must—
  - (a) consider all objections to the order sent to him in writing during that month, and
  - (b) if it appears to him necessary, direct a local inquiry into the validity of any such objections.
- (5) An order under subsection (1) is subject to special parliamentary procedure.

### **54 Validity of civil partnerships registered outside England and Wales**

- (1) Where two people register as civil partners of each other in Scotland, the civil partnership is—
  - (a) void, if it would be void in Scotland under section 123, <sup>F11</sup>...
  - [<sup>F12</sup>(aa) void, if the civil partnership was registered when—
    - (i) one of the two people was domiciled in England and Wales, and
    - (ii) one of the two people was under 18, and]
  - (b) voidable, if the circumstances fall within section 50(1)(d).
- (2) Where two people register as civil partners of each other in Northern Ireland, the civil partnership is—
  - (a) void, if it would be void in Northern Ireland under section 173, <sup>F13</sup>...
  - [<sup>F14</sup>(aa) void, if the civil partnership was registered when—
    - (i) one of the two people was domiciled in England and Wales, and
    - (ii) one of the two people was under 18, and]
  - (b) voidable, if the circumstances fall within any paragraph of section 50(1).
- [<sup>F15</sup>(2A) Where two people convert, or purport to convert, their marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, the civil partnership is—
  - (a) void, if it would be void in Northern Ireland under section 173, <sup>F16</sup>...
  - [
    - void, if the marriage was solemnised there when—
  - [<sup>F17</sup>(aa)
    - (i) one of the two people was domiciled in England and Wales, and
    - (ii) one of the two people was under 18, and]
  - (b) voidable, if it would be voidable there under section 174.]
- (3) Subsection (4) applies where two people register as civil partners of each other under an Order in Council under—
  - (a) section 210 (registration at British consulates etc.), or
  - (b) section 211 (registration by armed forces personnel),
 (“the relevant section”).

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- (4) The civil partnership is—
- (a) void, if—
    - (i) the condition in subsection (2)(a) or (b) of the relevant section is not met, or
    - (ii) a requirement prescribed for the purposes of this paragraph by an Order in Council under the relevant section is not complied with, and
  - (b) voidable, if—
    - (i) the appropriate part of the United Kingdom is England and Wales or Northern Ireland and the circumstances fall within any paragraph of section 50(1), or
    - (ii) the appropriate part of the United Kingdom is Scotland and the circumstances fall within section 50(1)(d).
- (5) The appropriate part of the United Kingdom is the part by reference to which the condition in subsection (2)(b) of the relevant section is met.
- (6) Subsections (7) and (8) apply where two people have registered an apparent or alleged overseas relationship.
- (7) The civil partnership is void if—
- (a) the relationship is not an overseas relationship, or
  - (b) (even though the relationship is an overseas relationship) the parties are not treated under Chapter 2 of Part 5 as having formed a civil partnership.
- (8) The civil partnership is voidable if—
- (a) the overseas relationship is voidable under the relevant law,
  - (b) the circumstances fall within section 50(1)(d), or
  - (c) where either of the parties was domiciled in England and Wales or Northern Ireland at the time when the overseas relationship was registered, the circumstances fall within section 50(1)(a), (b), (c) or (e).
- (9) Section 51 applies for the purposes of—
- (a) subsections (1)(b), (2)(b) and (4)(b),
  - (b) subsection (8)(a), in so far as applicable in accordance with the relevant law, and
  - (c) subsection (8)(b) and (c).
- (10) In subsections (8)(a) and (9)(b) “the relevant law” means the law of the country or territory where the overseas relationship was registered (including its rules of private international law).
- (11) For the purposes of subsections (8) and (9)(b) and (c), references in sections 50 and 51 to the formation of the civil partnership are to be read as references to the registration of the overseas relationship.

#### Textual Amendments

- F11** Word in s. 54(1)(a) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), [ss. 4\(2\)\(a\)\(i\)](#), 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F12** S. 54(1)(aa) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), [ss. 4\(2\)\(a\)\(ii\)](#), 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

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- F13** Word in s. 54(2)(a) omitted (27.2.2023) by virtue of Marriage and Civil Partnership (Minimum Age) Act 2022 (c. 28), **ss. 4(2)(b)(i)**, 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F14** S. 54(2)(aa) inserted (27.2.2023) by Marriage and Civil Partnership (Minimum Age) Act 2022 (c. 28), **ss. 4(2)(b)(ii)**, 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F15** S. 54(2A) inserted (7.12.2020) by The Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (S.I. 2020/1143), regs. 1(2), **44(4)**
- F16** Word in s. 54(2A)(a) omitted (27.2.2023) by virtue of Marriage and Civil Partnership (Minimum Age) Act 2022 (c. 28), **ss. 4(2)(c)(i)**, 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F17** S. 54(2A)(aa) inserted (27.2.2023) by Marriage and Civil Partnership (Minimum Age) Act 2022 (c. 28), **ss. 4(2)(c)(ii)**, 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)