



Civil Partnership Act 2004

2004 CHAPTER 33

PART 5

CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

CHAPTER 3

DISSOLUTION ETC.: JURISDICTION AND RECOGNITION

Jurisdiction of courts in England and Wales

220 Meaning of “the court”

In sections 221 to 224 “the court” means—

- (a) the High Court, or
- [^{F1}(b) the family court.]

Textual Amendments

- F1** S. 220(b) substituted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), [Sch. 11 para. 166](#); [S.I. 2014/954](#), [art. 2\(e\)](#) (with [art. 3](#)) (with transitional provisions and savings in [S.I. 2014/956](#), arts. 3-11)

Commencement Information

- II** S. 220 wholly in force at 5.12.2005; s. 220 not in force at Royal Assent see s. 263; s. 220 in force at 15.4.2005 for certain purposes by [S.I. 2005/1112](#), [art. 2](#), [Sch. 2](#) and otherwise 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), [art. 3](#), [Sch. 2](#)

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Jurisdiction of courts in England and Wales is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

221 Proceedings for dissolution, separation or nullity order

- (1) The court has jurisdiction to entertain proceedings for a dissolution order or a separation order if (and only if)—
- (a) the court has jurisdiction under section 219 regulations,
 - (b) no court has, or is recognised as having, jurisdiction under section 219 regulations and either civil partner is domiciled in England and Wales on the date when the proceedings are begun, or
 - (c) the following conditions are met—
 - (i) the two people concerned registered as civil partners of each other in England or Wales,
 - (ii) no court has, or is recognised as having, jurisdiction under section 219 regulations, and
 - (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.
- (2) The court has jurisdiction to entertain proceedings for a nullity order if (and only if)—
- (a) the court has jurisdiction under section 219 regulations,
 - (b) no court has, or is recognised as having, jurisdiction under section 219 regulations and either civil partner—
 - (i) is domiciled in England and Wales on the date when the proceedings are begun, or
 - (ii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of 1 year ending with the date of death, or
 - (c) the following conditions are met—
 - (i) the two people concerned registered as civil partners of each other in England or Wales,
 - (ii) no court has, or is recognised as having, jurisdiction under section 219 regulations, and
 - (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.
- (3) At any time when proceedings are pending in respect of which the court has jurisdiction by virtue of subsection (1) or (2) (or this subsection), the court also has jurisdiction to entertain other proceedings, in respect of the same civil partnership, for a dissolution, separation or nullity order, even though that jurisdiction would not be exercisable under subsection (1) or (2).

222 Proceedings for presumption of death order

The court has jurisdiction to entertain proceedings for a presumption of death order [F² on an application made by a civil partner] if (and only if)—

- F³(a)
- F³(b)
- F⁴(ba) at the time the application is made, the High Court does not have jurisdiction to entertain an application by that civil partner under section 1 of the Presumption of Death Act 2013 for a declaration that the other civil partner is presumed to be dead, and]

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- (c) the two people concerned registered as civil partners of each other in England and Wales and it appears to the court to be in the interests of justice to assume jurisdiction in the case.

Textual Amendments

- F2** Words in s. 222 inserted (1.10.2014) by [Presumption of Death Act 2013 \(c. 13\)](#), s. 22(2), [Sch. 2 para. 3\(2\)](#) (with s. 21); [S.I. 2014/1810](#), art. 2 (with art. 3(1)(3))
- F3** S. 222(a)(b) omitted (1.10.2014) by virtue of [Presumption of Death Act 2013 \(c. 13\)](#), s. 22(2), [Sch. 2 para. 3\(3\)](#) (with s. 21); [S.I. 2014/1810](#), art. 2 (with art. 3(1)(3))
- F4** S. 222(ba) inserted (1.10.2014) by [Presumption of Death Act 2013 \(c. 13\)](#), s. 22(2), [Sch. 2 para. 3\(4\)](#) (with s. 21); [S.I. 2014/1810](#), art. 2 (with art. 3(1)(3))

223 Proceedings for dissolution, nullity or separation order: supplementary

- (1) Rules of court may make provision in relation to civil partnerships corresponding to the provision made in relation to marriages by Schedule 1 to the Domicile and Matrimonial Proceedings Act 1973 (c. 45).
- (2) The rules may in particular make provision—
- (a) for the provision of information by applicants and respondents in proceedings for dissolution, nullity or separation orders where proceedings relating to the same civil partnership are continuing in another jurisdiction, and
 - (b) for proceedings before the court to be stayed by the court where there are concurrent proceedings elsewhere in respect of the same civil partnership.

224 Applications for declarations as to validity etc.

The court has jurisdiction to entertain an application under section 58 if (and only if)—

- (a) either of the civil partners in the civil partnership to which the application relates—
 - (i) is domiciled in England and Wales on the date of the application,
 - (ii) has been habitually resident in England and Wales throughout the period of 1 year ending with that date, or
 - (iii) died before that date and either was at death domiciled in England and Wales or had been habitually resident in England and Wales throughout the period of 1 year ending with the date of death, or
- (b) the two people concerned registered as civil partners of each other in England and Wales and it appears to the court to be in the interests of justice to assume jurisdiction in the case.

Changes to legislation:

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[View outstanding changes](#)

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\(2\)](#)