



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 Scottish courts

227 Scottish ancillary and collateral orders

- (1) This section applies where after the commencement of this Act an application is competently made to the Court of Session or the sheriff for the making, or the variation or recall, of an order which is ancillary or collateral to an action for—
 - (a) the dissolution of a civil partnership,
 - (b) the separation of civil partners, or
 - (c) declarator of nullity of a civil partnership.
- (2) And the section applies whether the application is made in the same proceedings or in other proceedings and whether it is made before or after the pronouncement of a final decree in the action.
- (3) [^{F1}If] the court has or, as the case may be, had jurisdiction to entertain the action, it has jurisdiction to entertain the application. [^{F2}This subsection is subject to subsection (3B).]

^{F3}(3A)

[^{F4}(3B) If the application or part of it relates to a matter [^{F5}in relation to which Article 18 of the 2007 Hague Convention applies, the court may not entertain the application or that part it except where permitted by Article18].]

Changes to legislation: *Civil Partnership Act 2004, Section 227 is up to date with all changes known to be in force on or before 18 March 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*

- (4) Where the Court of Session has jurisdiction by virtue of this section to entertain an application for the variation or recall, as respects any person, of an order made by it and the order is one to which section 8 (variation and recall by the sheriff of certain orders made by the Court of Session) of the Law Reform (Miscellaneous Provisions) (Scotland) Act 1966 (c. 19) applies, then for the purposes of any application under that section for the variation or recall of the order in so far as it relates to the person, the sheriff (as defined in that section) has jurisdiction to exercise the power conferred on him by that section.
- (5) The reference in subsection (1) to an order which is ancillary or collateral is to an order relating to children, aliment, financial provision or expenses.
- [^{F6}(6) In this section [^{F7}“the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague].]

Textual Amendments

- F1** Word in s. 227(3) substituted (31.12.2020) by [The Jurisdiction and Judgments \(Family, Civil Partnership and Marriage \(Same Sex Couples\)\) \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/104\), reg. 1, **sch. 1 para. 4\(4\)\(a\)** \(with reg. 6\) \(as amended by S.S.I. 2020/441, regs. 1\(2\)\(a\), 16\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F2** Words in s. 227(3) substituted (31.12.2020) by [The Jurisdiction and Judgments \(Family\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/519\), reg. 1\(1\), **Sch. para. 25\(2\)\(a\)** \(with reg. 8\) \(as amended by S.I. 2020/1574, regs. 1, 5\(2\)\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F3** S. 227(3A) omitted (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family, Civil Partnership and Marriage \(Same Sex Couples\)\) \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/104\), reg. 1, **sch. 1 para. 4\(4\)\(b\)** \(with reg. 6\) \(as amended by S.S.I. 2020/441, regs. 1\(2\)\(a\), 16\); 2020 c. 1, Sch. 5 para. 1\(1\)](#)
- F4** S. 227(3B) inserted (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\), reg. 9, **Sch. 7 para. 16\(2\)\(c\)**](#)
- F5** Words in s. 227(3B) substituted (31.12.2020) by S.I. 2019/519, Sch. para. 25(2)(b) (as substituted by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\), regs. 1, **5\(3\)\(j\)\(i\)\(bb\)**](#))
- F6** S. 227(6) inserted (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\), reg. 9, **Sch. 7 para. 16\(2\)\(d\)**](#)
- F7** Words in s. 227(6) substituted (31.12.2020) by S.I. 2019/519, Sch. para. 25(2)(c) (as substituted by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\), regs. 1, **5\(3\)\(j\)\(i\)\(bb\)**](#))

Changes to legislation:

Civil Partnership Act 2004, Section 227 is up to date with all changes known to be in force on or before 18 March 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.

[View outstanding changes](#)

Changes and effects yet to be applied to :

- s. 227(3) words inserted in earlier amending provision S.I. 2019/519, Sch. para. 25(2)(a) by [S.I. 2019/1338 reg. 3\(3\)\(j\)\(i\)\(aa\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 227(3B) omitted by [S.I. 2019/519 Sch. para. 25\(2\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 25(2)(b) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(j)(i)(bb))
- s. 227(3B) words substituted by S.I. 2019/519, Sch. para. 25(2)(b) (as substituted) by [S.I. 2019/1338 reg. 3\(3\)\(j\)\(i\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- s. 227(6) omitted by [S.I. 2019/519 Sch. para. 25\(2\)\(c\)](#) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 25(2)(c) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(j)(i)(bb))
- s. 227(6) words substituted by S.I. 2019/519, Sch. para. 25(2)(c) (as substituted) by [S.I. 2019/1338 reg. 3\(3\)\(j\)\(i\)\(bb\)](#) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)

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\(2\)](#)