



Civil Partnership Act 2004

2004 CHAPTER 33

PART 5

CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

CHAPTER 3

DISSOLUTION ETC.: JURISDICTION AND RECOGNITION

Recognition of dissolution, annulment and separation

237 Supplementary provisions relating to recognition of dissolution etc.

- (1) For the purposes of sections 235 and 236, a civil partner is to be treated as domiciled in a country if he was domiciled in that country—
 - (a) according to the law of that country in family matters, or
 - (b) according to the law of the part of the United Kingdom in which the question of recognition arises.
- (2) The Lord Chancellor [^{F1}, the Department of Justice in Northern Ireland] or the Scottish Ministers may by regulations make provision—
 - (a) applying sections 235 and 236 and subsection (1) with modifications in relation to any country whose territories have different systems of law in force in matters of dissolution, annulment or legal separation;
 - (b) applying sections 235 and 236 with modifications in relation to—
 - (i) an overseas dissolution, annulment or legal separation in the case of an overseas relationship (or an apparent or alleged overseas relationship);
 - (ii) any case where a civil partner is domiciled in a country or territory whose law does not recognise [^{F2}relationships of the sort that the civil partnership in question is (whether generally, between two persons of the same sex, or between two persons of the opposite sex)];

Changes to legislation: Civil Partnership Act 2004, Section 237 is up to date with all changes known to be in force on or before 25 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

- (c) with respect to recognition of the validity of an overseas dissolution, annulment or legal separation in cases where there are cross-proceedings;
 - (d) with respect to cases where a legal separation is converted under the law of the country or territory in which it is obtained into a dissolution which is effective under the law of that country or territory;
 - (e) with respect to proof of findings of fact made in proceedings in any country or territory outside the United Kingdom.
- (3) The power [^{F3}of the Lord Chancellor or the Scottish Ministers] to make regulations under subsection (2) is exercisable by statutory instrument.
- (4) A statutory instrument containing such regulations—
- (a) if made by the Lord Chancellor, is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if made by the Scottish Ministers, is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- [^{F4}(4A) The power of the Department of Justice in Northern Ireland to make regulations under subsection (2) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (4B) Regulations made by the Department of Justice under subsection (2) are subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954.]
- (5) In this section (except subsection (4)) and sections 233 to 236 and 238—
- “annulment” includes any order annulling a civil partnership, however expressed;
 - “part of the United Kingdom” means England and Wales, Scotland or Northern Ireland;
 - “proceedings” means judicial or other proceedings.
- (6) Nothing in this Chapter is to be read as requiring the recognition of any finding of fault made in proceedings for dissolution, annulment or legal separation or of any maintenance, custody or other ancillary order made in any such proceedings.

Textual Amendments

- F1** Words in s. 237(2) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(5), **Sch. 18 para. 74(a)** (with arts. 28-31)
- F2** Words in s. 237(2)(b)(ii) substituted: (E.W.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **39**; (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **17(6)** (with regs. 6-9); and (S.) (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, **sch. 2 para. 6(5)**; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F3** Words in s. 237(3) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(5), **Sch. 18 para. 74(b)** (with arts. 28-31)
- F4** S. 237(4A)(4B) inserted (12.4.2010) by [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(5), **Sch. 18 para. 74(c)** (with arts. 28-31)

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Modifications etc. (not altering text)

- C1** S. 237(1) applied (with modifications) (E.W.N.I.) (5.12.2005) by [The Civil Partnership \(Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Legal Separations\) \(England and Wales and Northern Ireland\) Regulations 2005 \(S.I. 2005/3104\)](#), **reg. 2**
- C2** S. 237(1) applied (with modifications) (S.) (5.12.2005) by [The Civil Partnership \(Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Separations\) \(Scotland\) Regulations 2005 \(S.S.I. 2005/567\)](#), **reg. 2**

Commencement Information

- I1** S. 237 wholly in force at 5.12.2005; s. 237 not in force at Royal Assent see s. 263; s. 237(2)-(5) in force at 15.4.2005 by [S.I. 2005/1112](#), **art. 2**, **Sch. 2**; s. 237(1)(6) in force at 5.12.2005 by [S.I. 2005/3175](#), **art. 3**, **Sch. 2**

Changes to legislation:

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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\(2\)](#)