



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 2

#### DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

#### *Nullity*

#### **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>F1</sup>...
  - [<sup>F2</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>F3</sup>...
  - [<sup>F4</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>F5</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—

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**Changes to legislation:** *Civil Partnership Act 2004, Section 54 is up to date with all changes known to be in force on or before 19 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*

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- (a) void, if it would be void in Northern Ireland under section 173,<sup>F6</sup>...
  - [ void, if the marriage was solemnised there when—
  - <sup>F7</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”).
- (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).

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- (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

- F1** 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)
- F2** 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)
- F3** 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)
- F4** 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)
- F5** 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\(4\)](#)
- F6** 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)
- F7** 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\(2\)](#)