

SCHEDULE

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 2

AMENDMENTS TO THE CIVIL PARTNERSHIP ACT 2004

- 34 The Civil Partnership Act 2004 is amended as follows.
- 35 In section 40 (proceedings before order has been made final), in subsection (4)—
- (a) in paragraph (a), for “section 37(2)” substitute “sections 37A(1) and 38(A1)”;
 - (b) in paragraph (b) omit “in separation cases”.
- 36 In section 41 (time bar on applications for dissolution orders), omit subsection (2).
- 37 In section 42 (attempts at reconciliation of civil partners), in subsection (2), in the words before paragraph (a), for “the applicant to certify whether he” substitute “an applicant to certify whether the representative”.
- 38 Omit section 45 (supplemental provisions as to facts raising presumption of breakdown).
- 39 Omit section 46 (dissolution order not precluded by previous separation order etc).
- 40 Omit section 47 (refusal of dissolution in 5 year separation cases on ground of grave hardship).
- 41 In section 48 (proceedings before order made final: protection for respondent in separation cases)—
- (a) in the heading omit “in separation cases”;
 - (b) omit subsection (1);
 - (c) for subsection (2) substitute—
 - “(2) Subsections (3) to (5) apply if—
 - (a) on an application for a dissolution order a conditional order has been made and—
 - (i) the conditional order is in favour of one civil partner only, or
 - (ii) the conditional order is in favour of both civil partners but one of them has since withdrawn from the application, and
 - (b) the respondent has applied to the court for consideration under subsection (3) of their financial position after the dissolution of the civil partnership.”
- 42 Omit section 62 (relief for respondent in dissolution proceedings).