



Partnership Act 1890

1890 CHAPTER 39 53 and 54 Vict

Dissolution of Partnership, and its consequences

35 Dissolution by the Court.

On application by a partner the Court may decree a dissolution of the partnership in any of the following cases:

- [^{F2}(a) When a partner has a mental disorder within the meaning of section 328 of the Mental Health (Care and Treatment) (Scotland) Act 2003 or section 305 of the Mental Capacity Act (Northern Ireland) 2016 (as the case may be):]
- (b) When a partner, other than the partner suing, becomes in any other way permanently incapable of performing his part of the partnership contract:
- (c) When a partner, other than the partner suing, has been guilty of such conduct as, in the opinion of the Court, regard being had to the nature of the business, is calculated to prejudicially affect the carrying on of the business:
- (d) When a partner, other than the partner suing, wilfully or persistently commits a breach of the partnership agreement, or otherwise so conducts himself in matters relating to the partnership business that it is not reasonably practicable for the other partner or partners to carry on the business in partnership with him:
- (e) When the business of the partnership can only be carried on at a loss:
- (f) Whenever in any case circumstances have arisen which, in the opinion of the Court, render it just and equitable that the partnership be dissolved.

Textual Amendments

- F1** S. 35(a) repealed (E.W.) by [Mental Health Act 1959 \(c. 72\)](#), **Sch. 8 Pt. I**
- F2** S. 35(a) substituted (26.10.2023 for specified purposes) by [Economic Crime and Corporate Transparency Act 2023 \(c. 56\)](#), **ss. 130(1), 219(1)(2)(b)**

Modifications etc. (not altering text)

- C1** S. 35(f) amended by [National Health Service \(Amendment\) Act 1949 \(c. 93\)](#), **s. 7(4)**

Changes to legislation:

There are currently no known outstanding effects for the Partnership Act 1890, Section 35.