

DISSOLUTION OF CIVIL PARTNERSHIPS

1. The Civil Partnership Act provides that a civil partnership ends only on the death of one of the civil partners, or on the issue by a court of a dissolution order or a nullity order or a presumption of death order. If the civil partners do not wish to terminate the partnership one of them may ask the court for a separation order.

2. Dissolution

2.1 The dissolution process will begin with an application to the court in the form required by the court rules for civil partnership proceedings.

2.2 The person applying for the civil partnership to be dissolved will have to prove that the civil partnership has broken down irretrievably on grounds of-
Unreasonable behaviour, that is behaviour such that the applicant cannot reasonably be expected to live with their civil partner;
Separation for two years, where the other civil partner consents to a dissolution order being made;
Separation for 5 years, where the other civil partner does not consent to a dissolution order being made;
Desertion of the applicant by the other civil partner for a period of two years prior to the application.

2.3 The court will be required to inquire as far as is possible into the facts alleged by the applicant and into any facts alleged by the other civil partner. If the court is satisfied on the evidence that the civil partnership has broken down irretrievably, a dissolution order can be granted.

3. Nullity

3.1 In exceptional circumstances the court may grant an order (a 'nullity' order) to the effect that the civil partnership was either void or voidable at its inception.

4. Separation

4.1 The grounds on which a separation order may be sought are exactly the same as those on which a dissolution order may be sought. The difference between the two orders is that whereas a person whose civil partnership has been dissolved is free to marry or form another civil partnership, a separated person remains in law the civil partner of the other person. The separated couple are nevertheless able to use the courts to resolve any dispute they may have about maintenance and property and the care of any children from the relationship.