



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 3

#### PROPERTY AND FINANCIAL ARRANGEMENTS

#### **65 Contribution by civil partner to property improvement**

- (1) This section applies if—
  - (a) a civil partner contributes in money or money's worth to the improvement of real or personal property in which or in the proceeds of sale of which either or both of the civil partners has or have a beneficial interest, and
  - (b) the contribution is of a substantial nature.
- (2) The contributing partner is to be treated as having acquired by virtue of the contribution a share or an enlarged share (as the case may be) in the beneficial interest of such an extent—
  - (a) as may have been then agreed, or
  - (b) in default of such agreement, as may seem in all the circumstances just to any court before which the question of the existence or extent of the beneficial interest of either of the civil partners arises (whether in proceedings between them or in any other proceedings).
- (3) Subsection (2) is subject to any agreement (express or implied) between the civil partners to the contrary.

#### **66 Disputes between civil partners about property**

- (1) In any question between the civil partners in a civil partnership as to title to or possession of property, either civil partner may apply to—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the High Court, or
  - (b) such county court as may be prescribed by rules of court.
- (2) On such an application, the court may make such order with respect to the property as it thinks fit (including an order for the sale of the property).
- (3) Rules of court made for the purposes of this section may confer jurisdiction on county courts whatever the situation or value of the property in dispute.

**67 Applications under section 66 where property not in possession etc.**

- (1) The right of a civil partner (“A”) to make an application under section 66 includes the right to make such an application where A claims that the other civil partner (“B”) has had in his possession or under his control—
- (a) money to which, or to a share of which, A was beneficially entitled, or
  - (b) property (other than money) to which, or to an interest in which, A was beneficially entitled,
- and that either the money or other property has ceased to be in B’s possession or under B’s control or that A does not know whether it is still in B’s possession or under B’s control.
- (2) For the purposes of subsection (1)(a) it does not matter whether A is beneficially entitled to the money or share—
- (a) because it represents the proceeds of property to which, or to an interest in which, A was beneficially entitled, or
  - (b) for any other reason.
- (3) Subsections (4) and (5) apply if, on such an application being made, the court is satisfied that B—
- (a) has had in his possession or under his control money or other property as mentioned in subsection (1)(a) or (b), and
  - (b) has not made to A, in respect of that money or other property, such payment or disposition as would have been appropriate in the circumstances.
- (4) The power of the court to make orders under section 66 includes power to order B to pay to A—
- (a) in a case falling within subsection (1)(a), such sum in respect of the money to which the application relates, or A’s s share of it, as the court considers appropriate, or
  - (b) in a case falling within subsection (1)(b), such sum in respect of the value of the property to which the application relates, or A’s interest in it, as the court considers appropriate.
- (5) If it appears to the court that there is any property which—
- (a) represents the whole or part of the money or property, and
  - (b) is property in respect of which an order could (apart from this section) have been made under section 66,
- the court may (either instead of or as well as making an order in accordance with subsection (4)) make any order which it could (apart from this section) have made under section 66.

- (6) Any power of the court which is exercisable on an application under section 66 is exercisable in relation to an application made under that section as extended by this section.

## **68 Applications under section 66 by former civil partners**

- (1) This section applies where a civil partnership has been dissolved or annulled.
- (2) Subject to subsection (3), an application may be made under section 66 (including that section as extended by section 67) by either former civil partner despite the dissolution or annulment (and references in those sections to a civil partner are to be read accordingly).
- (3) The application must be made within the period of 3 years beginning with the date of the dissolution or annulment.

## **69 Actions in tort between civil partners**

- (1) This section applies if an action in tort is brought by one civil partner against the other during the subsistence of the civil partnership.
- (2) The court may stay the proceedings if it appears—
- (a) that no substantial benefit would accrue to either civil partner from the continuation of the proceedings, or
  - (b) that the question or questions in issue could more conveniently be disposed of on an application under section 66.
- (3) Without prejudice to subsection (2)(b), the court may in such an action—
- (a) exercise any power which could be exercised on an application under section 66, or
  - (b) give such directions as it thinks fit for the disposal under that section of any question arising in the proceedings.

## **70 Assurance policy by civil partner for benefit of other civil partner etc.**

Section 11 of the Married Women's Property Act 1882 (c. 75) (money payable under policy of assurance not to form part of the estate of the insured) applies in relation to a policy of assurance—

- (a) effected by a civil partner on his own life, and
- (b) expressed to be for the benefit of his civil partner, or of his children, or of his civil partner and children, or any of them,

as it applies in relation to a policy of assurance effected by a husband and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or of any of them.

## **71 Wills, administration of estates and family provision**

Schedule 4 amends enactments relating to wills, administration of estates and family provision so that they apply in relation to civil partnerships as they apply in relation to marriage.

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## **72 Financial relief for civil partners and children of family**

- (1) Schedule 5 makes provision for financial relief in connection with civil partnerships that corresponds to provision made for financial relief in connection with marriages by Part 2 of the Matrimonial Causes Act 1973 (c. 18).
- (2) Any rule of law under which any provision of Part 2 of the 1973 Act is interpreted as applying to dissolution of a marriage on the ground of presumed death is to be treated as applying (with any necessary modifications) in relation to the corresponding provision of Schedule 5.
- (3) Schedule 6 makes provision for financial relief in connection with civil partnerships that corresponds to provision made for financial relief in connection with marriages by the Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22).
- (4) Schedule 7 makes provision for financial relief in England and Wales after a civil partnership has been dissolved or annulled, or civil partners have been legally separated, in a country outside the British Islands.