



Civil Partnership Act 2004

2004 CHAPTER 33

PART 5

CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

CHAPTER 3

DISSOLUTION ETC.: JURISDICTION AND RECOGNITION

Introduction

219 Power to make provision [^{F1}corresponding to EC Regulation 2201/2003][^{F1}as to jurisdiction in relation to civil partnerships]

[^{F2}(1) The Lord Chancellor may by regulations make provision—

(a) as to the jurisdiction of courts in England and Wales ^{F3}... in proceedings for the dissolution or annulment of a civil partnership or for legal separation of the civil partners in cases where a civil partner—

(i) is or has been habitually resident in [^{F4}England and Wales, or]

^{F5}(ii)

(iii) is domiciled in [^{F6}England and Wales], ^{F7}...

^{F7}(b)

[^{F8}(1A) The Department of Justice in Northern Ireland may by regulations make provision—

(a) as to the jurisdiction of courts in Northern Ireland in proceedings for the dissolution or annulment of a civil partnership or for legal separation of the civil partners [^{F9}in cases where a civil partner—

(i) is or has been habitually resident in Northern Ireland, or

(ii) is domiciled in Northern Ireland.]

^{F10}(b)]

(2) The Scottish Ministers may by regulations make provision—

Status: Point in time view as at 31/12/2020.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Introduction is up to date with all changes known to be in force on or before 13 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)

- (a) as to the jurisdiction of courts in Scotland in proceedings for the dissolution or annulment of a civil partnership or for legal separation of the civil partners in such cases as are mentioned in subsection (1)(a), and
- (b) as to the recognition in Scotland of any such judgment as is mentioned in subsection (1)(b).

^{F11}(3)

^{F11}(4)

^{F11}(5)

- (6) Regulations under subsection (1) are to be made by statutory instrument and may only be made if a draft has been laid before and approved by resolution of each House of Parliament.
- [^{F12}(6A) Regulations under subsection (1A) are to be made by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979.
- (6B) No regulations shall be made under subsection (1A) unless a draft has been laid before and approved by resolution of the Northern Ireland Assembly.
- (6C) Section 41(3) of the Interpretation Act (Northern Ireland) 1954 applies for the purposes of subsection (6B) in relation to the laying of a draft as it applies in relation to the laying of a statutory document under an enactment.]
- (7) Regulations under subsection (2) are to be made by statutory instrument and may only be made if a draft has been laid before and approved by resolution of the Scottish Parliament.
- (8) In this Part “section 219 regulations” means regulations made under this section.]

Textual Amendments

- F1** Words in s. 219 heading substituted (E.W. N.I.) (31.12.2020) by [The Civil Partnership and Marriage \(Same Sex Couples\) \(Jurisdiction and Judgments\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/495\)](#), regs. 1, **4(2)(a)**; 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 219 omitted (S.) (31.12.2020) by virtue of [The Jurisdiction and Judgments \(Family, Civil Partnership and Marriage \(Same Sex Couples\)\) \(EU Exit\) \(Scotland\) \(Amendment etc.\) Regulations 2019 \(S.S.I. 2019/104\)](#), reg. 1, **sch. 1 para. 4(2)** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)
- F3** Words in s. 219(1)(a)(b) omitted (12.4.2010) by virtue of [The Northern Ireland Act 1998 \(Devolution of Policing and Justice Functions\) Order 2010 \(S.I. 2010/976\)](#), art. 15(5), **Sch. 18 para. 73(a)** (with arts. 28-31)
- F4** Words in s. 219(1)(a)(i) substituted (E.W. N.I.) (31.12.2020) by [The Civil Partnership and Marriage \(Same Sex Couples\) \(Jurisdiction and Judgments\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/495\)](#), regs. 1, **4(2)(b)(i)(aa)**; 2020 c. 1, Sch. 5 para. 1(1)
- F5** S. 219(1)(a)(ii) and word omitted (E.W. N.I.) (31.12.2020) by virtue of [The Civil Partnership and Marriage \(Same Sex Couples\) \(Jurisdiction and Judgments\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/495\)](#), regs. 1, **4(2)(b)(i)(bb)**; 2020 c. 1, Sch. 5 para. 1(1)
- F6** Words in s. 219(1)(a)(iii) substituted (E.W. N.I.) (31.12.2020) by [The Civil Partnership and Marriage \(Same Sex Couples\) \(Jurisdiction and Judgments\) \(Amendment etc.\) \(EU Exit\) Regulations 2019 \(S.I. 2019/495\)](#), regs. 1, **4(2)(b)(i)(cc)**; 2020 c. 1, Sch. 5 para. 1(1)

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- F7** S. 219(1)(b) and word omitted (E.W. N.I.) (31.12.2020) by virtue of The Civil Partnership and Marriage (Same Sex Couples) (Jurisdiction and Judgments) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/495), regs. 1, **4(2)(b)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F8** S. 219(1A) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 15(5), **Sch. 18 para. 73(b)** (with arts. 28-31)
- F9** Words in s. 219(1A)(a) substituted (31.12.2020) by The Civil Partnership and Marriage (Same Sex Couples) (Jurisdiction and Judgments) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/495), regs. 1, **4(2)(c)(i)**; 2020 c. 1, Sch. 5 para. 1(1)
- F10** S. 219(1A)(b) omitted (31.12.2020) by virtue of The Civil Partnership and Marriage (Same Sex Couples) (Jurisdiction and Judgments) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/495), regs. 1, **4(2)(c)(ii)**; 2020 c. 1, Sch. 5 para. 1(1)
- F11** S. 219(3)-(5) omitted (E.W. N.I.) (31.12.2020) by virtue of The Civil Partnership and Marriage (Same Sex Couples) (Jurisdiction and Judgments) (Amendment etc.) (EU Exit) Regulations 2019 (S.I. 2019/495), regs. 1, **4(2)(d)**; 2020 c. 1, Sch. 5 para. 1(1)
- F12** S. 219(6A)-(6C) inserted (12.4.2010) by The Northern Ireland Act 1998 (Devolution of Policing and Justice Functions) Order 2010 (S.I. 2010/976), art. 15(5), **Sch. 18 para. 73(d)** (with arts. 28-31)

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