



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Status: Point in time view as at 31/12/2020.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, Section 219 is up to date with all changes known to be in force on or before 09 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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