



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 2

#### DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

##### *Introduction*

### 38 [F<sup>1</sup>Annulment and presumption of death: conditional and final orders]

[F<sup>2</sup>(A1) Every nullity or presumption of death order—

- (a) is, in the first instance, a conditional order, and
- (b) may not be made final before the end of the prescribed period for the purposes of this paragraph.]

(1) Subject to subsections (2) to (4), the prescribed period for the purposes of [F<sup>3</sup>subsection (A1)(b)] is—

- (a) 6 weeks from the making of the conditional order, or
- (b) if the 6 week period would end on a day on which the office or registry of the court dealing with the case is closed, the period of 6 weeks extended to the end of the first day on which the office or registry is next open.

(2) The Lord Chancellor may by order amend this section so as to substitute a different definition of the prescribed period for the purposes of [F<sup>4</sup>subsection (A1)(b)].

(3) But the Lord Chancellor may not under subsection (2) provide for a period longer than 6 months to be the prescribed period.

(4) In a particular case the court dealing with the case may by order shorten the prescribed period.

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**Changes to legislation:** Civil Partnership Act 2004, Section 38 is up to date with all changes known to be in force on or before 19 March 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) View outstanding changes

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- (5) The power to make an order under subsection (2) is exercisable by statutory instrument.
- (6) An instrument containing such an order is subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

- F1** S. 38 heading substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 4(4)(a)**, 8(1)(8) (with s. 8(7)); S.I. 2022/283, reg. 2
- F2** S. 38(A1) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 4(4)(b)**, 8(1)(8) (with s. 8(7)); S.I. 2022/283, reg. 2
- F3** Words in s. 38(1) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 4(4)(c)**, 8(1)(8) (with s. 8(7)); S.I. 2022/283, reg. 2
- F4** Words in s. 38(2) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), **ss. 4(4)(d)**, 8(1)(8) (with s. 8(7)); S.I. 2022/283, reg. 2

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)