



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 2

#### DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

##### *Introduction*

### **39 Intervention of the Queen's Proctor**

- (1) This section applies if an application has been made for a dissolution, nullity or presumption of death order.
- (2) The court may, if it thinks fit, direct that all necessary papers in the matter are to be sent to the Queen's Proctor who must under the directions of the Attorney General instruct counsel to argue before the court any question in relation to the matter which the court considers it necessary or expedient to have fully argued.
- (3) If any person at any time—
  - (a) during the progress of the proceedings, or
  - (b) before the conditional order is made final,gives information to the Queen's Proctor on any matter material to the due decision of the case, the Queen's Proctor may take such steps as the Attorney General considers necessary or expedient.
- (4) If the Queen's Proctor intervenes or shows cause against the making of the conditional order in any proceedings relating to its making, the court may make such order as may be just as to—
  - (a) the payment by other parties to the proceedings of the costs incurred by him in doing so, or

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*Status: This is the original version (as it was originally enacted).*

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- (b) the payment by the Queen's Proctor of any costs incurred by any of those parties because of his doing so.
- (5) The Queen's Proctor is entitled to charge as part of the expenses of his office—
- (a) the costs of any proceedings under subsection (2);
  - (b) if his reasonable costs of intervening or showing cause as mentioned in subsection (4) are not fully satisfied by an order under subsection (4)(a), the amount of the difference;
  - (c) if the Treasury so directs, any costs which he pays to any parties under an order made under subsection (4)(b).