

STATUTORY INSTRUMENTS

**2005 No. 3334**

**JUDGMENTS, ENGLAND AND WALES  
JUDGMENTS, NORTHERN IRELAND  
FAMILY LAW, ENGLAND AND WALES  
FAMILY LAW, NORTHERN IRELAND**

**The Civil Partnership (Jurisdiction and  
Recognition of Judgments) Regulations 2005**

*Made* - - - - *1st December 2005*

*Coming into force* - - *5th December 2005*

The Lord Chancellor makes the following Order in exercise of the powers conferred by section 219(1), (3), (4) and (5) of the Civil Partnership Act 2004<sup>M1</sup>. In accordance with section 219(6) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

**Marginal Citations**

M1 2004 c. 33.

**Citation and commencement**

1. These Regulations may be cited as the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 and shall come into force on 5 December 2005.

**Extent**

2.—(1) Except as provided by this regulation, these Regulations extend to England and Wales and Northern Ireland.

(2) [F1Regulation 4 extends] to England and Wales only.

(3) [F2Regulation 5 extends] to Northern Ireland only.

*Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005. (See end of Document for details)*

- F1** Words in [reg. 2\(2\)](#) 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, [5\(2\)\(a\)](#) (with [reg. 7](#)); 2020 c. 1, Sch. 5 para. 1(1)
- F2** Words in [reg. 2\(3\)](#) 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, [5\(2\)\(b\)](#) (with [reg. 7](#)); 2020 c. 1, Sch. 5 para. 1(1)

**Application**

**3.—(1)** These Regulations apply to proceedings for the dissolution or annulment of an overseas relationship entitled to be treated as a civil partnership, or the legal separation of the same, as they apply to proceedings for the dissolution or annulment of a civil partnership or the legal separation of civil partners.

<sup>F3</sup>(2) .....

- F3** [Reg. 3\(2\)](#) 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, [5\(3\)](#) (with [reg. 7](#)); 2020 c. 1, Sch. 5 para. 1(1)

**PART 1**  
Jurisdiction

**Jurisdiction: England and Wales**

**4.** The courts in England and Wales shall have jurisdiction in relation to proceedings for the dissolution or annulment of a civil partnership or for the legal separation of civil partners where [<sup>F4</sup>on the date of the application]—

- (a) both civil partners are habitually resident in England and Wales;
- (b) both civil partners were last habitually resident in England and Wales and one of the civil partners continues to reside there;
- (c) the respondent is habitually resident in England and Wales;
- [<sup>F5</sup>(ca) in a joint application only, either civil partner is habitually resident in England and Wales;]
- (d) the [<sup>F6</sup>applicant] is habitually resident in England and Wales and has resided there for at least one year immediately [<sup>F7</sup>before the application was made]<sup>F8</sup>...
- (e) the [<sup>F9</sup>applicant] is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately [<sup>F10</sup>before the application was made][<sup>F11</sup>or]
- [<sup>F12</sup>(f) both civil partners are domiciled in England and Wales.]

- F4** Words in [reg. 4](#) inserted (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, [5\(4\)\(a\)](#) (with [reg. 7](#)); 2020 c. 1, Sch. 5 para. 1(1)
- F5** [Reg. 4\(ca\)](#) inserted (coming into force in accordance with [reg. 1\(2\)](#) of the amending S.I.) by [The Divorce, Dissolution and Separation Act 2020 \(Consequential Amendments\) Regulations 2022 \(S.I. 2022/237\)](#), [Sch. para. 2](#); S.I. 2022/283, [reg. 2](#)

- F6** Word in reg. 4(d) 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, **5(4)(b)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F7** Words in reg. 4(d) 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, **5(4)(c)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F8** Word in reg. 4(d) 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, **5(4)(d)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F9** Word in reg. 4(e) 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, **5(4)(b)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F10** Words in reg. 4(e) 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, **5(4)(c)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F11** Word in reg. 4(e) inserted (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, **5(4)(e)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F12** Reg. 4(f) inserted (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, **5(4)(f)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

### **Jurisdiction: Northern Ireland**

5. The courts in Northern Ireland shall have jurisdiction in relation to proceedings for the dissolution or annulment of a civil partnership or for the legal separation of civil partners where [<sup>F13</sup>on the date of the application]—

- (a) both civil partners are habitually resident in Northern Ireland;
- (b) both civil partners were last habitually resident in Northern Ireland and one of the civil partners continues to reside there;
- (c) the respondent is habitually resident in Northern Ireland;
- (d) the [<sup>F14</sup>applicant] is habitually resident in Northern Ireland and has resided there for at least one year immediately [<sup>F15</sup>before the application was made]; <sup>F16</sup>...
- (e) the [<sup>F17</sup>applicant] is domiciled and habitually resident in Northern Ireland and has resided there for at least six months immediately [<sup>F18</sup>before the application was made][<sup>F19</sup>or
- [<sup>F20</sup>(f) both civil partners are domiciled in Northern Ireland].

- F13** Words in reg. 5 inserted (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, **5(5)(a)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F14** Word in reg. 5(d) 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, **5(5)(b)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F15** Words in reg. 5(d) 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, **5(5)(c)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F16** Word in reg. 5(d) 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, **5(5)(d)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

*Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005. (See end of Document for details)*

- F17** Word in reg. 5(e) 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, 5(5)(b) (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F18** Words in reg. 5(e) 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, 5(5)(c) (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F19** Word in reg. 5(e) inserted (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, 5(5)(e) (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)
- F20** Reg. 5(f) inserted (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, 5(5)(f) (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

## PART 2

### Recognition and Refusal of Recognition of Judgments

#### Definitions for Part 2

**F21** 6. ....

- F21** Regs. 6-12 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, 5(6) (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

#### Recognition of a judgment

**F21** 7. ....

- F21** Regs. 6-12 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, 5(6) (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

#### Refusal of recognition of a judgment

**F21** 8. ....

- F21** Regs. 6-12 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, 5(6) (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

#### Jurisdiction and review

**F21** 9. ....

- F21** Regs. 6-12 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, 5(6) (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

<sup>F21</sup>**10.** .....

**F21** Regs. 6-12 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, **5(6)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

**Differences in applicable law**

<sup>F21</sup>**11.** .....

**F21** Regs. 6-12 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, **5(6)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

**Stay of proceedings**

<sup>F21</sup>**12.** .....

**F21** Regs. 6-12 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, **5(6)** (with reg. 7); 2020 c. 1, Sch. 5 para. 1(1)

1st December 2005

*Falconer of Thoroton, C*

**Changes to legislation:** There are currently no known outstanding effects for the The Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005. (See end of Document for details)

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## EXPLANATORY NOTE

(This note is not part of the Regulation)

These Regulations are to make corresponding provisions, as far as is possible in domestic law, for civil partnerships as to the jurisdiction and recognition elements of Council Regulation (EC) 2201/2003 for matrimonial matters as regards the law of England and Wales and Northern Ireland. The Regulations apply to all civil partnerships including overseas relationships entitled to be treated as a civil partnership, by virtue of the Civil Partnership Act 2004.

Regulation 3(2) allows for the recognition and non-recognition of judgments regarding relationships that were formed before the coming into force of these Regulations and the 2004 Act.

Regulations 4 and 5 set out the criteria for accepting jurisdiction for dissolution, annulment or legal separation proceedings in respect of civil partners.

Regulations 7 and 8 set out the criteria for recognition and non-recognition of an order made in another Member States for the dissolution or annulment of a civil partnership or the legal separation of civil partners.

Regulations 9 and 10 prevent the court from reviewing the jurisdiction of the court of the Member State that made the original judgment and also prevents a court from reviewing the substance of that judgment.

Regulation 11 ensures that a judgment is recognised notwithstanding that there might well have been a different outcome if the law of England and Wales or Northern Ireland had been applied to the facts of the case.

Regulation 12 allows the court to stay proceedings for recognition of a judgment when there is an appeal outstanding against that judgment.

**Changes to legislation:**

There are currently no known outstanding effects for the The Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005.