



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 5

CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

### CHAPTER 3

DISSOLUTION ETC.: JURISDICTION AND RECOGNITION

#### *Jurisdiction of Scottish courts*

#### **225 Jurisdiction of Scottish courts**

- (1) The Court of Session has jurisdiction to entertain an action for the dissolution of a civil partnership or for separation of civil partners if (and only if) [<sup>F1</sup>either civil partner]—
- [<sup>F2</sup>(a) is domiciled in Scotland on the date when proceedings are begun, or
  - (b) was habitually resident in Scotland throughout the period of one year ending with that date, or]
  - (c) the following conditions are met—
    - (i) the two people concerned registered as civil partners of each other in Scotland,
    - (ii) no court has, or is recognised as having, jurisdiction <sup>F3</sup>..., and
    - (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.
- (2) The sheriff has jurisdiction to entertain an action for the dissolution of a civil partnership or for separation of civil partners if (and only if) the requirements of paragraph (a) or (b) of subsection (1) are met and either civil partner—
- (a) was resident in the sheriffdom for a period of 40 days ending with the date when the action is begun, or

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*Changes to legislation: Civil Partnership Act 2004, Section 225 is up to date with all changes known to be in force on or before 18 May 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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- (b) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date and has no known residence in Scotland at that date.
- (3) The Court of Session has jurisdiction to entertain an action for declarator of nullity of a civil partnership if (and only if)—
- [<sup>F4</sup>(a) either of the ostensible civil partners—
- (i) is domiciled in Scotland on the date when the proceedings are begun or was habitually resident in Scotland throughout the period of one year ending with that date, or
- (ii) died before that date and either was at death domiciled in Scotland or had been habitually resident in Scotland throughout the period of one year ending with the date of death, or]
- (c) the following conditions are met—
- (i) the two people concerned registered as civil partners of each other in Scotland,
- (ii) no court has, or is recognised as having, jurisdiction <sup>F5</sup>..., and
- (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.
- [<sup>F6</sup>(3A) The sheriff has jurisdiction to entertain an action for declarator of nullity of a civil partnership if (and only if)—
- (a) the requirements as to domicile or habitual residence that would apply were the action to have been begun in the Court of Session under subsection (3) (other than paragraph (c)) are met, and
- (b) either of the ostensible civil partners—
- (i) was resident in the sheriffdom for a period of 40 days ending with the date when the action is begun, or
- (ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date and has no known residence in Scotland at that date.]
- (4) At any time when proceedings are pending in respect of which a court has jurisdiction by virtue of any of subsections (1) to [<sup>F7</sup>(3A)] (or this subsection) it also has jurisdiction to entertain other proceedings, in respect of the same civil partnership (or ostensible civil partnership), for dissolution, separation or <sup>F8</sup>... declarator of nullity, even though that jurisdiction would not be exercisable under any of subsections (1) to [<sup>F7</sup>(3A)].

#### Textual Amendments

- F1** Words in s. 225(1) inserted (31.12.2020) by [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(3)(a)(i)** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)
- F2** S. 225(1)(a)(b) substituted (31.12.2020) by [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(3)(a)(ii)** (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. 225(1)(c)(ii) omitted (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(3)(a)(iii)** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)

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- F4** S. 225(3)(a) substituted for s. 225(3)(a)(b) (31.12.2020) by 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(3)(b)(i)** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)
- F5** Words in s. 225(3)(c)(ii) omitted (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(3)(b)(ii)** (with reg. 6) (as amended by S.S.I. 2020/441, regs. 1(2)(a), 16); 2020 c. 1, Sch. 5 para. 1(1)
- F6** S. 225(3A) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 6(4)(a)**; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F7** Word in s. 225(4) substituted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 6(4)(b)(ii)**; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F8** Words in s. 225(4) repealed (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 6(4)(b)(i)**; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)

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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\(2\)](#)