



Divorce, Dissolution and Separation Act 2020

2020 CHAPTER 11

Civil partnership: dissolution and separation

4 Dissolution orders: time limits

- (1) The Civil Partnership Act 2004 is amended as follows.
- (2) In section 37 (powers to make orders and effect of orders), omit subsection (2).
- (3) After section 37 insert—

“37A Dissolution on ground of breakdown: conditional and final orders

- (1) Every dissolution order—
 - (a) is, in the first instance, a conditional order, and
 - (b) may not be made final before the end of the period of 6 weeks from the making of the conditional order (the “first prescribed period”).
- (2) The court may not make a conditional order unless—
 - (a) in the case of an application that is to proceed as an application by one civil partner only, that person has confirmed to the court that they wish the application to continue, or
 - (b) in the case of an application that is to proceed as an application by both civil partners, those persons have confirmed to the court that they wish the application to continue;and a person may not give confirmation for the purposes of this subsection before the end of the period of 20 weeks from the start of proceedings (the “second prescribed period”).
- (3) The Lord Chancellor may by order amend this section so as to substitute—
 - (a) a different definition of the first prescribed period, or
 - (b) a different definition of the second prescribed period.

Status: This is the original version (as it was originally enacted).

- (4) But the Lord Chancellor may not under subsection (3) provide for a period which would result in the total number of days in the first and second prescribed periods (taken together) exceeding 26 weeks.
 - (5) In a particular case the court dealing with the case may by order shorten the first prescribed period or the second prescribed period.
 - (6) The power to make an order under subsection (3) is exercisable by statutory instrument.
 - (7) An instrument containing such an order may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”
- (4) In section 38 (the period before conditional orders may be made final)—
- (a) for the heading substitute “Annulment and presumption of death: conditional and final orders”;
 - (b) before subsection (1) insert—
 - “(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.”;
 - (c) in subsection (1), in the words before paragraph (a), for “section 37(2)(b)” substitute “subsection (A1)(b)”;
 - (d) in subsection (2), for “section 37(2)(b) substitute “subsection (A1)(b)”.