



Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 3

PROPERTY AND FINANCIAL ARRANGEMENTS

191 Disputes between civil partners about property

- (1) In any question between the civil partners in a civil partnership as to title to or possession of property, either civil partner may apply by summons or otherwise in a summary way to—
 - (a) the High Court, or
 - (b) a county court.
- (2) On such an application, the court may make such order with respect to the property as it thinks fit (including an order for the sale of the property).
- (3) Rules of court made for the purposes of this section may confer jurisdiction on county courts whatever the situation or value of the property in dispute.

Commencement Information

- II** S. 191 wholly in force at 5.12.2005; s. 191 not in force at Royal Assent see s. 263; s. 191(3) in force at 5.9.2005 for certain purposes by S.I. 2005/2399, art. 2, Sch. and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.; s. 191 in force at 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.

Status: Point in time view as at 05/12/2005.

Changes to legislation: Civil Partnership Act 2004, Chapter 3 is up to date with all changes known to be in force on or before 04 April 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)

192 Applications under section 191 where property not in possession etc.

- (1) The right of a civil partner (“A”) to make an application under section 191 includes the right to make such an application where A claims that the other civil partner (“B”) has had in his possession or under his control—
 - (a) money to which, or to a share of which, A was beneficially entitled, or
 - (b) property (other than money) to which, or to an interest in which, A was beneficially entitled,
 and that either the money or other property has ceased to be in B’s possession or under B’s control or that A does not know whether it is still in B’s possession or under B’s control.
- (2) For the purposes of subsection (1)(a) it does not matter whether A is beneficially entitled to the money or share—
 - (a) because it represents the proceeds of property to which, or to an interest in which, A was beneficially entitled, or
 - (b) for any other reason.
- (3) Subsections (4) and (5) apply if, on such an application being made, the court is satisfied that B—
 - (a) has had in his possession or under his control money or other property as mentioned in subsection (1)(a) or (b), and
 - (b) has not made to A, in respect of that money or other property, such payment or disposition as would have been just and equitable in the circumstances.
- (4) The power of the court to make orders under section 191 includes power to order B to pay to A—
 - (a) in a case falling within subsection (1)(a), such sum in respect of the money to which the application relates, or A’s share of it, as the court considers appropriate, or
 - (b) in a case falling within subsection (1)(b), such sum in respect of the value of the property to which the application relates, or A’s interest in it, as the court considers appropriate.
- (5) If it appears to the court that there is any property which—
 - (a) represents the whole or part of the money or property, and
 - (b) is property in respect of which an order could (apart from this section) have been made under section 191,
 the court may (either instead of or as well as making an order in accordance with subsection (4)) make any order which it could (apart from this section) have made under section 191.
- (6) Any power of the court which is exercisable on an application under section 191 is exercisable in relation to an application made under that section as extended by this section.

193 Applications under section 191 by former civil partners

- (1) Where a civil partnership has been dissolved or annulled or is void (whether or not it has been annulled), either party may make an application under section 191 (or under that section as extended by section 192) and references in those sections to a civil partner are to be read accordingly.

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- (2) An application under subsection (1) must—
- (a) where the civil partnership has been dissolved or annulled, be made within the period of 3 years beginning with the date of the dissolution or annulment, and
 - (b) where a civil partnership is void but has not been annulled and the parties have ceased to live together in the same household, be made within the period of 3 years beginning with the date on which they ceased so to live together.

194 Assurance policy by civil partner for benefit of other civil partner etc.

Section 4 of the Law Reform (Husband and Wife) Act (Northern Ireland) 1964 (c. 23 (N.I.)) (money payable under policy of life assurance or endowment not to form part of the estate of the insured) applies in relation to a policy of life assurance or endowment—

- (a) effected by a civil partner on his own life, and
- (b) expressed to be for the benefit of his civil partner, or of his children, or of his civil partner and children, or any of them,

as it applies in relation to a policy of life assurance or endowment effected by a husband and expressed to be for the benefit of his wife, or of his children, or of his wife and children, or of any of them.

195 Wills, administration of estates and family provision

Schedule 14 amends enactments relating to wills, administration of estates and family provision so that they apply in relation to civil partnerships as they apply in relation to marriage.

196 Financial relief for civil partners and children of family

- (1) Schedule 15 makes provision for financial relief in connection with civil partnerships that corresponds to the provision made for financial relief in connection with marriages by Part 3 of the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15)).
- (2) Any rule of law under which any provision of Part 3 of the 1978 Order is interpreted as applying to dissolution of a marriage on the ground of presumed death is to be treated as applying (with any necessary modifications) in relation to the corresponding provision of Schedule 15.
- (3) Schedule 16 makes provision for financial relief in connection with civil partnerships that corresponds to provision made for financial relief in connection with marriages by the Domestic Proceedings (Northern Ireland) Order 1980 (S.I. 1980/563 (N.I. 5)).
- (4) Schedule 17 makes provision for financial relief in Northern Ireland after a civil partnership has been dissolved or annulled, or civil partners have been legally separated, in a country outside the British Islands.

Status:

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