



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)—
 - (a) the court has jurisdiction under section 219 regulations,
 - (b) no court has, or is recognised as having, jurisdiction under section 219 regulations and either civil partner is domiciled in Scotland on the date when the proceedings are begun, 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 under section 219 regulations, 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

Status: This is the original version (as it was originally enacted).

- (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)—
- (a) the Court has jurisdiction under section 219 regulations,
 - (b) no court has, or is recognised as having, jurisdiction under section 219 regulations and either of the ostensible civil partners—
 - (i) is domiciled in Scotland on the date when the proceedings are begun, 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 1 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 under section 219 regulations, and
 - (iii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.
- (4) At any time when proceedings are pending in respect of which a court has jurisdiction by virtue of any of subsections (1) to (3) (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 (but only where the court is the Court of Session) declarator of nullity, even though that jurisdiction would not be exercisable under any of subsections (1) to (3).