



Civil Partnership Act 2004

2004 CHAPTER 33

PART 5

CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

CHAPTER 3

DISSOLUTION ETC.: JURISDICTION AND RECOGNITION

Recognition of dissolution, annulment and separation

236 Refusal of recognition

- (1) Recognition of the validity of an overseas dissolution, annulment or legal separation may be refused in any part of the United Kingdom if the dissolution, annulment or separation was obtained at a time when it was irreconcilable with a decision determining the question of the subsistence or validity of the civil partnership—
 - (a) previously given by a court of civil jurisdiction in that part of the United Kingdom, or
 - (b) previously given by a court elsewhere and recognised or entitled to be recognised in that part of the United Kingdom.
- (2) Recognition of the validity of an overseas dissolution or legal separation may be refused in any part of the United Kingdom if the dissolution or separation was obtained at a time when, according to the law of that part of the United Kingdom, there was no subsisting civil partnership.
- (3) Recognition of the validity of an overseas dissolution, annulment or legal separation may be refused if—
 - (a) in the case of a dissolution, annulment or legal separation obtained by means of proceedings, it was obtained—
 - (i) without such steps having been taken for giving notice of the proceedings to a civil partner as, having regard to the nature of the

Status: This is the original version (as it was originally enacted).

- proceedings and all the circumstances, should reasonably have been taken, or
- (ii) without a civil partner having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to those matters, he should reasonably have been given, or
- (b) in the case of a dissolution, annulment or legal separation obtained otherwise than by means of proceedings—
 - (i) there is no official document certifying that the dissolution, annulment or legal separation is effective under the law of the country in which it was obtained, or
 - (ii) where either civil partner was domiciled in another country at the relevant date, there is no official document certifying that the dissolution, annulment or legal separation is recognised as valid under the law of that other country, or
 - (c) in either case, recognition of the dissolution, annulment or legal separation would be manifestly contrary to public policy.
- (4) In this section—
- “official”, in relation to a document certifying that a dissolution, annulment or legal separation is effective, or is recognised as valid, under the law of any country, means issued by a person or body appointed or recognised for the purpose under that law;
 - “the relevant date” has the same meaning as in section 235.