



Civil Partnership Act 2004

2004 CHAPTER 33

PART 2

CIVIL PARTNERSHIP: ENGLAND AND WALES

CHAPTER 2

DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

Dissolution of civil partnership

48 Proceedings before order made final: protection for respondent ^{F1}...

^{F2}(1)

[^{F3}(2) Subsections (3) to (5) apply if—

- (a) on an application for a dissolution order a conditional order has been made and—
 - (i) the conditional order is in favour of one civil partner only, or
 - (ii) the conditional order is in favour of both civil partners but one of them has since withdrawn from the application, and
 - (b) the respondent has applied to the court for consideration under subsection (3) of their financial position after the dissolution of the civil partnership.]
- (3) The court hearing an application by the respondent under subsection (2) must consider all the circumstances, including—
- (a) the age, health, conduct, earning capacity, financial resources and financial obligations of each of the parties, and
 - (b) the financial position of the respondent as, having regard to the dissolution, it is likely to be after the death of the applicant should the applicant die first.
- (4) Subject to subsection (5), the court must not make the order final unless it is satisfied that—

Changes to legislation: Civil Partnership Act 2004, Section 48 is up to date with all changes known to be in force on or before 20 March 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

- (a) the applicant should not be required to make any financial provision for the respondent, or
 - (b) the financial provision made by the applicant for the respondent is—
 - (i) reasonable and fair, or
 - (ii) the best that can be made in the circumstances.
- (5) The court may if it thinks fit make the order final if—
- (a) it appears that there are circumstances making it desirable that the order should be made final without delay, and
 - (b) it has obtained a satisfactory undertaking from the applicant that he will make such financial provision for the respondent as it may approve.

Textual Amendments

- F1** Words in s. 48 heading omitted (6.4.2022) by virtue of [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 41\(a\)](#) (with s. 8(7)); S.I. 2022/283, reg. 2
- F2** S. 48(1) omitted (6.4.2022) by virtue of [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 41\(b\)](#) (with s. 8(7)); S.I. 2022/283, reg. 2
- F3** S. 48(2) substituted (6.4.2022) by [Divorce, Dissolution and Separation Act 2020 \(c. 11\)](#), s. 8(1)(8), [Sch. para. 41\(c\)](#) (with s. 8(7)); S.I. 2022/283, reg. 2

Changes to legislation:

Civil Partnership Act 2004, Section 48 is up to date with all changes known to be in force on or before 20 March 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.

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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\(2\)](#)