
STATUTORY INSTRUMENTS

2005 No. 3104

The Civil Partnership (Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Legal Separations) (England and Wales and Northern Ireland) Regulations 2005

Provisions relating to countries which comprise territories having different systems of law

2.—(1) In relation to a dissolution, annulment or legal separation obtained under the law of a territory in a country whose territories have different systems of law in force as regards such matters, sections 235, 236 and 237(1) of the Act shall have effect subject to the following modifications.

(2) For section 235(1) substitute the following—

“(1) The validity of an overseas dissolution, annulment or legal separation obtained by means of proceedings is to be recognised if—

- (a) the dissolution, annulment or legal separation is effective under the law of the territory in which it was obtained, and at the relevant date either civil partner was habitually resident or domiciled in that territory, or
- (b) the dissolution, annulment or legal separation is effective throughout the country in which it was obtained and at the relevant date either civil partner was a national of that country.”

(3) For section 235(2) substitute the following—

“(2) The validity of an overseas dissolution, annulment or legal separation obtained otherwise than by means of proceedings is to be recognised if—

- (a) the dissolution, annulment or legal separation is effective under the law of the territory in which it was obtained,
- (b) at the relevant date—
 - (i) each civil partner was domiciled in that territory, or
 - (ii) either civil partner was domiciled in that territory and the other was domiciled in a country or territory under whose law the dissolution, annulment or legal separation is recognised as valid, and
- (c) neither civil partner was habitually resident in the United Kingdom throughout the period of 1 year immediately preceding that date.”

(4) For section 236(3) (b) substitute the following—

“(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 territory in which it was obtained, or
- (ii) where either civil partner was domiciled in another country or territory 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 territory, or”.

(5) For the definition of “official” in section 236(4) substitute the following—

““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 or territory, means issued by a person or body appointed or recognised for the purpose under that law;”.

(6) For section 237(1) substitute the following—

“(1) For the purposes of sections 235 and 236,

(a) where a civil partner has obtained an overseas dissolution, annulment or legal separation in a territory, he is to be treated as domiciled in that territory if he was domiciled there—

(i) according to the law of that territory in family matters, or

(ii) the law of the part of the United Kingdom in which the question of recognition arises,

(b) in all other cases a civil partner is to be treated as domiciled in a country or territory if he was domiciled in that country or territory—

(i) according to the law of that country or territory in family matters, or

(ii) according to the law of the part of the United Kingdom in which the question of recognition arises.”