

## Civil Partnership Fact Sheet

The Civil Partnership Act came into force on 5th December 2005. A “Civil Partnership” is defined as a relationship between two people of the same sex, which has been formed by registration in England and Wales or, alternatively, a relationship which has been formed overseas but that is recognised in England and Wales.

The registration of a Civil Partnership must not be in religious premises which are defined as a place used solely or mainly for religious purposes and each of the parties must give notice of the proposed partnership to an authority for registration. Once notice has been given, the parties must wait a further fifteen days.

A Civil Partnership may be terminated on the following grounds: -

- Nullity;
- Either party bringing an action for Dissolution;
- Legal separation;
- Presumption of Death Order.

As with the standard Divorce procedure, no Application can be made for Dissolution Order before a year has elapsed from the date the Civil Partnership forms. The Application is made on the grounds that the partnership has irretrievably broken down and this is proved to the Court by reliance on one of the following four facts: -

- Unreasonable Behaviour – the Applicant cannot reasonably be expected to live with the Respondent;
- The parties have lived apart for a period of two years and the Respondent consents to Dissolution;
- The parties have lived apart for five years;
- Desertion.

Upon determination of the Civil Partnership, either part may make an Application for an order for a financial settlement. The Orders available for financial relief upon the breakdown of Civil Partnerships are as follows: -

- Periodical payments for the benefit of the child of the family;
- Periodical payments to the civil partner;
- Payment of a lump sum to a civil partner;
- Payment of a lump sum to a civil partner or to any person for the benefit of the child of the family;
- Property adjustment which involves transfer of a property to one of the parties usually for payment of a lump sum;
- Variation of settlement;
- Sale of the property;
- Pension sharing

The Court will firstly give consideration to the welfare of any child of the family and also the following factors: -

- The income, earning capacity, property and other financial resources which each partner has or would like to have in the foreseeable future;
- The financial obligations and responsibility which each civil partner has or is likely to have in the foreseeable future;
- Standard of living enjoyed by the family before the breakdown of the Civil Partnership;
- The age of the civil partner and the duration of the Civil Partnership;
- The contribution which each of the civil partners has made or is likely to make in the foreseeable future;
- The conduct of each civil partner;
- The value to each civil parent of any benefit which because of the Dissolution or Annulment of the Civil Partnership, that civil partner will lose the chance of acquiring.

It is apparent therefore that the Court would apply the above conditions in the same way as the current Law concerning Ancillary Relief within Divorce Proceedings. Further, it is possible that a period of cohabitation prior to entering into a Civil Partnership will be treated similar to that as in Divorce and will be a relevant consideration where there has been a seamless transition from cohabitation to civil partnership.

The overriding objective of the Court is to ensure that that parties financial dependence is terminated as soon as possible. The Court must then consider the most appropriate timescale for the termination of financial obligation of the civil partners towards one another when making any Order and must have regard to avoiding any undue hardship where time to adjust to independence is deemed necessary to either party.

You will no doubt need to discuss the procedure in more detail throughout your case. Should you require any further information or have any queries please let us know so we can discuss them with you.