

CIVIL PARTNERSHIPS

Civil partnerships were introduced by the Civil Partnership Act 2004 and give certain same-sex couples most of the rights and responsibilities of a marriage involving an opposite-sex couple. When the Marriage (Same Sex Couples) Act 2013 comes into effect, it will still be possible to form a civil partnership.

You can ask the court to end your civil partnership just as you could ask the court for a divorce if you were married. Like a divorce, you cannot ask the court to end your civil partnership during the first year after it was formed. Like a divorce, you must show the court that your civil partnership has broken down for good and, as in a divorce, it must have done so because of one or more facts. In the case of civil partnership, the facts are:

Unreasonable behaviour – your civil partner has behaved so badly that you no longer want to live with them.

Desertion – civil partner has left you for more than 2 years without your agreement, without a good reason, and in order to end your relationship.

You have lived apart for more than 2 years – your civil partner must agree in writing to ending your civil partnership if you are going to rely on this reason.

You have lived apart for more than 5 years – your civil partner does not have to agree to ending your civil partnership if you are going to rely on this reason.

You can ask the court to annul your civil partnership either because:

It was never legally valid.

It was valid but was legally defective.

Your civil partnership will never have been legally valid if:

You or your civil partner was not eligible to register as civil partners.

You and your civil partner both knew that certain legal requirements about the civil partnership were not complied with.

Your civil partnership document was void because one of the civil partners was a child.
You or your civil partner has undergone gender reassignment.

Your civil partnership will have been valid but legally defective if:

You or your civil partner did not properly consent to the marriage (for example, someone forced you into it against your will).

Your or civil partner was suffering from a mental illness that meant you or your civil partner was unfitted for a civil partnership.

Your civil partner was pregnant by someone else when you got married.

You or your civil partner has undergone gender reassignment.

Remember: if the court annuls your civil partnership, the law treats you as if you were never in one. This might have important implications for you so it would be sensible to take ask a lawyer about annulment before applying to the court.

It is possible to ask the court for a separation from your civil partner rather than asking it to end your civil partnership. You would need to show the court that one or more of the 4 facts set out above were true before the court would make a separation order.

Like asking for a divorce or an annulment of marriage, ending or annulling a civil partnership involves sending the right paperwork to the court and paying a court fee. It is very important to ensure that the paperwork is all in order otherwise the court will send it back to you.

Ending or annulling a civil partnership or obtaining a separation order involves the same steps as obtaining a divorce or an annulment of marriage or a judicial separation although the terminology the court uses is a bit different. If you are asking for the court to end your civil partnership, the court will first make a conditional order (this is the equivalent to a decree nisi) and then, 6 weeks and 1 day later, you can apply for a final order (this is the equivalent of a decree absolute) which will formally end your civil partnership. If you are applying for an

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annulment, the court will either annul your civil partnership or not. There is no waiting period as there is if you are asking the court simply to end your civil partnership or make a separation order. This is also true of a separation order.

Members of the family team at 12 College Place understand how difficult it can be for someone without legal training to navigate their way round the legal system. We all specialise in family law and have lots of experience of helping our clients make the right decisions about these complex issues. We can discuss your case with you, talk through the options, and guide you through your court case. Remember: we are here to help.