



Civil Partnerships

The Civil Partnership Act came into force on 5 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 & Wales or, formed overseas but is recognised in England & Wales.

The registration of the Civil Partnership must not be in religious premises which is 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 15 days.

A Civil Partnership may be terminated on the following grounds:

- Nullity;
- Either party bringing an action for dissolution;
- Legal Separation; and
- Presumption of death order.

Orders for annulment, dissolution or presumption of death will be initially conditional and may not be made final before a period of 6 weeks and one day from the date that the order was made conditional. As with the divorce procedure, no application can be made for a dissolution order before a year has elapsed from the date the Civil Partnership was formed. The application is made on the grounds that the Partnership has irretrievably broken down and this ground may be proved by one of the following four facts:

- Behaviour such that the applicant cannot reasonably be expected to live with the respondent;
- The parties have lived apart for a period of 2 years and the respondent consents to the dissolution;
- The parties have lived apart for 5 years; and
- Desertion.

Upon termination of the application either party may make an application for financial relief.

Where there is a Civil Partnership agreement, i.e. an agreement between two people to register a Civil Partnership and where that agreement has subsequently been terminated, a Civil Partner may have recourse to the provisions of the Act in relation to the property where either or both of the parties had a beneficial interest while the agreement was in force. Any action must however be brought within 3 years of the termination of the agreement. Where there is a pre-partnership agreement, it is most likely that ancillary relief case law will be followed.

The overriding objective of the Court is to ensure that the parties' financial dependence is terminated as soon as possible. To this end the court, must consider the most appropriate timescale for the termination of the financial obligations of the Civil Partners towards one another when making any order and must also ensure that there is no undue hardship caused to either party.

The above is a brief synopsis and we will no doubt discuss the procedure in more detail with you throughout your case.

Should you require any further information or have any queries, please let us know so that we can discuss them with you.

If you have any queries whatsoever, please do feel free to contact us:
christine.barker@laytons.com

**London**

Carmelite
50 Victoria Embankment
Blackfriars
London EC4Y 0LS
Tel: +44 (0)20 7842 8000
Fax: +44 (0)20 7842 8080
Email: london@laytons.com

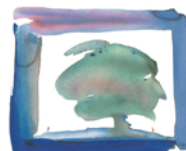
Manchester

22 St John Street
Manchester M3 4EB
Tel: +44 (0)161 214 1600
Fax: +44 (0)161 214 1661
Email: manchester@laytons.com

Guildford

Tempus Court
Onslow Street
Guildford
Surrey GU1 4SS
Tel: +44 (0)1483 407 000
Fax: +44 (0)1483 407 070
Email: guildford@laytons.com

www.laytons.com



LAYTONS
SOLICITORS