



Matrimonial and Family Proceedings Act 1984

1984 CHAPTER 42

PART V

FAMILY BUSINESS: DISTRIBUTION AND TRANSFER

[^{F1}Jurisdiction of county courts in civil partnership causes and matters

Textual Amendments

- F1** Ss. 36A-36D and cross-heading inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(b\)](#), [Sch. 27 para. 92](#); S.I. 2005/3175, art. 2(2)

36A Jurisdiction of county courts in civil partnership causes

- (1) The Lord Chancellor may by order—
 - (a) designate any county court as a civil partnership proceedings county court, and
 - (b) designate, as a court of trial, any county court designated as a civil partnership proceedings county court.
- (2) In this Part of this Act “civil partnership proceedings county court” means a county court designated under subsection (1)(a) above.
- (3) A civil partnership proceedings county court shall have jurisdiction to hear and determine any civil partnership cause, subject to subsection (4) below.
- (4) A civil partnership proceedings county court shall have jurisdiction to try a civil partnership cause only if it is designated under subsection (1)(b) above as a court of trial.

Status: Point in time view as at 05/12/2005.

Changes to legislation: There are currently no known outstanding effects for the Matrimonial and Family Proceedings Act 1984, Cross Heading: Jurisdiction of county courts in civil partnership causes and matters. (See end of Document for details)

- (5) The jurisdiction conferred by this section on a civil partnership proceedings county court shall be exercisable throughout England and Wales, but rules of court may provide for a civil partnership cause pending in one such court to be heard and determined—
 - (a) partly in that court and partly in another such court, or
 - (b) in another such court.
- (6) Every civil partnership cause shall be commenced in a civil partnership proceedings county court.
- (7) Every civil partnership cause shall be heard and determined in a civil partnership proceedings county court unless, or except to the extent, it is transferred to the High Court under—
 - (a) section 39 below, or
 - (b) section 41 of the County Court Act 1984 (transfer to High Court by order of High Court).
- (8) The Lord Chancellor may by order designate a civil partnership proceedings county court as a court for the exercise of jurisdiction in civil partnership matters under Schedule 7 to the Civil Partnership Act 2004.
- (9) The power to make an order under subsection (1) or (8) above shall be exercisable by statutory instrument.

36B Jurisdiction of civil partnership proceedings county courts as respects financial relief and protection of children

- (1) Subject to subsection (2) below, a civil partnership proceedings county court shall have the following jurisdiction—
 - (a) a jurisdiction to exercise any power exercisable under—
 - (i) section 63 of the Civil Partnership Act 2004 (restrictions on making of orders affecting children), or
 - (ii) Schedule 5 to that Act (financial relief in the courts), other than Part 12 (arrear and repayments) and paragraph 73 (alteration of maintenance agreements by court after death of one party),
 in connection with any application or order pending in, or made by, a civil partnership proceedings county court;
 - (b) a jurisdiction to exercise any power exercisable under—
 - (i) Part 9 of that Schedule (failure to maintain: financial provision (and interim orders)), or
 - (ii) paragraphs 69 to 71 of that Schedule (alteration of maintenance agreements by court during lives of parties);
 - (c) if designated under section 36A(8) above, jurisdiction to exercise any power under Schedule 7 to that Act.
- (2) Any proceedings for the exercise of a power which a civil partnership proceedings county court has jurisdiction to exercise by virtue of subsection (1) above shall be commenced in such civil partnership proceedings county court as may be prescribed by rules of court.
- (3) Nothing in this section shall affect the jurisdiction of a magistrates' court under paragraphs 69 to 71 of Schedule 5 to the Civil Partnership Act 2004.

Status: Point in time view as at 05/12/2005.

Changes to legislation: There are currently no known outstanding effects for the Matrimonial and Family Proceedings Act 1984, Cross Heading: Jurisdiction of county courts in civil partnership causes and matters. (See end of Document for details)

36C Consideration of agreements or arrangements

Where rules of court make provision for the purposes of section 43 of the Civil Partnership Act 2004 with respect to any power exercisable by the court on an application made under that section before an application is made for a dissolution or separation order, the rules shall confer jurisdiction to exercise the power on civil partnership proceedings county courts.

36D Assignment of circuit judges to civil partnership proceedings

The jurisdiction conferred by the preceding provisions of this Part of this Act on civil partnership proceedings county courts, so far as it exercisable by judges of such courts, shall be exercised by such Circuit judges as the Lord Chancellor may direct.]

Status:

Point in time view as at 05/12/2005.

Changes to legislation:

There are currently no known outstanding effects for the Matrimonial and Family Proceedings Act 1984, Cross Heading: Jurisdiction of county courts in civil partnership causes and matters.