



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 4

#### CIVIL PARTNERSHIP: NORTHERN IRELAND

### CHAPTER 2

#### DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

##### *The court*

#### **188 The court**

- (1) In this Chapter “the court” means—
  - (a) the High Court, or
  - (b) where an order made by the Lord Chancellor is in force designating a county court sitting for any division as a civil partnership proceedings county court, a county court sitting for that division.
- (2) Subsection (1) is subject to the following provisions of this section.
- (3) Subsection (1) does not apply where the context shows that “the court” means some particular court.
- (4) The Lord Chancellor may make an order such as is mentioned in subsection (1)(b).
- (5) In this Part “civil partnership proceedings county court” means, where an order made by the Lord Chancellor under subsection (4) is in force designating a county court sitting for any division as a civil partnership proceedings county court, a county court sitting for that division.
- (6) Except to the extent that rules of court otherwise provide, the jurisdiction conferred by virtue of this section and section 190 on a civil partnership proceedings county court is exercisable throughout Northern Ireland, but rules of court may provide for a civil

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partnership cause (within the meaning of section 190) pending in one such court to be heard and determined—

- (a) partly in that court and partly in another, or
- (b) in another.

- (7) Any jurisdiction conferred on a civil partnership proceedings county court is exercisable even though by reason of any amount claimed the jurisdiction would not but for this subsection be exercisable by a county court.
- (8) The jurisdiction of a civil partnership proceedings county court to exercise any power under Schedule 15 (except a power under Part 8 of or paragraph 62 of that Schedule or a power under paragraph 57, 58 or 66 of that Schedule which is exercisable by county courts generally) shall, except to the extent that rules of court otherwise permit and, in particular, without prejudice to section 190(4) and (6), be exercisable only in connection with an application or order pending in or made by such a court.
- (9) The power to make an order under subsection (4) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ([S.I. 1979/1573 \(N.I. 12\)](#)).

## 189 Appeals

- (1) Rules of court shall make provision for an appeal upon a point of law, a question of fact or the admission or rejection of any evidence to the Court of Appeal from—
  - (a) any order made by a judge of a civil partnership proceedings county court in the exercise of the jurisdiction conferred by a relevant provision, or
  - (b) the dismissal by a judge of a civil partnership proceedings county court of any application under a relevant provision.
- (2) “Relevant provision” means any provision of—
  - (a) this Chapter or Schedule 15 (except paragraphs 56 to 58 and 66);
  - (b) the Children (Northern Ireland) Order 1995 ([S.I. 1995/755 \(N.I. 2\)](#)).
- (3) A person dissatisfied with—
  - (a) an order made by any county court in exercise of the jurisdiction conferred by paragraph 57, 58 or 66 of Schedule 15, or
  - (b) with the dismissal of any application made by him under any of those paragraphs,

is entitled to appeal from the order or dismissal as if the order or dismissal had been made in exercise of the jurisdiction conferred by Part 3 of the County Courts (Northern Ireland) Order 1980 ([S.I. 1980/397 \(N.I. 3\)](#)) and the appeal brought under Part 6 of that Order and Articles 61 (cases stated by county court judge) and 62 (cases stated by High Court on appeal from county court) of that Order apply accordingly.

## 190 Transfer of proceedings

- (1) This section applies if an order is made under section 188.
- (2) Rules of court—
  - (a) must provide for the transfer to the High Court—
    - (i) of any civil partnership cause pending in a civil partnership proceedings county court which ceases to be undefended, and

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- (ii) of any civil partnership cause so pending, where the transfer appears to the civil partnership proceedings county court to be desirable;
  - (b) may provide for the transfer to the High Court of any civil partnership cause which remains undefended;
  - (c) may provide for the transfer or retransfer from the High Court to a civil partnership proceedings county court of any civil partnership cause which is, or again becomes, undefended;
  - (d) must define the circumstances in which any civil partnership cause is to be treated for the purposes of this subsection as undefended.
- (3) “Civil partnership cause” means an action for the dissolution or annulment of a civil partnership or for the legal separation of civil partners.
- (4) Rules of court may provide for the transfer or retransfer—
- (a) from a civil partnership proceedings county court to the High Court, or
  - (b) from the High Court to a civil partnership proceedings county court,
- of any proceedings for the exercise of a power under this Chapter or Schedule 15 (except proceedings on an application under paragraph 57, 58 or 66).
- (5) The power conferred by subsections (2) and (4) includes power to provide for the removal of proceedings at the direction of the High Court; but nothing in this section affects—
- (a) any other power of the High Court to remove proceedings to that court from a county court, or
  - (b) any power to remit proceedings from that court to a county court.
- (6) A court has jurisdiction to entertain any proceedings transferred to the court by virtue of rules made in pursuance of subsection (4).