



Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 2

DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

Dissolution of civil partnership

168 Dissolution of civil partnership which has broken down irretrievably

- (1) Subject to section 165, an application for a dissolution order may be made to the court by either civil partner on the ground that the civil partnership has broken down irretrievably.
- (2) On an application for a dissolution order the court must inquire, so far as it reasonably can, into—
 - (a) the facts alleged by the applicant, and
 - (b) any facts alleged by the respondent.
- (3) The court hearing an application for a dissolution order must not hold that the civil partnership has broken down irretrievably unless the applicant satisfies the court of one or more of the facts described in subsection (5)(a), (b), (c) or (d).
- (4) But if the court is satisfied of any of those facts, it must make a dissolution order unless it is satisfied on all the evidence that the civil partnership has not broken down irretrievably.
- (5) The facts referred to in subsections (3) and (4) are—
 - (a) that the respondent has behaved in such a way that the applicant cannot reasonably be expected to live with the respondent;

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Section 168 is up to date with all changes known to be in force on or before 30 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) that—
 - (i) the applicant and the respondent have lived apart for a continuous period of at least 2 years immediately preceding the making of the application (“2 years' separation”), and
 - (ii) the respondent consents to a dissolution order being made;
 - (c) that the applicant and the respondent have lived apart for a continuous period of at least 5 years immediately preceding the making of the application (“5 years' separation”);
 - (d) that the respondent has deserted the applicant for a continuous period of at least 2 years immediately preceding the making of the application.
- (6) The court must not make a dissolution order without considering the oral testimony of the applicant unless for special reasons it orders that such testimony be dispensed with.

Status:

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