



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 4

#### CIVIL PARTNERSHIP: NORTHERN IRELAND

### CHAPTER 2

#### DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

##### *The court*

#### **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 [<sup>F1</sup>county court] which ceases to be undefended, and
    - (ii) of any civil partnership cause so pending, where the transfer appears to the [<sup>F1</sup>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 [<sup>F1</sup>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—

*Status: Point in time view as at 31/10/2016.*

*Changes to legislation: Civil Partnership Act 2004, Section 190 is up to date with all changes known to be in force on or before 22 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)*

- (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).

#### **Textual Amendments**

- F1** Words in s. 190(2) substituted (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 124\(3\)](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)](#) (with [art. 3](#))

#### **Commencement Information**

- II** S. 190 wholly in force at 5.12.2005; s. 190 not in force at Royal Assent see s. 263; s. 190(2)-(4) in force at 5.9.2005 for certain purposes by [S.I. 2005/2399, art. 2, Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.I. 2005/3255, art. 2\(1\), Sch.](#); s. 190 in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3255, art. 2\(1\), Sch.](#)

**Status:**

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