



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 2

#### DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

#### *Introduction*

VALID FROM 05/12/2005

#### **40 Proceedings before order has been made final**

- (1) This section applies if—
  - (a) a conditional order has been made, and
  - (b) the Queen's Proctor, or any person who has not been a party to proceedings in which the order was made, shows cause why the order should not be made final on the ground that material facts have not been brought before the court.
- (2) This section also applies if—
  - (a) a conditional order has been made,
  - (b) 3 months have elapsed since the earliest date on which an application could have been made for the order to be made final,
  - (c) no such application has been made by the civil partner who applied for the conditional order, and
  - (d) the other civil partner makes an application to the court under this subsection.
- (3) The court may—
  - (a) make the order final,

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**Status:** Point in time view as at 15/04/2005. This version of this provision is not valid for this point in time.

**Changes to legislation:** Civil Partnership Act 2004, Section 40 is up to date with all changes known to be in force on or before 01 July 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)

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- (b) rescind the order,
  - (c) require further inquiry, or
  - (d) otherwise deal with the case as it thinks fit.
- (4) Subsection (3)(a)—
- (a) applies despite section 37(2) (period before conditional orders may be made final), but
  - (b) is subject to section 48(4) (protection for respondent in separation cases) and section 63 (restrictions on making of orders affecting children).

**Status:**

Point in time view as at 15/04/2005. This version of this provision is not valid for this point in time.

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