

Civil Partnership Dissolution Procedure



Can anyone start the dissolution?

Anyone who has been in a civil partnership for a year or more can start the dissolution proceedings provided one of your permanent places of residence is in England and Wales or one of you has been resident here during the last year. It does not matter if your civil partnership was registered in another country.

What are the grounds for dissolution?

There is only one ground and that is that the civil partnership has irretrievably broken down. To show this and dissolve the civil partnership you will need to rely on one of the following four facts:-

- Your civil partner has behaved 'unreasonably'
- Your civil partner has deserted you for a continuous period of 2 years or more
- You have lived apart for at least 2 years and your civil partner agrees to a dissolution
- You have lived apart for at least 5 years or more whether your civil partner agrees to a dissolution or not

How do I get the dissolution proceedings started?

A petition is drafted, signed and then sent to a Family Court to be issued. The petition will contain information about your civil partnership, any children and your reasons for wanting a dissolution. Your original civil partnership registration certificate will have to be sent to the court and there is also a fee to pay (currently £410).

What happens next?

Following receipt of the petition the court will issue the case and assign a case number. The court will send a copy of it to your civil partner. When your partner receives the petition from the court, he or she will have to complete and return an 'Acknowledgement of Service' form usually within 8 days (longer if your partner lives abroad).

This document confirms that the petition has been received and provides certain information to the court. Your partner will need to indicate in this form whether or not they intend to defend the dissolution proceedings. Defended proceedings are rare and can be expensive.

After your partner has returned the Acknowledgement of Service form to the court, the conditional order is then applied for. This is done by preparing a formal standard form statement. The papers are reviewed by a Judge who will decide whether you have 'proved' your case and whether a conditional order should be pronounced. If they are satisfied a date is fixed by the court for the conditional order to be pronounced.

What happens if my partner does not return the Acknowledgement of Service form to the court?

In these circumstances it will be necessary to take steps in order to prove to the court that your partner has received the petition and any other documents. This may involve a third party personally handing the dissolution papers to your partner.



What happens if my partner wants to defend the dissolution?

Defended dissolution proceedings are very rare mainly because they are extremely costly and are of little benefit to either civil partner. Should the proceedings be defended then we will discuss the necessary steps with you.

What is the conditional order?

The conditional order is the first decree of dissolution which is pronounced when the court is satisfied that you have met the legal and procedural requirements of a dissolution. The conditional order does not mean that the civil partnership has ended. It is only finally dissolved when a dissolution order is made.

When can the final dissolution order be made?

Usually the dissolution order can be applied for six weeks and one day after the date of the conditional order. In some situations it is possible for the dissolution order to be held back until any financial issues have been finalised. This is because the civil partnership is formally over once the dissolution order is pronounced and means that you might lose out on some pension entitlements if your former civil partner were to die before financial issues were dealt with.

Will I have to go to court?

A dissolution is a largely an administrative process, provided it is not defended. Nobody needs to attend court when the conditional order is pronounced as normally the names of the parties are simply read out. However, either civil partner may have to attend if there is a dispute over costs for example. There is no formal court hearing for the granting of the dissolution order.

How long does it take?

Most dissolutions are finalised within 4-6 months but it depends very much on the court involved and your civil partner's cooperation.

Who pays for it?

If you are the Respondent in the dissolution proceedings and the Petitioner can prove his or her case, you can be ordered by the court to pay all the legal fees for the dissolution proceedings including court fees.. It is possible, however, to counter this by agreeing to share the costs equally between the civil partners or indeed the Petitioner may decide not seek a costs order against his or her civil partner.

What happens if the Petitioner doesn't apply for the final dissolution order?

If the Petitioner fails to apply for the dissolution order within 3 months of the date they could apply for it (six weeks and one day after the pronouncement of the conditional order) the Respondent can apply for the final dissolution order. It is likely that the court will fix a short hearing before a Judge who will consider whether it is reasonable for the dissolution to be finalised.



How can we help you?

We will advise you on the best way to proceed, whether you can start proceedings and when those proceedings should be issued. We can help you by drafting the petition and pursuing the proceedings to conditional and final order. We will consider the timing of the final order when looking at your financial position.

Contact details

If you would like to discuss issues arising in this factsheet or if there is some other legal issue we can help you with then please contact a member of the team on 01273 646900 or by email: info@familylawpartners.co.uk