

## **CIVIL PARTNERSHIP**

The Civil Partnership Act 2005 created the institution of civil partnership. A civil partnership is effectively a civil marriage for same sex couples. Civil partners now have the same rights, and responsibilities, as those who enter in to a civil marriage.

### **How a civil partnership is dissolved**

A civil partnership can be terminated by either party issuing an application to court for dissolution, or legal separation. No application for dissolution can be made within the first year of the civil partnership and the procedure is very similar to a Divorce,. Please see our 'Divorce' fact sheet..

There is only one ground for the dissolution of a civil partnership; that the partnership has *broken down irretrievably*.

To satisfy the Court that the partnership has broken down irretrievably, the person applying must prove one of the following four facts:

- a) That the other person has behaved in such a way that they cannot reasonably be expected to live with them
- b) That they have been deserted for a continuous period of at least two years immediately before the start of the dissolution proceedings
- c) That the parties to the partnership have lived apart for a continuous period of at least two years immediately before the start of the dissolution proceedings and both parties consent to a decree being granted
- d) That the parties to the partnership have lived apart for a period of at least five years immediately before the start of the dissolution proceedings.

### **Financial claims on dissolution**

Civil partners dissolving their partnership will be able to apply for ancillary relief in the same way as divorcing couples. Please see our 'Financial Claims on Divorce' fact sheet.

The same orders will be available to the court, and the same factors are also taken into account.

### **Civil partnerships and children**

Civil partners have the same rights to apply for orders regarding children as married couples. Please see our 'Arrangements for Children' fact sheet.

Civil partners can be granted parental responsibility for the children of their civil partner in the same way as unmarried fathers. Please see our 'Parental Responsibility' fact sheet.

### **Civil partnerships; Tax and Death**

Civil partners will now be treated as spouses for tax purposes, and will be entitled to all the reliefs associated with being married.

Civil partners will also be treated as a spouse and next of kin on the death of the other partner. *Please contact our Wills and Estate Planning Department for more details.*