Draft Regulations laid before Parliament under section 219(6) of the Civil Partnership Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

JUDGMENTS, ENGLAND AND WALES
JUDGMENTS, NORTHERN IRELAND
FAMILY LAW, ENGLAND AND WALES
FAMILY LAW, NORTHERN IRELAND

The Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005

Made - - - -	*2005*
Coming into force - -	*5th December 2005*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by section 219(1), (3), (4) and (5) of the Civil Partnership Act 2004(**1**). In accordance with section 219(6) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Civil Partnership (Jurisdiction and Recognition of Judgments) Regulations 2005 and shall come into force on 5 December 2005.

Extent

2.—(1) Except as provided by this regulation, these Regulations extend to England and Wales and Northern Ireland.

(2) Regulations 4 and 11(1) extend to England and Wales only.

(3) Regulations 5 and 11(2) extend to Northern Ireland only.

(**1**) 2004 c.33.

Application

3.—(1) These Regulations apply to proceedings for the dissolution or annulment of an overseas relationship entitled to be treated as a civil partnership, or the legal separation of the same, as they apply to proceedings for the dissolution or annulment of a civil partnership or the legal separation of civil partners.

(2) Regulations 7 and 8, in respect of recognition and non-recognition of a judgment, apply to all judgments even if the date of the judgment is earlier than the date on which section 219 of the Civil Partnership Act 2004 and these Regulations come into force.

PART 1

Jurisdiction

Jurisdiction: England and Wales

4. The courts in England and Wales shall have jurisdiction in relation to proceedings for the dissolution or annulment of a civil partnership or for the legal separation of civil partners where—

(a) both civil partners are habitually resident in England and Wales;

(b) both civil partners were last habitually resident in England and Wales and one of the civil partners continues to reside there;

(c) the respondent is habitually resident in England and Wales;

(d) the petitioner is habitually resident in England and Wales and has resided there for at least one year immediately preceding the presentation of the petition; or

(e) the petitioner is domiciled and habitually resident in England and Wales and has resided there for at least six months immediately preceding the presentation of the petition.

Jurisdiction: Northern Ireland

5. The courts in Northern Ireland shall have jurisdiction in relation to proceedings for the dissolution or annulment of a civil partnership or for the legal separation of civil partners where—

(a) both civil partners are habitually resident in Northern Ireland;

(b) both civil partners were last habitually resident in Northern Ireland and one of the civil partners continues to reside there;

(c) the respondent is habitually resident in Northern Ireland;

(d) the petitioner is habitually resident in Northern Ireland and has resided there for at least one year immediately preceding the presentation of the petition; or

(e) the petitioner is domiciled and habitually resident in Northern Ireland and has resided there for at least six months immediately preceding the presentation of the petition.