



Dissolution process

These notes set out how the dissolution process works.

Starting dissolution proceedings

It is not possible to start dissolution proceedings within the first year of a civil partnership.

The first consideration is whether the courts of England and Wales have power to consider dissolution proceedings.

Where either or both of the parties have been resident outside England and Wales, there may be limitations on the power of the court to deal with a dissolution here.

If either party has been or is living abroad, or is domiciled in another country, or many of the assets are situated overseas, urgent advice must be obtained. If dissolution proceedings are started in the wrong country it can have a profound impact on the financial settlement.

The process

The dissolution procedure is usually straightforward. A series of forms has to be filed at the court office; no appearance at court by either party, or by solicitors, is required. The flowchart at the end of this note sets out the procedure. It is however much more complicated if a dissolution is contested.

The person who commences proceedings and files the petition is called the Petitioner, the other is called the Respondent.

Who applies to dissolve the partnership and on what grounds makes no difference to the outcome of the financial settlement.

There is one court fee payable when the application is first made.

What has to be proved?

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

Evidence of the irretrievable breakdown has to be given in the dissolution petition by proving one of the following four facts:

1. **Unreasonable behaviour** - that the Respondent has behaved in such a way that the Petitioner cannot reasonably be expected to live with the Respondent. Specific examples of unreasonable behaviour have to be listed;

2. **Desertion** - that the Respondent has deserted the Petitioner for a period of two years;

3. **Two years separation** - that the parties have lived apart for two years and the Respondent consents to a dissolution; or

4. **Five years separation** - that the parties have lived apart for five years.

Adultery is an additional fact which can be relied upon in a divorce. As this is a specific legal term relating to heterosexual sex it cannot therefore be used as grounds for dissolving a civil partnership. Unfaithfulness would instead be included as unreasonable behaviour.

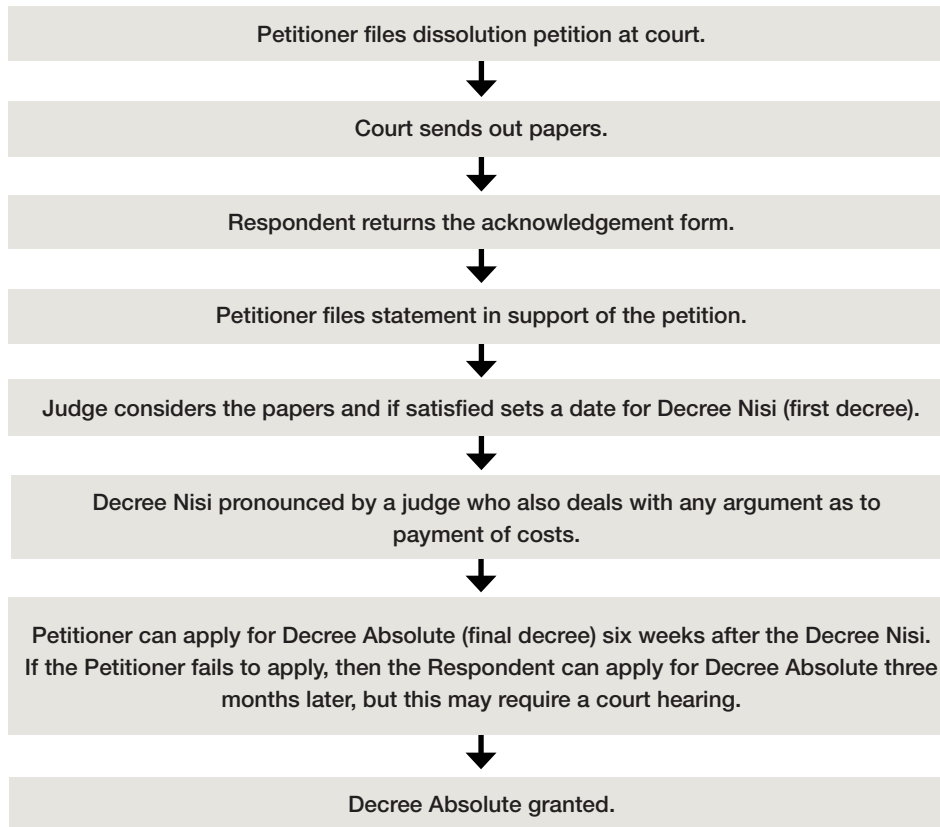
How long will it take?

The length of time it takes to get a dissolution, from beginning to end, varies from area to area and court to court. The dissolution itself can take as little as three to four months to complete, but many people postpone applying for the final decree until the finances are sorted out, especially if pensions are involved.

Financial matters have a separate timescale of their own.

The basic steps in a dissolution are set out in the flow chart below. It assumes that the dissolution is not contested. If it is, the process will be likely to take much longer and a different procedure applies.

A guide to dissolution procedure



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