
Changes to legislation: Civil Partnership Act 2004, Cross Heading: Jurisdiction of the court is up to date with all changes known to be in force on or before 09 May 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) View outstanding changes

SCHEDULES

SCHEDULE 7

FINANCIAL RELIEF IN ENGLAND AND WALES AFTER OVERSEAS DISSOLUTION ETC. OF A CIVIL PARTNERSHIP

PART 1

FINANCIAL RELIEF

Jurisdiction of the court

- 7 (1) [^{F1}Subject to sub-paragraph (6),] the court shall have jurisdiction to entertain the application only if one or more of the following jurisdictional requirements is satisfied.
- (2) The first requirement is that either of the civil partners—
- (a) was domiciled in England and Wales on the date when the leave was applied for, or
 - (b) was domiciled in England and Wales on the date when the dissolution, annulment or legal separation took effect in the overseas country in which it was obtained.
- (3) The second is that either of the civil partners—
- (a) was habitually resident in England and Wales throughout the period of one year ending with the date when the leave was applied for, or
 - (b) was habitually resident in England and Wales throughout the period of one year ending with the date on which the dissolution, annulment or legal separation took effect in the overseas country in which it was obtained.
- (4) The third is that either or both of the civil partners had, at the date when the leave was applied for, a beneficial interest in possession in a dwelling-house situated in England or Wales which was at some time during the civil partnership a civil partnership home of the civil partners.
- (5) In sub-paragraph (4) “possession” includes receipt of, or the right to receive, rents and profits, but here “rent” does not include mortgage interest.
- [^{F2}(6) If an application or part of an application relates to a matter [^{F3}in relation to which Article 18 of the 2007 Hague Convention applies, the court may not entertain that application or part of it except where permitted by Article 18].
- (7) In sub-paragraph (6) [^{F4}“the 2007 Hague Convention” means the Convention on the International Recovery of Child Support and Other Forms of Family Maintenance concluded on 23 November 2007 at The Hague].]

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Textual Amendments

- F1** Words in Sch. 7 para. 7(1) inserted (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\)](#), reg. 9, **Sch. 7 para. 16(6)(a)(i)**
- F2** Sch. 7 para. 7(6)(7) inserted (18.6.2011) by [The Civil Jurisdiction and Judgments \(Maintenance\) Regulations 2011 \(S.I. 2011/1484\)](#), reg. 9, **Sch. 7 para. 16(6)(a)(ii)**
- F3** Words in Sch. 7 para. 7(6) substituted by S.I. 2019/519, Sch. para. 25(6)(a)(i) (as substituted (31.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, **5(3)(j)(iii)**)
- F4** Words in Sch. 7 para. 7(7) substituted by S.I. 2019/519, Sch. para. 25(6)(a)(ii) (as substituted (31.12.2020) by [The Jurisdiction, Judgments and Applicable Law \(Amendment\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1574\)](#), regs. 1, **5(3)(j)(iii)**)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)