

DISSOLUTION OF A CIVIL PARTNERSHIP

What are the grounds of dissolution of a civil partnership?

There are two grounds of dissolution in Scotland. The first ground is that an interim transgender recognition certificate has been issued to one of the civil partners. The second ground is that the civil partnership has broken down irretrievably. The circumstances which can satisfy the court that the civil partnership has broken down irretrievably are: the party who wants a dissolution has to prove that (1) the other civil partner has behaved unreasonably; (2) the couple have been separated for one year and the other civil partner consents to the dissolution; (3) the couple have been separated for 2 years, in which case the consent of the other civil partner is not required.

In each circumstance, there must be evidence from someone other than the couple.

What is a simplified dissolution procedure?

Where there are no children under 16 and no financial issues to be sorted out, a simpler and cheaper process of dissolution is available after one year if both civil partners want the civil partnership to be dissolved or two years if only one partner wants the dissolution. In that type of dissolution procedure it is not necessary to involve a witness.

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Please note that this is a general guide only.
You should seek legal advice about your own particular situation.