

Chapter 10: Guidance on answering the self-test questions

Question 1: List three differences between marriage and civil partnership.

A civil partnership differs from marriage as:

- no religious ceremony is permitted;
- only same-sex couples can form a civil partnership (currently, although this will change);
- a register is signed rather than an exchange of vows;
- non-consummation and venereal disease are not grounds for nullity of a civil partnership;
- adultery is not a fact for the dissolution of the civil partnership.

Question 2: Two elderly sisters share a house and all household management and bills. They wish to form a civil partnership to take advantage of inheritance provisions. Can two sisters form a civil partnership?

The European Court has ruled that sisters cannot form a civil partnership and, as they cannot be compared to a married couple or civil partners, there was no discrimination.

Whether they should be able to form a civil partnership is a matter of personal opinion.

Additional Questions:

What is the ground for the dissolution of a civil partnership?

The sole ground for dissolution is the irretrievable breakdown of the civil partnership (s44 Civil Partnership Act 2004).

What is the name of the document that commences proceedings for a dissolution of a civil partnership?

A dissolution petition is used to commence proceedings to dissolve a civil partnership.

There are four facts on which to base civil partnership dissolution. There are five in divorce. Which fact available in divorce is not available in civil partnership dissolution?

The fact of adultery is not available in civil partnership dissolution proceedings.

Look at the example given above concerning Edwina and Margaret. Would the advice given to Edwina be any different if the partnership were only five months

old? What if there had been no affair or violence; which facts could Edwina rely upon?

If the civil partnership had been formed less than a year ago, then dissolution proceedings could not begin. Edwina and Margaret would have to wait for one year to begin dissolution proceedings. Edwina could use the Family Law Act 1996 in order to gain orders protecting her from further violence.

If there was no violence or adultery, Edwina or Margaret would have to rely upon separation facts.