



Ending a civil partnership

A civil partnership is a legally registered relationship between two people of the same sex. If you or your partner wants to end your civil partnership you will have to formally apply to the court for dissolution and will have to show the court that there are grounds to end the relationship.

Informal separation

If you and your partner agree to separate informally you don't have to take any legal action. Arrangements will have to be made for the support and welfare of children and the sharing of money and property. If you have children the **Child Support Agency (CSA)** might become involved in enforcing child maintenance payments – see under Further help.

There will be people that need to be informed about your separation (see below).

If things change in the future for example, one of you makes an application to the court for dissolution, the court may change the terms of an informal agreement.

Who to inform

If you and your partner are separating you may need to inform:

- your landlord
- your housing benefit office
- your council tax office
- your mortgage lender
- gas, electricity and phone companies
- insurance company
- doctor and dentist
- your benefits office
- your tax office
- your children's school
- your bank
- hire purchase and credit companies
- post office to redirect mail

Formal separation

When you separate, you and your partner can make a formal written agreement which sets out the decisions you have made about children, money, housing and other property. It might be a good idea to get the help of a solicitor to write the agreement.

If you or your partner apply for a dissolution, this agreement may be changed by the court.

Judicial separation

In special circumstances where one of you has a religious or moral objection to dissolution of a civil partnership the court may grant a judicial separation.



Decree of nullity

A civil partnership can be annulled if it doesn't meet certain legal conditions, for example one of you is under the age of 16 or is already a civil partner with someone else.

Dissolution

The grounds for applying for dissolution are:

- ir retrievable breakdown or
- an interim gender recognition certificate has been issued.

Ir retrievable breakdown means that one partner has behaved unreasonably. The definition of unreasonable behaviour is wide ranging and includes physical and mental cruelty, violence, abuse, financial irresponsibility, bullying and intimidation. If both partners agree to dissolution an application can be made to the court after living apart for a year. If one partner does not agree an application can be made after living apart for two years.

Making an application to the court for dissolution

There are two different ways of applying for dissolution – a **Do-It-Yourself (DIY) method** and the **ordinary method**. If you are applying for a DIY dissolution you can apply to the court using the forms which are available from the Scottish Court Service website at www.scotcourts.gov.uk or from a solicitor. You can get help to fill out the form at your local CAB or you can ask a solicitor.

DIY method

If there are no children under 16 and no issues relating to property or money the simplified DIY procedure can be used to [apply for dissolution](#). You don't need to use a solicitor and providing that the court is satisfied the procedure is straight forward and quick.

Ordinary method

If you have children or you cannot agree about the dissolution or financial matters you will have to follow the ordinary dissolution procedure using a solicitor. The solicitor will gather evidence before your partner is sent an initial writ. Your partner will decide whether to accept the terms of the action or whether to defend the case in court by lodging a notice of intention with the court.

If the case is undefended and the court is satisfied that arrangements have been made for the children, money and property a decree of dissolution will be granted.

If the case is defended the court will give both of you the opportunity to provide further evidence and will set a date for a hearing. At the hearing the court will make decisions about children, money and property.



Help with costs

Legal costs

If you are on a low income you may be able to get help with your legal costs. Your solicitor can apply for legal aid. If you get money or property from the dissolution you may be asked to pay back the legal aid you were given.

Housing costs

You may qualify for help with your housings costs for example, housing benefit, council tax benefit and help with interest payments on your mortgage – see under Further help

Children

At the end of your civil partnership, both you and your partner will be responsible for supporting your children financially, regardless of which one of you the children live with. There is a useful guide called 'Parenting Agreement for Scotland – Guide' available to help separating parents make decisions about the care of their children available from the Scottish Government website at www.scotland.gov.uk.

If it is not possible to come to a voluntary agreement for the care of your children, a court can be asked to intervene. The court can make orders about who the children should live with. The order will usually allow contact between the child and the parent with whom the child is not living, unless there are exceptional circumstances. Claims for maintenance for children are either dealt with by voluntary agreement, or from a court order or the **Child Support Agency (CSA)** assesses, collects and enforces child maintenance payments. If your children live with you after your civil partnership ends, you can use the Child Support Agency (CSA) to get maintenance for the children, but you don't have to. If you want advice about anything to do with maintenance agreements you can phone the Child Maintenance Options (CMO) helpline on 0800 988 0988 or look at the CMO website at www.cmooptions.org.uk.

Financial arrangements

After separation but before dissolution, you may be able to get money called maintenance from your civil partner for yourself. This is because you and your civil partner each have a legal obligation to provide financial support for the other until the dissolution of your civil partnership.

Both you and your partner can ask the court to make a number of orders about money. When you have no children, the court is likely to try and make orders that give you a 'clean break' from each other. To find out more you should seek legal advice.

If you have been financially dependent on your partner and you do not work, you may be able to claim benefits, or tax credit – see under Further help.



Housing rights

When a civil partnership breaks down, one of the most important decisions that must be made is who gets the house and possessions. If you and your partner cannot agree, you should check what rights you have to live in the home and use the possessions. A solicitor or your local Citizens Advice Bureau can help with this – see under Further help.

The court can make a wide variety of orders about the home, possessions and money. If you decide to leave your home, depending on your circumstances you may be able to apply for long-term accommodation from your local authority as a homeless person – see under Further help.

Tenants

If you have a joint tenancy you may be able to agree about which one of you should get the tenancy. You can ask your landlord to transfer the tenancy. If you cannot agree, the court can be asked to decide about a transfer. The court can transfer the tenancy to your name, even if your partner is the sole tenant, or you are joint tenants.

If your partner is the sole tenant they will still be responsible for paying the rent. If rent arrears are building up the landlord may seek to evict you.

If the tenancy is in your name you may be able to get help with your housing costs for example housing benefit and council tax benefit – see under Further help

Owner-occupiers

The long-term right to ownership of your property can be decided during dissolution proceedings. The court has the power to transfer property regardless of original ownership. If you decide to move out, you will usually have the right to move back in at a later date (although this is time limited), and to stop your partner selling the property without your knowledge. If there are children, the courts can include property as part of an overall settlement to protect the children.

You may be able to get help with your housing costs for example, council tax benefit and help with your mortgage – see under Further help.

Mediation

Before, or during, dissolution proceedings, you may want to use a mediation service. Mediation can help you and your partner reach joint decisions about arrangements. It is an alternative to having decisions made for you by the courts. However, mediation is not a substitute for legal advice. You will be encouraged to consult a solicitor during the mediation process to advise you on the personal consequences of your decisions. At the end of mediation, the decisions you have reached can be used as the basis for a dissolution agreement, or a legal separation agreement.

To find out more about mediation services in your area, visit www.relationships-scotland.org.uk or telephone 0845 119 2020.



Nationality and immigration status

In some cases, the immigration status of a partner may be affected by separation or if a court has granted dissolution of the civil partnership, for example if someone separates or gets dissolution within two years of applying for settled status. You will need specialist legal advice.

Further help

Citizens Advice Bureau

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. To find your nearest CAB, including those that give advice by e-mail, click on [nearest CAB](#), or look under C in your phone book.

Other pages on Adviceguide which might help

- [Help with legal costs](#)
- [Using a solicitor](#)
- [What benefits can I get?](#)
- [Finding accommodation](#)
- [Ending a civil partnership](#)
- [Help with your rent – Housing Benefit](#)
- [How to sort out your mortgage problems](#)
- [Help with your council tax – Council Tax Benefit](#)

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This fact sheet is reviewed on a monthly basis. The law changes frequently. To confirm you are looking at the most up-to-date version, download the fact sheet from www.adviceguide.org.uk or contact your local Citizens Advice Bureau.

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