

## Splitting up and legal family formats in the UK: Northern Ireland

by Brian Sloan <sup>1</sup>

*The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 5 – Splitting up)

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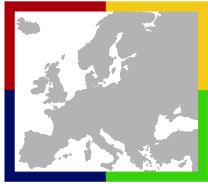


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# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The interactive LawsAndFamilies Database is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu). There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

## About the questionnaire

The [full text of the questionnaire](#) can be found in the paper:

K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

## About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

### The six papers about Northern Ireland

The answers concerning Northern Ireland can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)):

**Formalisation of legal family formats in the UK: Northern Ireland by Brian Sloan (Section 1)**

**Income, troubles and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 2)**

**Parenting and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 3)**

**Migration and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 4)**

**Splitting up and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 5)**

**Death and legal family formats in the UK: Northern Ireland by Brian Sloan (Section 6)**

So this paper is based on **Section 5 (Splitting up)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

- 5.1 Dissolution by court**
- 5.2 Agreed administrative dissolution**
- 5.3 Unilateral administrative dissolution**
- 5.4 Agreed informal dissolution**
- 5.5 Unilateral informal dissolution**
- 5.6 Dissolution by marrying someone else**
- 5.7 Ending by conversion**
- 5.8 Ending by marrying each other**
- 5.9 Property at dissolution**
- 5.10 Alimony**
- 5.11 Parental authority**
- 5.12 General background regarding splitting up**

In the following pages of this paper, first the answer to question 5.12 is presented, followed by the answers to questions 5.1 to 5.11.

**5.12 - General background regarding splitting up (Open question)**

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding splitting up, then please do so here.

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Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.01 - Dissolution by court**

Can this type of relationship be ended by court decision?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes 2005	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> Matrimonial Causes (Northern Ireland) Order 1978, art. 3.		<b>References to legal sources:</b> Civil Partnership Act 2004, Part 4, chapter 2.			
<b>Explanations and nuances:</b> The marriage must have broken down irretrievably, evidenced by one of five facts, in order for a court to grant divorce.		<b>Explanations and nuances:</b> The civil partnership must have broken down irretrievably, evidenced by one of four facts facts, in order for a court to grant dissolution.			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.02 - Agreed administrative dissolution**

Can this type of relationship be ended by mutual agreement in an administrative procedure?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
			N/A 0000	X	X
<b>References to legal sources:</b> Matrimonial Causes (Northern Ireland) Order 1978, Part II.		<b>References to legal sources:</b> Civil Partnership Act 2004, Part 4, chapter 2.			
<b>Explanations and nuances:</b> Divorce is a judicial procedure in Northern Ireland.		<b>Explanations and nuances:</b> Dissolution is a judicial procedure in Northern Ireland.			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.03 - Unilateral administrative dissolution**

Can this type of relationship be ended by one partner unilaterally in an administrative procedure?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
			N/A 0000	X	X
<b>References to legal sources:</b>		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> See question 5.2.		<b>Explanations and nuances:</b> See question 5.2.			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.04 - Agreed informal dissolution**

Can this type of relationship be ended by mutual agreement without involvement of any authority?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
			N/A 0000	X	X
<b>References to legal sources:</b>		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> See question 5.02.		<b>Explanations and nuances:</b> See question 5.02.			



Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.05 - Unilateral informal dissolution**

Can this type of relationship be ended by one partner unilaterally without involvement of any authority?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 0000	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
			N/A 0000	X	X
<b>References to legal sources:</b>		<b>References to legal sources:</b>			
<b>Explanations and nuances:</b> See question 5.02.		<b>Explanations and nuances:</b> See question 5.02.			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.06 - Dissolution by marrying someone else**

Can a registered partnership be ended by one partner marrying someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2016 N/A 0000	2016 No 2005	X	X
X	X		N/A 0000	X	X
		<b>References to legal sources:</b> Matrimonial Causes (Northern Ireland) Order 1978, art. 13(1)(d).			
		<b>Explanations and nuances:</b> A person is unable to enter a valid marriage while a party to a civil partnership.			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.07 - Ending by conversion**

Can this type of relationship be ended by the partners by way of conversion (of a marriage into a registered partnership or vice versa)?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No 2005	2016 N/A 0000	2016 N/A 0000	2016 No 2005	X	X
N/A 0000			N/A 0000	X	X
<b>References to legal sources:</b> Matrimonial Causes (Northern Ireland) Order 1978, art. 13(1)(e).  Civil Partnership Act 2004, section 138(1)(a).  Gender Recognition Act 2004.		<b>References to legal sources:</b> See under Marriage.			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Marriage is exclusively for opposite-sex couples and civil partnership is exclusively for same-sex couples. Even if one party seeks to change his legal gender, a subsisting marriage or civil partnership must be dissolved before the legal gender change takes effect and the party becomes free to enter the other institution.</p>		<p><b>Explanations and nuances:</b>                      See under Marriage.</p>			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.08 - Ending by marrying each other**

Can a registered partnership be ended by the partners marrying each other?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
X	X	2016 N/A 0000	2016 No 2005	X	X
X	X		N/A 0000	X	X
		<b>References to legal sources:</b> See question 5.07.			
		<b>Explanations and nuances:</b> See question 5.07.			

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.09 - Property at dissolution**

In case the partners split up, do statutory rules consider as joint property any possessions acquired by either of them after they started this type of relationship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 No, but 0000	2016 N/A 0000	2016 N/A 0000	2016 No, but 2005	2016 No 0000	2016 No 0000
			N/A 0000		
<b>References to legal sources:</b> Matrimonial Causes (Northern Ireland) Order 1978, Part III.		<b>References to legal sources:</b> Civil Partnership Act 2004, schedule 15.		<b>References to legal sources:</b>	
<b>Explanations and nuances:</b> A system of separation of property during marriage is in operation in Northern Ireland. A court nevertheless has a wide discretion to redistribute the property of spouses on divorce.		<b>Explanations and nuances:</b> The law is the same for civil partners as for spouses.		<b>Explanations and nuances:</b> There is no comprehensive statutory scheme of property redistribution covering the breakdown of cohabitation.	

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.10 - Alimony**

In case the partners split up, do statutory rules on alimony apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes 1978	2016 N/A 0000	2016 N/A 0000	2016 Yes 2005	2016 No 0000	2016 No 0000
?			N/A 0000		
<b>References to legal sources:</b> Matrimonial Causes (Northern Ireland) Order 1978, Part II.		<b>References to legal sources:</b> Civil Partnership Act 2004, schedule 15.		<b>References to legal sources:</b>	
<b>Explanations and nuances:</b> Maintenance is considered as part of the court's wide discretion to redistribute property on divorce.		<b>Explanations and nuances:</b> Maintenance is considered as part of the court's wide discretion to redistribute property on dissolution.		<b>Explanations and nuances:</b> There is no statutory scheme for maintenance of former cohabitants per se on relationship breakdown.	

Jurisdiction: **UK: Northern Ireland**

Source: **B. Sloan**, "Splitting up and legal family formats in UK: Northern Ireland". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-UK NI-Section5.pdf](#) (please use this full citation when citing any information from this table).

Section: **5 - Splitting up**

Question: **5.11 - Parental authority**

In case the partners split up, do statutory rules on parental authority/responsibility apply?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2016 Yes, but 0000	2016 N/A 0000	2016 N/A 0000	2016 Yes, but 2005	2016 Yes, but 0000	2016 Yes, but 0000
			N/A 0000		
<b>References to legal sources:</b> Children (Northern Ireland) Order 1995.		<b>References to legal sources:</b> Children (Northern Ireland) Order 1995.		<b>References to legal sources:</b> Children (Northern Ireland) Order 1995.	
<b>Explanations and nuances:</b> The ending of a relationship does not itself directly affect the parental responsibility of parents. In practice, however, disputes about the child's upbringing are more likely following relationship breakdown, and if brought to court these will be resolved by treating the child's welfare as the "paramount" consideration.		<b>Explanations and nuances:</b> See under Marriage.		<b>Explanations and nuances:</b> See under Marriage.	