

**EXPLANATORY MEMORANDUM TO**  
**THE MARRIAGE OF SAME SEX COUPLES (CONVERSION OF CIVIL**  
**PARTNERSHIP) REGULATIONS 2014**

**2014 No. [XXXX]**

**1.** This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

2.1 This order replaces previous draft Regulations called the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 laid on 3rd July 2014. The earlier Regulations have been withdrawn following reconsideration of elements of the procedure to address concerns raised by interested parties.

2.2 The purpose of the Regulations is to set out the procedures to be followed by couples who wish to convert their civil partnership into a marriage.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Context**

4.1 The Marriage (Same Sex Couples) Act 2013 received Royal Assent on 17th July 2013. It made marriage of same sex couples lawful in England and Wales, substantially amending the Marriage Act 1949 and other related legislation. The bulk of the Act was brought into force on 13th March 2014. The Act also makes provision for the conversion of civil partnership into marriage and for married couples to remain married if one party undergoes gender transition, which were not brought into force at that time.

4.2 This set of Regulations is one of a series of instruments which will implement these remaining provisions of the Act, the other instruments under the affirmative procedure being the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014, and the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014. Further instruments (subject to the negative, or no procedure) will be made at a later date.

**5. Territorial Extent and Application**

5.1 This instrument applies to England and Wales.

## **6. European Convention on Human Rights**

The Rt. Hon James Brokenshire, Minister of State for Immigration and Security has made the following statement regarding Human Rights:

In my view the provisions of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 are compatible with the Convention rights.

## **7. Policy background**

7.1 The overall purpose of the Act is to make marriage of same sex couples possible in England and Wales and to secure that same sex married couples are generally treated in the same way as opposite sex married couples.

7.2 The Act enables civil partners to convert their civil partnership into a marriage where the civil partnership was registered in England and Wales, or overseas at a consulate or Armed Forces base where the couple elected England and Wales as the relevant law for the registration. These Regulations set out in detail the processes for the conversion of civil partnerships into marriages including:

- a ‘standard’ conversion procedure in which the couple attend before the superintendent registrar in a register office or local registration office to convert their civil partnership;
- provisions for conversions to take place at the residence of a person who is housebound, or at the place of detention of one of the parties;
- a special procedure for conversions where one party is terminally ill and not expected to recover;
- a two stage procedure, where the couple wish to convert the civil partnership on secular or religious premises at which marriages of same sex couples can take place. A conversion may only take place on religious premises where it is immediately to be followed by a religious blessing under section 46 of the Marriage Act 1949. This requirement ensures that the provisions in the Marriage (Same Sex Couples) Act 2013 that protect religious bodies from being compelled to be involved in marriages of same sex couples, apply equally to conversions. The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014, laid at the same time as this instrument, amends section 46 of the Marriage Act 1949 to ensure that it applies appropriately to religious ceremonies following conversions.
- all procedures require information to be provided to a superintendent registrar in England and Wales. Both parties must then sign a declaration, in the presence of

each other and the superintendent registrar, confirming that they are in a civil partnership and that they wish to convert the civil partnership into a marriage. When the parties and the superintendent registrar have signed the declaration they will be married;

- provision for the registration of the declaration in the conversion register and the issue of a marriage certificate;
- provision for the creation of an index of civil partnership conversions (which may be held jointly with the index of marriages) and access to conversion records;
- fees for the conversion process;
- provision for conversions to take place abroad, on consular premises or armed forces bases.

## **8. Consultation outcome**

8.1 No specific consultation has been undertaken on these Regulations, although there has been engagement with relevant stakeholders on the conversion process. The Government carried out a consultation on how marriage of same sex couples should be introduced prior to the introduction of the Act, which ran for 13 weeks and closed on 14 June 2012. There were over 228,000 responses of which 53% were in favour of the proposals and a number of large petitions which were opposed to the proposals. Most responses to the consultation question on the conversion of civil partnerships supported the introduction of a route by which civil partnerships could be converted to civil marriages. The consultation document and the Government response “Equal marriage: The Government’s response” are available at <https://www.gov.uk/government/consultations/equal-marriage-consultation>.

## **9. Guidance**

9.1 The General Register Office has produced guidance for staff involved in the conversion process that will be available to local authorities, registration officers and citizens setting out the amendments made by these Regulations.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is an impact on the public sector. The costs of this proposal fall primarily on public bodies which will need to adjust IT systems and administrative processes to record conversions of civil partnerships into marriage. There are also some familiarisation costs for local authorities who employ superintendent registrars to conduct conversions.

10.3 An Impact Assessment has not been prepared for this instrument. An impact Assessment was published for the Marriage (Same Sex Couples) Act 2013 which can be found at <https://www.gov.uk/government/publications/marriage-same-sex-couples-bill>

**11. Regulating small business**

11.1 The legislation does not apply to small business.

**12. Monitoring & review**

12.1 The Government has no specific targets in this area other than in regard to the fees which are set to recover full costs and are subject to annual review.

**13. Contact**

Alison Tighe at the General Register Office (part of Her Majesty's Passport Office) Tel: 0151 471 4293 or email: [Alison.Tighe@gro.gsi.gov.uk](mailto:Alison.Tighe@gro.gsi.gov.uk) can answer any queries regarding the instrument.