Civil Partnership Act 2004

2004 CHAPTER 33

PART 2

CIVIL PARTNERSHIP: ENGLAND AND WALES

CHAPTER 1

REGISTRATION

Formation, eligibility and parental etc. consent

2 Formation of civil partnership by registration

(1) For the purposes of section 1, two people are to be regarded as having registered as civil partners of each other once each of them has signed the civil partnership document—
   (a) at the invitation of, and in the presence of, a civil partnership registrar, and
   (b) in the presence of each other and two witnesses.

(2) Subsection (1) applies regardless of whether subsections (3) and (4) are complied with.

(3) After the civil partnership document has been signed under subsection (1), it must also be signed, in the presence of the civil partners and each other, by—
   (a) each of the two witnesses, and
   (b) the civil partnership registrar.

(4) After the witnesses and the civil partnership registrar have signed the civil partnership document, the relevant registration authority must ensure that—
   (a) the fact that the two people have registered as civil partners of each other, and
   (b) any other information prescribed by regulations,
   is recorded in the register as soon as is practicable.
(5) No religious service is to be used while the civil partnership registrar is officiating at the signing of a civil partnership document.

(6) “The civil partnership document” has the meaning given by section 7(1).

(7) “The relevant registration authority” means the registration authority in whose area the registration takes place.

Commencement Information

I1 S. 2 wholly in force at 5.12.2005; s. 2 not in force at Royal Assent see s. 263; s. 2(4)(b) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1 and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1; s. 2(1)-(3), (4)(a), (5)-(7) in force at 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1

3 Eligibility

(1) Two people are not eligible to register as civil partners of each other if—
   (a) they are not of the same sex,
   (b) either of them is already a civil partner or lawfully married,
   (c) either of them is under 16, or
   (d) they are within prohibited degrees of relationship.

(2) Part 1 of Schedule 1 contains provisions for determining when two people are within prohibited degrees of relationship.

4 Parental etc. consent where proposed civil partner under 18

(1) The consent of the appropriate persons is required before a child and another person may register as civil partners of each other.

(2) Part 1 of Schedule 2 contains provisions for determining who are the appropriate persons for the purposes of this section.

(3) The requirement of consent under subsection (1) does not apply if the child is a surviving civil partner.

(4) Nothing in this section affects any need to obtain the consent of the High Court before a ward of court and another person may register as civil partners of each other.

(5) In this Part “child”, except where used to express a relationship, means a person who is under 18.
Changes to legislation:
There are outstanding changes not yet made by the legislation.gov.uk editorial team to Civil Partnership Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

View outstanding changes

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to amend conferred by 2019 c. 12 s. 2(1)
- Act power to apply (with modifications) conferred by 2014 asp 5 s. 30(5)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(b) and word inserted by 2013 c. 30 Sch. 7 para. 34(b)
- s. 1(3A) inserted by 2014 asp 5 s. 11(9)
- s. 8(4)(c) inserted by 2014 c. 22 Sch. 4 para. 19(2)
- s. 8(5A) inserted by 2014 c. 22 Sch. 4 para. 19(3)
- s. 8A inserted by 2014 c. 22 Sch. 4 para. 20
- s. 9-9F substituted for s. 9 by 2014 c. 22 Sch. 4 para. 21
- s. 12(4)-(8) inserted by 2014 c. 22 Sch. 4 para. 23(3)
- s. 12A inserted by 2014 c. 22 Sch. 4 para. 24
- s. 14(6) inserted by 2014 c. 22 Sch. 4 para. 26(1)
- s. 14A inserted by 2014 c. 22 Sch. 4 para. 26(2)
- s. 15(3) inserted by 2014 c. 22 Sch. 4 para. 26(3)(b)
- s. 16(3A) inserted by 2014 c. 22 Sch. 4 para. 26(4)(b)
- s. 30A inserted by 2014 c. 22 Sch. 4 para. 27
- s. 30A(b) words omitted by S.I. 2019/745 reg. 15 (Exit day)
- s. 31(2)(ab) repealed by 2012 c. 9 s. 114(4)Sch. 10 Pt. 11
- s. 34(1A)-(1C) inserted by 2016 c. 19 Sch. 15 para. 4(3)
- s. 36(2)(g) inserted by 2015 c. 20 s. 99(2)
- s. 52(1)(ab) inserted by 2014 c. 22 Sch. 4 para. 29(b)
- s. 86(3A) inserted by 2014 asp 5 s. 24(3)(c)
- s. 88(4A) inserted by S.S.I. 2018/374 reg. 3(3)
- s. 88(7) inserted by 2014 asp 5 s. 24(5)
- s. 88(8)-(10) inserted by 2014 asp 5 s. 25
- s. 88A-88F inserted by S.I. 2015/396 Sch. 3 para. 2
- s. 88A(9) applied by S.I. 2015/404 reg. 17(4)(b)
- s. 89(3) inserted by 2014 asp 5 s. 24(6)
- s. 89(4) inserted by S.I. 2015/396 Sch. 3 para. 4
- s. 91(1) s. 91 renumbered as s. 91(1) by 2014 asp 5 s. 24(8)(a)
- s. 91(1) words inserted by 2014 asp 5 s. 24(8)(b)(iii)
- s. 91(1) words substituted by 2014 asp 5 s. 24(8)(b)(i)
- s. 91(1) words substituted by 2014 asp 5 s. 24(8)(b)(ii)
- s. 91(1A)(1B) inserted by S.I. 2015/396 Sch. 3 para. 5(2)
- s. 91(2) inserted by 2014 asp 5 s. 24(8)(c)
- s. 92(4)(b)(iii) and word repealed by 2014 asp 5 s. 24(9)(b)(ii)
- s. 93(1A) inserted by 2014 asp 5 s. 24(10)(b)
- s. 93A inserted by 2014 asp 5 s. 24(11)
- s. 94(1) s. 94 renumbered as s. 94(1) by 2014 asp 5 s. 24(12)(a)
- s. 94(1)(b) words substituted by 2014 asp 5 s. 24(12)(b)(i)
- s. 94(1)(b) words substituted by 2014 asp 5 s. 24(12)(b)(ii)
- s. 94(2)(3) inserted by 2014 asp 5 s. 24(12)(c)
- s. 94A-94E inserted by 2014 asp 5 s. 24(13)
- s. 94A inserted by S.I. 2015/396 Sch. 3 para. 6
- s. 95(1A) inserted by 2014 asp 5 s. 24(14)(b)
- s. 95(3A)-(3C) inserted by 2014 asp 5 s. 24(14)(d)
- s. 95ZA inserted by 2014 asp 5 s. 24(15)
- s. 97(5A) inserted by 2014 asp 5 s. 24(18)(b)
Commencement Orders yet to be applied to the Civil Partnership Act 2004

Commencement Orders bringing legislation that affects this Act into force:

- S.R. 2012/406 art. 2 commences (2011 c. 20 (N.I.))
- S.R. 2012/440 art. 23 commences (2008 c. 10 (N.I.))
- S.R. 2013/201 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2013/276 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2015/193 art. 2 commences (2014 c. 11 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))
- S.R. 2018/66 art. 2(1) commences (S.I. 2016/999 (N.I.))