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Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 1

REGISTRATION

Preliminaries to registration

139 Notice of proposed civil partnership

- (1) For two people to register as civil partners of each other under this Chapter, each of them must give the registrar a notice of proposed civil partnership (a “civil partnership notice”).
- (2) A civil partnership notice must be—
 - (a) in the prescribed form, and
 - (b) accompanied by the prescribed fee and such documents and other information as may be prescribed.
- (3) In prescribed cases a civil partnership notice must be given to the registrar by each party in person.

Commencement Information

- II** [S. 139](#) wholly in force at 5.12.2005; [s. 139](#) not in force at Royal Assent see [s. 263](#); [s. 139\(2\)\(3\)](#) in force at 5.9.2005 for certain purposes by [S.I. 2005/2399](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#); [s. 139\(1\)](#) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#)

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140 Civil partnership notice book and list of intended civil partnerships

- (1) The registrar must keep a record of—
 - (a) such particulars as may be prescribed, taken from each civil partnership notice received by him, and
 - (b) the date on which each civil partnership notice is received by him.
- (2) In this Chapter “civil partnership notice book” means the record kept under subsection (1).
- (3) The registrar must, in accordance with any guidance issued by the Registrar General, place on public display a list containing in relation to each proposed civil partnership in respect of which the registrar has received a civil partnership notice—
 - (a) the names of the proposed civil partners, and
 - (b) the date on which it is intended to register them as civil partners of each other.
- (4) As soon as practicable after the date mentioned in subsection (3) the registrar must remove from the list the names and the date mentioned in that subsection.
- (5) Any person claiming that he may have reason to make an objection to a proposed civil partnership may inspect any entry relating to the civil partnership in the civil partnership notice book without charge.

Commencement Information

- I2** S. 140 wholly in force at 5.12.2005; s. 140 not in force at Royal Assent see s. 263; s. 140(1)(a) in force at 5.9.2005 for certain purposes by S.I. 2005/2399, art. 2, Sch. and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.; s. 140 in force at 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.

VALID FROM 05/12/2005

141 Power to require evidence of name etc.

- (1) A registrar to whom a civil partnership notice is given may require the person giving it to provide him with specified evidence relating to each proposed civil partner.
- (2) Such a requirement may be imposed at any time before the registrar issues the civil partnership schedule under section 143.
- (3) “Specified evidence”, in relation to a person, means such evidence as may be specified in guidance issued by the Registrar General—
 - (a) of the person’s name and surname,
 - (b) of the person’s age,
 - (c) as to whether the person is or has been a civil partner or lawfully married, and
 - (d) of the person’s nationality.

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VALID FROM 05/12/2005

142 Objections

- (1) Any person may at any time before the formation of a civil partnership in Northern Ireland make an objection in writing to the registrar.
- (2) An objection on the ground that one of the proposed civil partners is incapable of understanding the nature of civil partnership must be accompanied by a supporting certificate signed by a medical practitioner.
- (3) If the registrar is satisfied that the objection relates to no more than a misdescription or inaccuracy in the civil partnership notice, he must—
 - (a) notify the proposed civil partners,
 - (b) make such inquiries as he thinks fit, and
 - (c) subject to the approval of the Registrar General, make any necessary correction to any document relating to the proposed civil partnership.
- (4) In any other case the registrar must notify the Registrar General of the objection.
- (5) If the Registrar General is satisfied that there is a legal impediment to the formation of the civil partnership, he must direct the registrar to—
 - (a) notify the parties, and
 - (b) take all reasonable steps to ensure that the formation of the civil partnership does not take place.
- (6) If subsection (5) does not apply, the Registrar General must direct the registrar to proceed under section 143.
- (7) For the purposes of this section and section 143 there is a legal impediment to the formation of a civil partnership where the proposed civil partners are not eligible to be registered as civil partners of each other.
- (8) A person who has submitted an objection may withdraw it at any time, but the Registrar General may have regard to an objection which has been withdrawn.

143 Civil partnership schedule

After the registrar receives a civil partnership notice from each of the proposed civil partners, he must complete a civil partnership schedule in the prescribed form, if—

- (a) he is satisfied that there is no legal impediment to the formation of the civil partnership, or
- (b) the Registrar General has directed him under section 142(6) to proceed under this section.

Commencement Information

- I3** S. 143 wholly in force at 5.12.2005; s. 143 not in force at Royal Assent see s. 263; s. 143 in force at 5.9.2005 for certain purposes by S.I. 2005/2399, art. 2, Sch. and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.

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144 Place of registration

- (1) The place at which two people may register as civil partners of each other must be—
 - (a) a registration office, or
 - (b) a place approved under subsection (3).
- (2) Subsection (1) is subject to subsections (5) and (7).
- (3) A local registration authority may, in accordance with regulations under subsection (4), approve places where civil partnerships may be registered in its district.
- (4) Regulations under section 159 may make provision for or in connection with the approval of places under subsection (3), including provision as to—
 - (a) the kinds of place in respect of which approvals may be granted,
 - (b) the procedure to be followed in relation to applications for approval,
 - (c) the considerations to be taken into account in determining whether to approve any places,
 - (d) the duration and renewal of approvals (whether for one occasion or for a period),
 - (e) the conditions that must or may be imposed on granting or renewing an approval,
 - (f) the determination and charging of fees in respect of[en rule]
 - (i) applications for the approval of places,
 - (ii) the renewal of approvals, and
 - (iii) the attendance by registrars at places approved under the regulations,
 - (g) the circumstances in which a local registration authority must or may revoke or suspend an approval or vary any of the conditions imposed in relation to an approval,
 - (h) the renewal of decisions made by virtue of the regulations,
 - (i) appeals to a county court from decisions made by virtue of the regulations,
 - (j) the notification to the Registrar General of all approvals granted, renewed, revoked, suspended or varied,
 - (k) the notification to the registrar for the district in which a place approved under the regulations is situated of all approvals relating to such a place which are granted, renewed, revoked, suspended or varied,
 - (l) the keeping by the Registrar General, registrars and local registration authorities of registers of places approved under the regulations, and
 - (m) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (5) If either of the parties to a proposed civil partnership gives the registrar a medical statement, the civil partnership may, with the approval of the Registrar General, be registered at any place where that party is.
- (6) In subsection (5) “medical statement”, in relation to any person, means a statement made in the prescribed form by a registered medical practitioner that in his opinion at the time the statement is made—
 - (a) by reason of serious illness or serious bodily injury, that person ought not to move or be moved from the place where he is at that time, and

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(b) it is likely that it will be the case for at least the following 3 months that by reason of illness or disability the person ought not to move or be moved from that place.

(7) If the Registrar General so directs, a registrar must register a civil partnership in a place specified in the direction.

Commencement Information

I4 S. 144 wholly in force at 5.12.2005; s. 144 not in force at Royal Assent see s. 263; s. 144(4)(6) in force at 5.9.2005 for certain purposes by S.I. 2005/2399, art. 2, Sch. and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.; s. 144(1)-(3)(5)(7) in force at 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.

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