



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 5

#### CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

### CHAPTER 4

#### MISCELLANEOUS AND SUPPLEMENTARY

#### **239 Commanding officers' certificates for Part 2 purposes**

- (1) Her Majesty may by Order in Council make provision in relation to cases where—
  - (a) two people wish to register as civil partners of each other in England and Wales (under Chapter 1 of Part 2), and
  - (b) one of them (“A”) is [<sup>F1</sup>an officer, seaman or marine borne on the books of one of Her Majesty's ships at sea] and the other is resident in England and Wales, for the issue [<sup>F2</sup>to A, by the captain or other officer in command of the ship,] of a certificate of no impediment.
- (2) The Order may provide for the issue of the certificate to be subject to the giving of such notice and the making of such declarations as may be prescribed.
- (3) A certificate of no impediment is a certificate that no legal impediment to the formation of the civil partnership has been shown to the <sup>F3</sup> . . . officer issuing the certificate to exist.
- (4) <sup>F4</sup> . . . . .

#### **Textual Amendments**

- F1** Words in s. 239(1) substituted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, [Sch. para. 17\(2\)\(a\)](#)

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- F2** Words in s. 239(1) substituted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, **Sch. para. 17(2)(b)**
- F3** Word in s. 239(3) omitted (21.7.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, **Sch. para. 17(3)**
- F4** S. 239(4) omitted (21.7.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, **Sch. para. 17(4)**

## **240 Certificates of no impediment to overseas relationships**

- (1) Her Majesty may by Order in Council make provision for the issue of certificates of no impediment to—
- (a) United Kingdom nationals, and
  - (b) such other persons falling within subsection (2) as may be prescribed,
- who wish to enter into overseas relationships in prescribed countries or territories outside the United Kingdom with persons who are not United Kingdom nationals and who do not fall within subsection (2).
- (2) A person falls within this subsection if under any enactment for the time being in force in any country mentioned in Schedule 3 to the British Nationality Act 1981 (c. 61) (Commonwealth countries) that person is a citizen of that country.
- (3) A certificate of no impediment is a certificate that, after proper notices have been given, no legal impediment to the recipient entering into the overseas relationship has been shown to the person issuing the certificate to exist.

## **241 Transmission of certificates of registration of overseas relationships**

- (1) Her Majesty may by Order in Council provide—
- (a) for the transmission to the Registrar General, by such persons or in such manner as may be prescribed, of certificates of the registration of overseas relationships entered into by United Kingdom nationals in prescribed countries or territories outside the United Kingdom,
  - (b) for the issue by the Registrar General of a certified copy of such a certificate received by him, and
  - (c) for such certified copies to be received in evidence.
- (2) “The Registrar General” means—
- (a) in relation to England and Wales, the Registrar General for England and Wales,
  - (b) in relation to Scotland, the Registrar General of Births, Deaths and Marriages for Scotland, and
  - (c) in relation to Northern Ireland, the Registrar General for Northern Ireland.

## **242 Power to make provision relating to certain Commonwealth forces**

- (1) This section applies if it appears to Her Majesty that any law in force in Canada, the Commonwealth of Australia or New Zealand (or in a territory of either of the former two countries) makes, in relation to forces raised there, provision similar to that made by section 211 (registration by armed forces personnel).
- (2) Her Majesty may by Order in Council make provision for securing that the law in question has effect as part of the law of the United Kingdom.

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## 243 Fees

- (1) The power to make an order under section 34(1) (fees) includes power to make an order prescribing fees in respect of anything which, by virtue of an Order in Council under this Part, is required to be done by registration authorities in England and Wales or by or on behalf of the Registrar General for England and Wales.
- (2) Regulations made by the Registrar General of Births, Deaths and Marriages for Scotland may prescribe fees in respect of anything which, by virtue of an Order in Council under this Part, is required to be done by him or on his behalf.
- (3) Subsections (3) and (4) of section 126 apply to regulations made under subsection (2) as they apply to regulations under Part 3.
- (4) The power to make an order under section 157(1) includes power to make an order prescribing fees in respect of anything which, by virtue of an Order in Council under this Part, is required to be done by or on behalf of the Registrar General for Northern Ireland.

## 244 Orders in Council: supplementary

- (1) An Order in Council under section 210, 211, 239, 240, 241 or 242 may make—
  - (a) different provision for different cases, and
  - (b) such supplementary, incidental, consequential, transitional, transitory or saving provision as appears to Her Majesty to be appropriate.
- (2) The provision that may be made by virtue of subsection (1)(b) includes in particular provision corresponding to or applying with modifications any provision made by or under—
  - (a) this Act, or
  - (b) any Act relating to marriage outside the United Kingdom.
- (3) A statutory instrument containing an Order in Council under section 210, 211, 239, 240, 241 or 242 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) Subsection (3) applies whether or not the Order also contains other provisions made by Order in Council under—
  - the Foreign Marriage Act 1892 (c. 23),
  - section 3 of the Foreign Marriage Act 1947 (c. 33), or
  - section 39 of the Marriage Act 1949 (c. 76).
- (5) In sections 210, 211, 239, 240 and 241 “prescribed” means prescribed by an Order in Council under the section in question.

## 245 Interpretation

- (1) In this Part “United Kingdom national” means a person who is—
  - (a) a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas),
  - (b) a British subject under the British Nationality Act 1981 (c. 61), or
  - (c) a British protected person, within the meaning of that Act.

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(2) In this Part “Her Majesty’s forces” has the same meaning as in the [<sup>F5</sup>Armed Forces Act 2006].

**Textual Amendments**

**F5** Words in s. 245(2) substituted (28.3.2009 for certain purposes and otherwise 31.10.2009) by [Armed Forces Act 2006 \(c. 52\)](#), ss. 378, 383, [Sch. 16 para. 243](#); S.I. 2009/812, [art. 3](#) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, [art. 4](#)

**Commencement Information**

**II** [S. 245](#) wholly in force at 5.12.2005; [s. 245](#) not in force at Royal Assent see [s. 263](#); [s. 245](#) in force at 15.4.2005 for certain purposes by S.I. 2005/1112, [art. 2](#) and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3175, [art. 3](#), [Sch. 2](#)

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

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

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)