



Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 1

REGISTRATION

Formation and eligibility

138 Eligibility

- (1) Two people are not eligible to register as civil partners of each other if—
 - ^{F1}(a)
 - (b) either of them is already a civil partner or lawfully married,
 - (c) either of them is under 16,
 - (d) they are within prohibited degrees of relationship, or
 - (e) either of them is incapable of understanding the nature of civil partnership.
- (2) Schedule 12 contains provisions for determining when two people are within prohibited degrees of relationship.

Textual Amendments

- F1** S. 138(1)(a) omitted (13.1.2020) by virtue of [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **16(3)** (with regs. 6-9)

Changes to legislation:

Civil Partnership Act 2004, Section 138 is up to date with all changes known to be in force on or before 14 April 2024. There are changes that may be brought into force at a future date. Changes that have been made 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:

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\(2\)](#)