



Civil Partnership Act 2004

2004 CHAPTER 33

PART 5

CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

CHAPTER 2

OVERSEAS RELATIONSHIPS TREATED AS CIVIL PARTNERSHIPS

215 Overseas relationships treated as civil partnerships: the general rule

- (1) Two people are to be treated as having formed a civil partnership as a result of having registered an overseas relationship if, under the relevant law, they—
 - (a) had capacity to enter into the relationship, and
 - (b) met all requirements necessary to ensure the formal validity of the relationship.
 - (2) Subject to ^[F1]subsections (3) and (5F)]^[F2]subsections (3) and (5B)]^[F3]subsections (3) and (3A)], the time when they are to be treated as having formed the civil partnership is the time when the overseas relationship is registered (under the relevant law) as having been entered into.
 - (3) If the overseas relationship is registered (under the relevant law) as having been entered into before this section comes into force, the time when they are to be treated as having formed a civil partnership is the time when this section comes into force.
- ^[F4](3A) In its application to an overseas relationship between persons of different sexes entered into before this subsection comes into force, subsection (2) is subject to—
- (a) any provision to the contrary made by or under any enactment,
 - (b) regulations under subsection (3B).
- (3B) The Scottish Ministers may by regulations provide for subsection (2)—
- (a) to have effect subject to provision made by the regulations, or

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(b) not to apply in cases specified in the regulations.

(3C) Regulations under subsection (3B)—

- (a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
- (b) are subject to the negative procedure.]

(4) But if—

- (a) before this section comes into force, a dissolution or annulment of the overseas relationship was obtained outside the United Kingdom, and
- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (3) does not apply and subsections (1) and (2) have effect subject to subsection (5).

(5) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provisions except—

- (a) Schedules 7, 11 and 17 (financial relief in United Kingdom after dissolution or annulment obtained outside the United Kingdom);
- (b) such provisions as are specified (with or without modifications) in an order under section 259;
- (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).

[^{F5}(5A) In the case of a relationship that is—

- (a) an overseas relationship treated as a civil partnership for the purposes of this Act only as a result of the amendments made by the Civil Partnership (Opposite-sex Couples) Regulations 2019 (“the 2019 Regulations”), and
- (b) registered (under the relevant law) as having been entered into before the 2019 Regulations come into force,

subsection (5B) or (as the case may be) subsections (5C) and (5D) apply in place of subsections (3) to (5).

(5B) The time when the two people are treated as having formed a civil partnership is the time when the 2019 Regulations come into force.

(5C) But if—

- (a) before the 2019 Regulations come into force, a dissolution or annulment of the overseas relationship was obtained outside the United Kingdom, and
- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (5B) does not apply and subsections (1) and (2) have effect subject to subsection (5D).

(5D) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provision except—

- (a) Schedules 7, 11 and 17 (financial relief in United Kingdom after dissolution or annulment obtained outside the United Kingdom);
- (b) such provisions as are specified (with or without modifications) in regulations under section 2 or 5 of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019;

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(c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).]

[^{F6}(5E) In the case of a relationship that is—

- (a) an overseas relationship treated as a civil partnership for the purposes of this Act only as a result of the amendments made by the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, and
- (b) registered (under the relevant law) as having been entered into before 13 January 2020,

subsection (5F) or (as the case may be) subsections (5G) and (5H) apply in place of subsections (3) to (5).

(5F) The time when the two people are treated as having formed a civil partnership is the start of 13 January 2020.

(5G) But if—

- (a) before 13 January 2020, a dissolution or annulment of the relationship was obtained outside the United Kingdom, and
- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (5F) does not apply and subsections (1) and (2) have effect subject to subsection (5H).

(5H) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provision except—

- (a) Schedules 7, 11 and 17;
- (b) such provisions as are specified (with or without modifications) in regulations under section 8 of the Northern Ireland (Executive Formation etc) Act 2019;
- (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).]

(6) This section is subject to sections ^{F7}... 217 and 218.

Textual Amendments

- F1** Words in s. 215(2) substituted for “subsection (3)” (E.W.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019](#) (S.I. 2019/1458), regs. 1(2), **5(4)(a)**
- F2** S. 215(2): the words “subsections (3) and (5B)” substituted for the words “subsection (3)” (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019](#) (S.I. 2019/1514), regs. 1(2), **17(4)(a)** (with regs. 6-9)
- F3** S. 215(2): the words “subsections (3) and (3A)” substituted for the words “subsection (3)” (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), ss. **2(4)(a)**, 16; S.S.I. 2020/414, **reg. 2(1)(a)(2)**; S.S.I. 2021/23, **reg. 2, sch.** (with reg. 3)
- F4** S. 215(3A)-(3C) inserted (S.) (18.1.2021 for specified purposes, 1.2.2021 for specified purposes) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), ss. **2(4)(b)**, 16; S.S.I. 2020/414, **reg. 2(1)(a)(2)**; S.S.I. 2020/457, **reg. 2(a)**
- F5** S. 215(5A)-(5D) inserted (E.W.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019](#) (S.I. 2019/1458), regs. 1(2), **5(4)(b)** (with Sch. 2 para. 3)
- F6** S. 215(5E)-(5H) inserted (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019](#) (S.I. 2019/1514), regs. 1(2), **17(4)(b)** (with regs. 6-9)

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- F7** Word in s. 215(6) omitted (E.W.) (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **5(4)(c)**; (N.I.) (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), **17(4)(c)** (with regs. 6-9); and (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by virtue of [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 2(4)(c)**, 16; [S.S.I. 2020/414](#), **reg. 2(1)(a)(2)**; [S.S.I. 2021/23](#), **reg. 2**, **sch.** (with reg. 3)

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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\(2\)](#)