

SCHEDULE 1

Article 4(1)

REGISTRATION MATTERS WITH RESPECT TO CIVIL PARTNERSHIPS

**Savings Banks Act 1887**

1. After section 10 of the Savings Banks Act 1887(1) insert—

**“Civil partnership certificates: England and Wales**

**10A.**—(1) This section applies, for the purposes of the Acts relating to the National Savings Bank and the Government Annuities Act 1929, where the formation of a civil partnership by—

- (a) a depositor in the National Savings Bank, or
- (b) a person insured under the 1929 Act,

is recorded in the register kept under section 30 of the Civil Partnership Act 2004.

(2) The registration authority for the area in which the civil partnership was formed must, on an application made in the prescribed manner and on payment of the prescribed fee, give the applicant, for the purposes mentioned in subsection (1), a certified copy of such entries in the register as are prescribed by regulations made under section 36 of the 2004 Act.

(3) “The prescribed manner” means—

- (a) in accordance with any regulations made under section 36 of the 2004 Act, and
- (b) in such form as is approved by the Registrar General for England and Wales.

(4) “The prescribed fee” means any fee prescribed under section 34(1) of the 2004 Act.

**Civil partnership certificates: Scotland**

**10B.**—(1) This section applies, for the purposes of the Acts relating to the National Savings Bank and the Government Annuities Act 1929, where particulars of the formation of a civil partnership by—

- (a) a depositor in the National Savings Bank, or
- (b) a person insured under the 1929 Act,

have been entered in a register under section 95(2) of the 2004 Act.

(2) The district registrar must, on an application made in such manner as is approved by the Registrar General for Scotland, give the applicant, for the purposes mentioned in subsection (1), a certificate of the formation of the civil partnership.

**Civil partnership certificates: Northern Ireland**

**10C.**—(1) This section applies, for the purposes of the Acts relating to the National Savings Bank and the Government Annuities Act 1929, where the formation of a civil partnership by—

- (a) a depositor in the National Savings Bank, or
- (b) a person insured under the 1929 Act,

is recorded in a register kept by virtue of section 159(1) of the 2004 Act.

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(1) 1887 c. 40.

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(2) The Registrar General for Northern Ireland or a registrar or deputy registrar of civil partnerships appointed under section 152(1) of the 2004 Act must, on an application made in the prescribed manner and on payment of the prescribed fee, give the applicant, for the purposes mentioned in subsection (1), a certificate of the formation of the civil partnership.

(3) “The prescribed manner” means—

(a) in accordance with any regulations made under section 159(1) of the 2004 Act, and

(b) in such form as is approved by the Department of Finance and Personnel.

(4) “The prescribed fee” means any fee prescribed under section 157 of the 2004 Act.”

### **Registration Service Act 1953**

2. In the Registration Service Act 1953(2), in section 19 (annual abstract), for “and marriages” substitute “, marriages and civil partnerships”.

### **Public Records Act 1958**

3. In paragraph 2 of Schedule 1 to the Public Records Act 1958(3) (departmental records), in sub-paragraph (2)(b), after “marriages” insert “, civil partnerships”.

### **Social Security Administration Act 1992**

4.—(1) In the Social Security Administration Act 1992(4), after section 124 insert—

#### **“Provisions relating to civil partnership: England and Wales**

124A.—(1) Regulations made by the Registrar General under section 36 of the Civil Partnership Act 2004 may provide for the furnishing by registration authorities, subject to the payment of the prescribed fee, of such information for the purposes mentioned in section 124(1) above as may be so prescribed.

(2) Where the civil partnership of a person is required to be ascertained or proved for those purposes, any person—

(a) on presenting to the registration authority for the area in which the civil partnership was formed a request in the prescribed manner in that behalf, and

(b) on payment of the prescribed fee,

shall be entitled to obtain a certified copy of such entries in the register as are prescribed by regulations made under section 36 of the 2004 Act.

(3) “The prescribed fee” means any fee prescribed under section 34(1) of the 2004 Act.

(4) “The prescribed manner” means—

(a) in accordance with any regulations made under section 36 of the 2004 Act, and

(b) in such form as is approved by the Registrar General for England and Wales,

and forms for making a request under subsection (2) shall, on request, be supplied without charge by registration authorities.

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(2) 1953 c. 37.

(3) 1958 c. 51.

(4) 1992 c. 5.

### **Provisions relating to civil partnership: Scotland**

**124B.**—(1) Where the civil partnership of a person is required to be ascertained or proved for the purposes mentioned in section 124(1) above, any person, on presenting to a district registrar a request in the approved manner in that behalf, shall be entitled to obtain a copy, certified by the registrar, of the entry in the civil partnership register of the particulars of the civil partnership.

(2) “The approved manner” means in such form and containing such particulars as may be approved by the Registrar General for Scotland.

(3) Forms for making a request under subsection (1) shall, on request, be supplied without charge by district registrars.

(4) “Civil partnership register” has the same meaning as in Part 3 of the Civil Partnership Act 2004.”

(2) In Schedule 10 to that Act (supplementary benefit etc.), in paragraph 3(1), for “section 124” substitute “sections 124 to 124B”.

### **Pension Schemes Act 1993**

**5.** In section 167 of the Pension Schemes Act 1993<sup>(5)</sup> (application of general provisions relating to administration of social security), for subsection (5) substitute—

“(5) Sections 124 to 124B of the Social Security Administration Act 1992 (provisions relating to age, death, marriage and civil partnership) shall apply as if information for the purposes mentioned in section 124(1) of that Act included information for the purposes of the relevant provisions.”

## SCHEDULE 2

Article 4(2)

### AMENDMENT OF THE MARRIAGE ACT 1949

**1.** In the Marriage Act 1949<sup>(6)</sup>, after section 39 insert—

#### **“Marriage of former civil partners one of whom has changed sex**

**39A.**—(1) This section applies if—

(a) a court—

(i) makes final a nullity order which annuls a civil partnership on the ground that an interim gender recognition certificate has been issued to one of the civil partners, or

(ii) (in Scotland) grants a decree of dissolution of a civil partnership on that ground,

and, on doing so, issues a full gender recognition certificate (under section 5A(1) of the Gender Recognition Act 2004<sup>(7)</sup>) to that civil partner, and

(b) the former civil partners wish to marry each other in England or Wales in accordance with this Part without being delayed by the waiting period.

<sup>(5)</sup> 1993 c. 48.

<sup>(6)</sup> 1949 c. 76; Part 3 and section 75 were amended by the Immigration and Asylum Act 1999 (c. 33), sections 160 to 163 and Schedule 14.

<sup>(7)</sup> 2004 c. 7; Section 5A was inserted by section 250 (1) and (4) of the Civil Partnership Act 2004.

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- (2) For the purposes of this section the relevant period is the period—
  - (a) beginning with the issue of the full gender recognition certificate, and
  - (b) ending at the end of 1 month from the day on which it is issued.
- (3) If either of the former civil partners —
  - (a) gives notice of marriage in accordance with this Part during the relevant period, and
  - (b) on doing so, makes an election under this section,this Act applies with the modifications set out in subsections (4) to (6).
- (4) In section 31 (marriage under certificates)—
  - (a) omit subsections (1), (4), (4A) and (5A) to (5I), and
  - (b) in subsection (2), for “At the expiration of the said period of 15 days”, substitute “As soon as notice of marriage has been given,”.
- (5) For section 33(3) (period of validity of certificate: applicable period) substitute —  
“(3) The applicable period, in relation to a marriage, is the period of 1 month beginning with the day on which the notice of marriage was entered in the marriage notice book.”
- (6) In section 75 (offences relating to solemnization of marriages), omit subsections (2)(d), (2A) and (3)(a).
- (7) Where one of the former civil partners is residing in Scotland—
  - (a) this section applies as if subsection (3) referred to the giving of notice and the making of an election by the former civil partner residing in England or Wales, and
  - (b) section 37(d) does not apply.
- (8) In subsection (1)(b), “the waiting period” has the meaning given by section 31(4A).”

### SCHEDULE 3

Article 4(3)

#### AMENDMENTS OF CHURCH LEGISLATION

##### **Pluralities Act 1838**

- 1.—(1) The Pluralities Act 1838<sup>(8)</sup> shall be amended as follows.
- (2) In section 36 (widow of any spiritual person may continue in the house of residence for two months after his decease), for “widow or widower” substitute “surviving spouse or surviving civil partner”.
- (3) In section 43 (bishop may grant licences for non-residence in certain enumerated cases), after “spouse” insert (in each place) “or civil partner”.

##### **Parsonages Measure 1938**

- 2. In section 1(6) of the Parsonages Measure 1938<sup>(9)</sup> (definition of “connected person”), after “spouse” insert “or civil partner”.

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<sup>(8)</sup> 1838 c. 106.

<sup>(9)</sup> 1938 1 & 2 Geo 6. No. 3. The definition of “connected person” in section 1(6) was substituted by section 1 of, and Schedule 1, paragraph 2(b) to, the Church of England (Miscellaneous Provisions) Measure 2005.

### **Patronage (Benefices) Measure 1986**

3.—(1) The Patronage (Benefices) Measure 1986(10) shall be amended as follows.

(2) In section 11(2)(a) (requirements as to meetings of parochial church council), after “spouse” insert “or civil partner”.

(3) In section 12(4) (joint meeting of parochial church council with bishop and patron), after “spouse” insert “or civil partner”.

### **Church of England (Legal Aid) Measure 1994**

4. In section 2(5) of the Church of England (Legal Aid) Measure 1994(11) (applications for legal aid), for “wife or husband” substitute “spouse or civil partner”.

## SCHEDULE 4

Article 4(4)

### FURTHER CONSEQUENTIAL AMENDMENTS

#### **Foreign Marriage Act 1892**

1. In section 22 of the Foreign Marriage Act 1892(12) (validity of marriages solemnized by chaplains of HM forces serving abroad and other persons), for subsection (1B) substitute—

“(1B) In determining for the purposes of subsection (1A) above whether one person is the child of another, a person who is or was treated by another as a child of the family in relation to—

(a) a marriage to which the other is or was a party, or

(b) a civil partnership in which the other is or was a civil partner,

shall be regarded as the other’s child.”

#### **Consumer Credit Act 1974**

2. In section 184(5) of the Consumer Credit Act 1974(13) (associates: meaning of “relative”), after “former civil partner” insert “and a reputed civil partner”.

#### **Adoption Act 1976**

3. In section 47(1) of the Adoption Act 1976(14) (enactments for whose purpose section 39 does not apply), for the words from “the table” to “or”, substitute “section 1 of and Schedule 1 to the Marriage Act 1949 or Schedule 1 to the Civil Partnership Act 2004 (prohibited degrees of kindred and affinity),”.

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(10) 1986 No. 3. The word “spouse” in sections 11(2)(a) and 12(4) was substituted by section 10 of, and paragraphs 10(b) and 11 of Schedule 3 to, the Priests (Ordination of Women) Measure 1993.

(11) 1994 No. 3.

(12) 1892 c. 23. Subsection (1B) of section 22 was inserted by section 6 of the Foreign Marriage (Amendment) Act 1988 (c. 44).

(13) 1974 c. 39. The words “or wife, and references to a civil partner include a former civil partner” in section 184(5) were substituted by paragraph 51(4)(b) of Schedule 27 to the Civil Partnership Act 2004.

(14) 1976 c. 36.

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### **Credit Unions Act 1979**

4. In section 31(1) of the Credit Unions Act 1979(15) (interpretation, etc) in the definition of “civil partner”, after “former civil partner” insert “and reputed civil partner”.

### **Estate Agents Act 1979**

5. In section 32(3) of the Estate Agents Act 1979(16) (associates: meaning of “relative”), after “former civil partner” insert “and a reputed civil partner”.

### **Transport Act 1982**

6. In section 70(2)(bb) of the Transport Act 1982(17) (payments in respect of applicants for exemption from wearing seat belts), for “married or unmarried couple” substitute “couple”.

### **Representation of the People Act 1985**

7.—(1) The Representation of the People Act 1985(18) shall be amended as follows.

(2) In section 6 (absent vote at elections for an indefinite period), in subsection (2)(c), after “spouse” (in each place) insert “or civil partner”(19).

(3) In section 8 (proxies at elections), in subsection (5), for “husband, wife” substitute “spouse or civil partner”.

### **Insolvency Act 1986**

8. In section 435(8) of the Insolvency Act 1986(20) (associates: meaning of “relative”), after “former civil partner” insert “and a reputed civil partner”.

### **Children Act 1989**

9. In section 29(3B)(b) of the Children Act 1989(21) (recoupment of cost of providing services), for “married or unmarried couple” substitute “couple”.

### **Broadcasting Act 1990**

10. In paragraph 1(2) of Part 1 of Schedule 2 to the Broadcasting Act 1990(22) (restrictions on the holding of licences), after “former civil partner” insert “and a reputed civil partner”.

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(15) 1979 c. 34. The definition of “civil partner” in section 31(1) was inserted by paragraph 61(2) of Schedule 27 to the Civil Partnership Act 2004.

(16) 1979 c. 38. The words “and references to a civil partner include a former civil partner” in section 32(3) were inserted by paragraph 63(3)(b) of Schedule 27 to the Civil Partnership Act 2004.

(17) 1982 c. 49. Paragraph (bb) of subsection (2) was inserted by section 14 of, and Schedule 2, Part 3, paragraph 26 to, the State Pension Credit Act 2002.

(18) 1985 c. 50. Sections 12(2) and 15(2) of, and Schedule 7 to, the Representation of the People Act 2000 (c. 2) repealed sections 6 and 8 of the Representation of the People Act 1985 in relation to England, Scotland and Wales.

(19) The words from “or by reason” to “of his spouse” were inserted by section 15(1) of, and Schedule 6 to, the Representation of the People Act 2000.

(20) 1986 c. 45. The words “and references to a civil partner include a former civil partner” in section 435(8) were inserted by paragraph 122(4) of Schedule 27 to the Civil Partnership Act 2004.

(21) 1989 c. 41. Subsection (3B) was inserted by section 14 of, and Schedule 2, Part 3, paragraph 30 to, the State Pension Credit Act 2002.

(22) 1990 c. 42. The words “and references to a civil partner shall include a former civil partner” in paragraph 1(2) of Part 1 of Schedule 2 were inserted by paragraph 139 of Schedule 27 to the Civil Partnership Act 2004.

### **Employment Rights Act 1996**

**11.** In section 206(5)(b) of the Employment Rights Act 1996<sup>(23)</sup> (institution or continuance of tribunal proceedings: meaning of “appropriate person”), after “widow or widower,” insert “surviving civil partner.”

### **Human Tissue Act 2004**

**12.**—(1) Amend the Human Tissue Act 2004<sup>(24)</sup> as follows.

(2) In section 27 (provision with respect to consent), in subsection (4)(a), after “spouse” insert “, civil partner”.

(3) In section 54 (general interpretation), in subsection (9) after “spouse” insert “civil partner.”.

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<sup>(23)</sup> 1996 c. 18.

<sup>(24)</sup> 2004 c. 30.