

SCHEDULE 3

Amendments to the Civil Partnership Act 2004

3. After Schedule 10 (forbidden degrees of relationship)(1) insert—

“SCHEDULE 10A

section 88F(7)

Modifications if proposed civil partnership referred under section 88F

Introduction

1.—(1) These are the modifications subject to which this Act has effect if the district registrar refers a proposed civil partnership to the Secretary of State.

(2) In this Schedule “referred civil partnership” means the proposed civil partnership referred to the Secretary of State.

No civil partnership schedule to be completed until decision about investigation etc

2.—(1) The duty under section 94 (civil partnership schedule)(2) to complete a civil partnership schedule in respect of the referred civil partnership does not apply unless and until one of the following events occurs.

(2) Event 1 occurs if—

- (a) the Secretary of State gives the district registrar the section 48 notice, and
- (b) the notice is of a decision not to investigate whether the referred civil partnership is a sham.

(3) Event 2 occurs if—

- (a) the relevant statutory period ends, and
- (b) the Secretary of State has not given the district registrar the section 48 notice.

(4) Event 3 occurs if—

- (a) the Secretary of State gives the district registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
- (c) the Secretary of State gives the district registrar the section 50 notice, and
- (d) that notice is of a decision that both of the parties to the referred civil partnership have complied with the investigation.

(5) Event 4 occurs if—

- (a) the 70 day period ends, and
- (b) the Secretary of State has not given the district registrar the section 50 notice.

(6) Event 5 occurs if the Secretary of State gives the district registrar notice that the duty under section 94 is applicable.

(7) The Secretary of State may give a notice for that purpose only if—

- (a) the Secretary of State has given the district registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
- (c) the Secretary of State has given the district registrar the section 50 notice, and

(1) Amendments have been made to this Schedule but they are not relevant to this Order.

(2) Section 94 has been amended by section 24(12) of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5).

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- (d) that notice is of a decision that one or both of the parties to the referred civil partnership have not complied with the investigation.
- (8) This paragraph applies in addition to any other requirements applicable to the completion of the civil partnership schedule.
- (9) This paragraph is subject to paragraph 4.
- (10) In this paragraph—
 - “70 day period” has the same meaning as in section 50(11) of the 2014 Act;
 - “relevant statutory period” has the same meaning as in section 62(3) of the 2014 Act;
 - “section 48 notice” means notice under section 48(8D)(4) of the 2014 Act;
 - “section 50 notice” means notice under section 50(7) of the 2014 Act.

Civil partnership to be investigated: extension of 28 day period to 70 days

- 3.—(1) The modifications in this paragraph have effect if the Secretary of State gives the district registrar notice under section 48(8D) of the 2014 Act of a decision to investigate whether the referred civil partnership is a sham.
 - (2) Section 91(1)(5) has effect as if—
 - (a) for the words from “being” to “section 90” there were substituted “being a date before the expiry of the relevant 70 day period”, and
 - (b) the words from “; and if a date” to the end were omitted.
 - (3) Section 94(6) has effect as if for paragraph (b) there were substituted—
 - “(b) the relevant 70 day period has expired.”
 - (4) In sections 91 and 94 (as modified by this paragraph) and in paragraph 4 “relevant 70 day period” means the period—
 - (a) beginning the day after the particulars of the proposed civil partnership are entered in the civil partnership book in accordance with section 89 (civil partnership notice book), and
 - (b) ending at the end of the period of 70 days beginning with that day.
 - (5) This paragraph is subject to paragraph 4.

Effect of reducing statutory period

- 4.—(1) Where—
 - (a) either—
 - (i) a district registrar is authorised to fix a date for the date of registration of the referred civil partnership that is 28 days or fewer after publication by the district registrar under section 90(1), or
 - (ii) in the case of a referred civil partnership to which paragraph 3 applies, the district registrar is authorised to fix a date for the date of registration before the expiry of the relevant 70 day period, and

(3) The definition of “relevant statutory period” contained in section 62 is amended by Schedule 4 to this Order and Schedule 4 to the Referral and Investigation of Proposed Marriages and Civil Partnerships (Northern Ireland) Order 2015 (S.I. 2015/395).

(4) Section 48D is inserted by paragraph 2 of Schedule 4 to this Order.

(5) Subsection (1) was amended by and subsection (2) inserted by section 24 of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5) (“2014 Act”).

(6) Subsection (1) was amended by, and subsection (2) inserted by, section 24 of the 2014 Act.

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- (b) the authorisation mentioned in sub-paragraph (i) or, as the case may be, (ii) of paragraph (a) is given at a time when the duty under section 94 to complete a civil partnership schedule in respect of the referred civil partnership has not arisen in accordance with paragraph 2,

the duty under section 94 to complete the civil partnership schedule arises on the giving of the authorisation, subject to any other requirements applicable to the completion of the schedule being met.

(2) But the requirements of paragraph 2 are not applicable in such a case.

(3) The Secretary of State is not prevented from deciding to conduct, conducting, or continuing, an investigation if the civil partnership schedule is completed as mentioned in sub-paragraph (1).

(4) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, or to continue, an investigation.

(5) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed civil partnership is a sham.”