
STATUTORY INSTRUMENTS

2019 No. 1458

The Civil Partnership (Opposite-sex Couples) Regulations 2019

PART 5

Gender recognition

Registration of civil partnership following a change of gender by either party

36.—(1) The Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015(1) are amended as follows.

- (2) In regulation 2, after the definition of “civil partnership register entry” insert—
- ““civil partnership registrar” has the same meaning as in section 29 of the Civil Partnership Act 2004(2);”.
- (3) In regulation 16—
- (a) in paragraph (1), after “paragraph (2)” insert “and regulations 16A to 16D”;
- (b) in paragraph (2), for “certificates granted to” substitute “certificate, or certificates, granted to one or”.
- (c) in paragraph (4), for “the parties’ civil partnership was” substitute “a civil partnership is registered in the Gender Recognition Civil Partnership Register as having been”;
- (d) after paragraph (4) insert—
- “(5) In regulations 16A to 16C—
- (a) references to a register office mean the register office that is agreed between the Registrar General and the parties to the qualifying civil partnership;
- (b) references to a civil partnership registrar are to a civil partnership registrar in post on the applicable date for the area in which the register office is situated;
- (c) “applicable date” means the date on which the qualifying civil partnership is recorded in the Gender Recognition Civil Partnership Register as having been formed.”.
- (4) After regulation 16 insert—

“Qualifying civil partnerships of opposite sex couples

16A.—(1) Unless the parties to the qualifying civil partnership specifically request the Registrar General to do so, the Registrar General must not register in the Gender Recognition Civil Partnership Register any of the particulars required by regulation 16(1) if to do so would indicate that a civil partnership was formed by two people of the opposite sex before the date on which the civil partnership could have been formed by virtue of the Civil Partnership (Opposite-sex Couples) Regulations 2019.

(1) [S.I. 2015/50](#).

(2) Section 29 was amended by [S.I. 2005/2000](#).

(2) If, by virtue of the prohibition in paragraph (1), the Registrar General is unable to register the date on which the qualifying civil partnership was formed, the civil partnership is to be registered as if it had been entered into on the date on which it is registered in the Gender Recognition Civil Partnership Register, and, except as mentioned in paragraphs (3) and (4), the particulars to be recorded (including particulars relating to the civil partnership registrar) must be those applicable on that date.

(3) Where paragraph (2) applies—

- (a) the condition of each of the parties is to be recorded in the Gender Recognition Civil Partnership Register as it was before they formed the civil partnership, in the manner prescribed under section 2(4) of the Civil Partnership Act 2004 on the applicable date (but see regulation 16(2));
- (b) the witnesses to the formation of the civil partnership are to be recorded in the Gender Recognition Civil Partnership Register as they were in the parties' civil partnership register entry; and
- (c) subject to paragraph (4) and regulations 16B and 16C, the place at which the civil partnership was formed is to be registered in the Gender Recognition Civil Partnership Register as it was in the parties' civil partnership register entry.

(4) If the place required to be registered under paragraph (3)(c) is a place at which, on the date of registration in the Gender Recognition Civil Partnership Register, the parties' civil partnership could not be formed under the law of England and Wales, the civil partnership is to be registered as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

(5) Nothing in this regulation affects the continuity of any qualifying civil partnership.

Qualifying civil partnerships registered on religious premises

16B.—(1) The Registrar General must not register in the Gender Recognition Civil Partnership Register any particulars that would indicate that a qualifying civil partnership was formed on religious premises.

(2) Where paragraph (1) applies, the civil partnership is to be registered in the Gender Recognition Civil Partnership Register as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

Qualifying civil partnerships formed outside the United Kingdom

16C.—(1) Unless paragraph (2) applies, the Registrar General must not register in the Gender Recognition Civil Partnership Register any particulars that would indicate that a qualifying civil partnership was formed outside the United Kingdom according to the law of England and Wales.

(2) Paragraph (1) does not apply if the Registrar General is satisfied that the authorities of the country or territory in which the civil partnership was formed would not, on the applicable date, have objected to the formation of a civil partnership in that country or territory between two parties of the respective genders that are to be registered in the Gender Recognition Civil Partnership Register under regulation 16(1) and (2).

(3) Where paragraph (1) applies, the civil partnership is to be registered in the Gender Recognition Civil Partnership Register as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

Power to amend particulars

16D.—(1) The Registrar General may, after consulting the parties to a qualifying civil partnership, amend the particulars required to be registered under these Regulations as the Registrar General considers necessary to ensure that the particulars registered in the Gender Recognition Civil Partnership Register do not disclose that one party has, or both parties have, obtained a gender recognition certificate.

(2) Under paragraph (1), the Registrar General may, in particular, substitute for the name or names of one or both witnesses to the formation of the civil partnership the name or names of one or two other persons who were present at the formation of the civil partnership.”