

**Changes to legislation:** Civil Partnership Act 2004, Part 2 is up to date with all changes known to be in force on or before 23 March 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. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 23

#### IMMIGRATION CONTROL AND FORMATION OF CIVIL PARTNERSHIPS

##### PART 2

##### ENGLAND AND WALES

##### *Application of this Part*

[<sup>F1</sup>3 This Part of this Schedule applies as mentioned in paragraph A1.]

##### Textual Amendments

**F1** Sch. 23 para. 3 substituted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), ss. 58(7), 75(3); S.I. 2015/371, art. 2(1)(j) (with art. 6)

##### *Procedure for giving notice of proposed civil partnership*

- 4 (1) Each notice of proposed civil partnership under Chapter 1 of Part 2 of this Act—
- (a) must be given to a registration authority [<sup>F2</sup>which is] specified for the purposes of this paragraph by regulations made by the Secretary of State [<sup>F3</sup>and is the appropriate registration authority], <sup>F4</sup> . . .
  - (b) must be delivered to the relevant individual in person by the two proposed civil partners.
  - [<sup>F5</sup>(c) may be given only if each of the proposed civil partners has been resident in the area of a registration authority for the period of 7 days immediately before the giving of his or her notice (but the area need not be that of the registration authority to which the notice is given and the proposed civil partners need not have resided in the area of same registration authority), and
  - (d) must state, in relation to each of the proposed civil partners, the registration authority by reference to the area of which paragraph (c) is satisfied.]
- (2) “The relevant individual” means such employee or officer or other person provided by the [<sup>F6</sup>appropriate] registration authority as is determined in accordance with regulations made by the Secretary of State for the purposes of this sub-paragraph.
- (3) Regulations under sub-paragraph (2) may, in particular, describe a person by reference to the location or office where he works.
- [<sup>F7</sup>(3A) For the purposes of this paragraph, “the appropriate registration authority” means—
- (a) if the proposed civil partners have resided in the area of the same specified registration authority for the period of 7 days immediately before the giving of the notice (“the 7 day period”), that specified registration authority, or

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- (b) if one or both of the proposed civil partners have resided in the area of a specified registration authority (but not the same specified registration authority) for the 7 day period, the specified registration authority of the area in which one of them has resided for that period, or
- (c) if neither of the proposed civil partners has resided in the area of a specified registration authority for the 7 day period, any specified registration authority.

(3B) In sub-paragraph (3A), “specified registration authority” means a registration authority specified for the purposes of sub-paragraph (1)(a) by regulations made under that provision./

(4) Before making any regulations under this paragraph the Secretary of State must consult the Registrar General.

**Textual Amendments**

- F2** Words in Sch. 23 para. 4(1)(a) inserted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **16(5)(a)(i)** (with Sch. 5 para. 9(2))
- F3** Words in Sch. 23 para. 4(1)(a) inserted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **16(5)(a)(ii)** (with Sch. 5 para. 9(2))
- F4** Word in Sch. 23 para. 4(1)(a) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 19(2)(a)** (subject to art. 1(2)(3))
- F5** Sch. 23 para. 4(1)(c)(d) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 19(2)(b)** (subject to art. 1(2)(3))
- F6** Word in Sch. 23 para. 4(2) substituted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **16(5)(b)** (with Sch. 5 para. 9(2))
- F7** Sch. 23 para. 4(3A)(3B) inserted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **16(5)(c)** (with Sch. 5 para. 9(2))

**Commencement Information**

- I1** Sch. 23 para. 4 wholly in force at 5.12.2005; Sch. 23 para. 4 not in force at Royal Assent see s. 263; Sch. 23 para. 4 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), **art. 2**, [Sch. 1](#) and Sch. 23 para. 4 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), **art. 2(1)**, [Sch. 1](#)

*Declaration*

5 <sup>F8</sup> .....

**Textual Amendments**

- F8** Sch. 23 para. 5 repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), **art. 5(1)(b)**

*Recording of notice*

6 <sup>F9</sup> .....

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**Textual Amendments**

**F9** Sch. 23 para. 6 repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), **art. 5(1)(b)**

*Supplementary*

- 7 (1) Part 2 of this Act has effect in any case where this Part of this Schedule applies subject to any necessary modification.
- (2) In particular <sup>F10</sup>—
- (a) section 8(4)(b) has effect as if it required a declaration that the notice of proposed civil partnership is given in compliance with paragraph 4(1) above, and
  - (b) section 52 has effect as if the matters proof of which is not necessary in support of the civil partnership included compliance with this Part of this Schedule.]
- (3) An expression used in this Part of this Schedule and in Chapter 1 of Part 2 of this Act has the same meaning as in that Chapter.

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**Textual Amendments**

**F10** Words in Sch. 23 para. 7(2) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 19(3)** (subject to art. 1(2)(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\(2\)](#)