

Draft Regulations laid before Parliament under section 18(2) of the Marriage (Same Sex Couples) Act 2013, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES, ETC. ENGLAND AND WALES

The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014

Made - - - - *******
Coming into force - - *10th December 2014*

The Secretary of State, in exercise of the powers conferred by sections 9(1), (2), (4), (5) and 18(4) (a) and (c) of the Marriage (Same Sex Couples) Act 2013⁽¹⁾, makes the following Regulations:
In accordance with section 18(2)(b) and (c) of that Act a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 and come into force on 10th December 2014.

Interpretation

- 2.—(1) In these Regulations—
“the 1949 Act” means the Marriage Act 1949⁽²⁾;
“the 2004 Act” means the Civil Partnership Act 2004⁽³⁾;
“the 2013 Act” means the Marriage (Same Sex Couples) Act 2013;
“civil partnership” means a civil partnership which is either an England and Wales civil partnership, or a civil partnership within section 9(3) of the 2013 Act;
“civil partnership register” means—

(1) 2013 c. 30.
(2) 1949 c. 76.
(3) 2004 c. 33.

- (i) in the case of an England and Wales civil partnership, the register referred to in section 30(4) of the 2004 Act;
- (ii) in the case of a civil partnership registered in accordance with the Civil Partnership (Registration Abroad and Certificates) Order 2005, the register referred to in article 16 of that Order⁽⁴⁾;
- (iii) in the case of a civil partnership registered in accordance with the Civil Partnership (Armed Forces) Order 2005⁽⁵⁾, the register referred to in article 2(2) of the Service Departments Registers Order 1959⁽⁶⁾;

“conversion” means the conversion of a civil partnership into a marriage under section 9 of the 2013 Act;

“conversion declaration” has the meaning given in regulation 4(1)(b);

“conversion register” has the meaning given in regulation 14(1);

“England and Wales civil partnership” has the same meaning as in section 9(7) of the 2013 Act;

“register office” means a register office provided under section 10 of the Registration Service Act 1953⁽⁷⁾;

“registration authority” has the same meaning as in section 28 of the 2004 Act;

“registration district” means a registration district within the meaning of section 5 of the Registration Service Act 1953⁽⁸⁾.

Procedures for conversion of civil partnership

3.—(1) The parties to a civil partnership may apply to convert their civil partnership into a marriage in accordance with, as applicable—

- (a) the standard procedure (regulation 8);
- (b) the procedure for housebound persons (regulation 9);
- (c) the procedure for detained persons (regulation 10); or
- (d) the special procedure (which is for cases where a person is seriously ill and is not expected to recover) (regulation 11).

(2) No religious service is to be used at a conversion.

Conversion of civil partnership into marriage

4.—(1) The parties to a civil partnership will have converted their civil partnership into a marriage when—

- (a) they have completed the applicable procedure mentioned in regulation 3(1)(a) to (d);
- (b) at the invitation of the superintendent registrar, and in the presence of the superintendent registrar and of each other, each of them has signed a declaration (the “conversion declaration”) containing the details and declarations referred to in paragraph (2); and
- (c) the superintendent registrar has signed the conversion declaration in accordance with paragraph (3).

(2) The conversion declaration must contain—

(4) [S.I. 2005/2761](#). Article 16 was amended by article 4(a) of [S.I. 2012/3063](#).

(5) [S.I. 2005/3188](#).

(6) [S.I. 1959/406](#). Article 2(2) was amended by article 2(3) of [S.I. 2005/3186](#).

(7) [1953 c. 37](#); section 10(1) and (3) was amended by section 251 of, and paragraph 41 of Schedule 29 to, the Local Government Act 1972 (c. 70).

(8) Section 5(1) was amended by section 251 of, and paragraph 41 of Schedule 29 to, the Local Government Act 1972 (c. 70).

- (a) the following details pertaining to each of the parties—
 - (i) forenames;
 - (ii) surname;
 - (iii) date of birth;
 - (iv) sex;
 - (v) rank or profession;
 - (vi) address; and
 - (vii) subject to paragraph (4), father’s forenames, surname, and rank or profession;
 - (b) the date and place of the formation of the civil partnership;
 - (c) a declaration in the following terms: “I solemnly and sincerely declare that we are in a civil partnership with each other and I know of no legal reason why we may not convert our civil partnership into a marriage. I understand that on signing this document we will be converting our civil partnership into a marriage and you will thereby become my lawful wife [*or husband*]”; and
 - (d) a declaration that the party believes all of the information and evidence given for the purposes of the conversion declaration is true.
- (3) After the conversion declaration has been signed under paragraph (1)(b), it must also be signed, in the presence of the parties, by the superintendent registrar.
- (4) Paragraph (2)(a)(vii), and regulation 6(1)(d)(vi) must be complied with as follows—
- (a) if the father of either party is deceased, the superintendent registrar must enter the word “deceased” after the father’s surname;
 - (b) if either party wishes to record a step-father’s name instead of the father’s name, the superintendent registrar must enter the word “step-father” after the surname, provided he is or has been married to the mother.

Verification and amendment of contents of conversion declaration

5.—(1) Before the conversion declaration is signed under regulation 4(1)(b), the superintendent registrar must confirm with the parties that the information entered on the declaration is complete and correct and if it is not, amend it as necessary.

(2) Any amendment of the information on the conversion declaration must be initialled by the party to whom that information relates.

(3) Where either of the parties sign the conversion declaration by making a mark or by signing in characters other than those used in the English or Welsh languages, the superintendent registrar must enter against the mark or signature the words “The mark (or signature) of...” inserting the forenames and surname of the party.

Duty to register conversion

6.—(1) As soon as practicable after the superintendent registrar has signed the conversion declaration as mentioned in regulation 4(3), the superintendent registrar must register the following details in the conversion register—

- (a) the date of the conversion;
- (b) the date from which the marriage is to be treated as having subsisted by virtue of section 9(6) of the 2013 Act (the date on which the civil partnership was formed);
- (c) the condition of each of the parties, which is to be registered as ‘civil partner’;

(d) the following details pertaining to each of the parties—

- (i) forenames;
- (ii) surname;
- (iii) age;
- (iv) rank or profession;
- (v) address; and
- (vi) subject to regulation 4(4), father’s forenames, surname, and rank or profession.

(2) The parties to the conversion are entitled, at the time the conversion takes place, to apply for a certified copy of the entry relating to it in the conversion register on payment, to the superintendent registrar, of a fee of £4.00.

(3) A superintendent registrar must not register any conversion to which he or she is a party.

Completion of declaration and registration in Welsh

7. The conversion declaration and the conversion register must be completed in English, and may also be completed in Welsh if—

- (a) the civil partners both so elect, and provide the required details in both languages;
- (b) the conversion takes place in Wales; and
- (c) the superintendent registrar by whom the conversion is completed can understand and write Welsh.

Standard procedure for conversion

8.—(1) A conversion in accordance with the standard procedure must take place at a register office.

(2) For two people to convert their civil partnership into a marriage in accordance with the standard procedure, they must—

- (a) attend together in person before the superintendent registrar of a registration district;
- (b) give the superintendent registrar the details required to complete the conversion declaration;
- (c) provide the superintendent registrar with the evidence specified in Schedule 1 relating to—
 - (i) the name, address and date of birth of each of the civil partners; and
 - (ii) the formation of their civil partnership; and
- (d) subject to regulation 12, pay to the superintendent registrar the fee of £45.00.

(3) A superintendent registrar may interview each of the persons seeking to convert a civil partnership into a marriage individually.

Procedure for housebound persons

9.—(1) This regulation applies if two people wish to convert their civil partnership into a marriage at the place where one of them is housebound.

(2) A person is housebound at any place if, in relation to that person, a statement is made by a registered medical practitioner that, in his or her opinion—

- (a) because of illness or disability, that person ought not to move or be moved from the place where he or she is at the time the statement is made; and

- (b) it is likely to be the case for at least the following three months that because of the illness or disability that person ought not to move or be moved from that place.
- (3) The procedure under which the two people concerned may convert their civil partnership into a marriage is the same as the standard procedure, except that—
 - (a) the details required to complete the conversion declaration must be accompanied by a statement made under paragraph (2) (a “medical statement”), which must have been made not more than 14 days before the day on which the medical statement is received by the superintendent registrar;
 - (b) the superintendent registrar may attend the civil partners together at the place at which one of the civil partners is housebound in order to convert the civil partnership;
 - (c) if the conversion does not take place within three months after the date on which the medical statement was made, the superintendent registrar may require the civil partners to provide a new medical statement before any conversion in accordance with the procedure for housebound persons;
 - (d) the fact that the superintendent registrar has received the medical statement must be recorded in the conversion register; and
 - (e) subject to regulation 12, the civil partners must pay to the superintendent registrar the fee of £99.00, and the fee referred to in regulation 8(2)(d) does not apply.
- (4) A medical statement may not be made in relation to a person who is detained as described in regulation 10.

Procedure for detained persons

- 10.**—(1) This regulation applies if two people wish to convert their civil partnership into a marriage at the place where one of them is detained.
- (2) “Detained” means detained—
 - (a) as a patient in a hospital (but otherwise than by virtue of section 2, 4, 5, 35, 36 or 136 of the Mental Health Act 1983⁽⁹⁾ (short term detentions)), or
 - (b) in a prison or other place to which the Prison Act 1952⁽¹⁰⁾ applies.
 - (3) The procedure under which the two people concerned may convert their civil partnership into a marriage is the same as the standard procedure, except that—
 - (a) the details required to complete the conversion declaration must be accompanied by a supporting statement, which must have been made not more than 21 days before the day on which the supporting statement is received by the superintendent registrar;
 - (b) the superintendent registrar may attend the civil partners together at the place where one of them is detained in order to convert the civil partnership;
 - (c) if the conversion of the civil partnership does not take place within three months after the day on which the supporting statement was made, the superintendent registrar may require the civil partners to provide a new supporting statement before any conversion in accordance with the procedure for persons who are detained;
 - (d) the fact that the superintendent registrar has received the supporting statement must be recorded in the conversion register; and
 - (e) subject to regulation 12, the civil partners must pay to the superintendent registrar the fee of £117.00, and the fee referred to in regulation 8(2)(d) does not apply.

⁽⁹⁾ 1983 c. 20. There are amendments to all sections referred to, none relevant here.

⁽¹⁰⁾ 1952 c. 52.

- (4) A supporting statement, in relation to a detained person, is a statement made by the responsible authority which—
- (a) identifies the establishment where the person is detained; and
 - (b) states that the responsible authority has no objection to the superintendent registrar attending the establishment to convert the person’s civil partnership into a marriage.
- (5) “The responsible authority” means—
- (a) if the person is detained in a hospital, the hospital’s managers;
 - (b) if the person is detained in a prison or other place to which the Prison Act 1952 applies, the governor or other officer for the time being in charge of that prison or other place.
- (6) “Patient” and “hospital” have the same meaning as in Part 2 of the Mental Health Act 1983, and “managers” in relation to a hospital, has the same meaning as in section 145(1) of that Act⁽¹¹⁾.

The special procedure

11.—(1) This regulation applies if two people wish to convert their civil partnership into a marriage under the special procedure, which applies where one of the parties is seriously ill and is not expected to recover.

(2) For two people to convert their civil partnership into a marriage in accordance with the special procedure, one of them must—

- (a) give the superintendent registrar the details required to complete the conversion declaration;
- (b) provide such evidence as the superintendent registrar may require in order to be satisfied—
 - (i) of the name, address and date of birth of each of the civil partners;
 - (ii) of the formation of their civil partnership;
 - (iii) that one of the civil partners—
 - (aa) is seriously ill and is not expected to recover;
 - (bb) cannot be moved to a register office in England and Wales; and
 - (cc) understands the nature and purport of signing the conversion declaration; and
- (c) subject to regulation 12, pay to the superintendent registrar the fee of £15.00.

(3) The certificate of a registered medical practitioner is sufficient evidence of any or all of the matters referred to in paragraph (2)(b)(iii).

(4) The superintendent registrar may attend the civil partners at any place at which the seriously ill party referred to in paragraph (2)(b)(iii) is present in order to convert the civil partnership.

(5) A superintendent registrar may interview each of the persons seeking to convert a civil partnership to marriage individually.

(6) A conversion in accordance with the special procedure must take place within one month of the day on which the requirements set out in paragraph (2) are completed.

(7) The fact that the conversion was carried out in accordance with the special procedure must be recorded in the conversion register.

⁽¹¹⁾ The definition of “managers” in section 145(1) was amended by section 2(1) of, and paragraph 107(14)(b) of Schedule 1 to, the Health Authorities Act 1995 (c. 17); article 3 of, and paragraph 13(13)(ii) of Schedule 1 to, the References to Health Authorities Order 2007 (S.I. 2007/961); section 2 of, and paragraph 70(d) of Schedule 1 to, the National Health Service (Consequential Provisions) Act 2006 (c. 43); and section 55(2) of, and paragraph 31(1)(a) of Schedule 5 to, the Health and Social Care Act 2012 (c. 7).

Conversions for which no fee payable

12. No fee is payable in respect of a conversion where—

- (a) the civil partnership that is to be converted into a marriage was formed before 29th March 2014; and
- (b) the conversion takes place before 10th December 2015.

Verification of information and evidence

13.—(1) A superintendent registrar to whom an application to convert a civil partnership is made under any of the procedures mentioned in regulation 3(1)(a) to (d), may obtain from the persons mentioned in paragraph (2), information for the purposes mentioned in paragraph (3).

(2) The persons from whom information may be obtained are—

- (a) the superintendent registrar of any registration district in England and Wales;
- (b) any registration authority;
- (c) the Registrar General.

(3) The purposes for which information may be obtained are—

- (a) to verify the formation and existence of the civil partnership;
- (b) to verify any of the information and evidence provided by the civil partners.

(4) Nothing in this regulation limits any other power under which information may be disclosed or obtained.

Duty to annotate civil partnership records

14.—(1) As soon as practicable after a conversion is registered in accordance with regulation 6(1), or the Registrar General is notified of a conversion pursuant to any enactment, the Registrar General must ensure that any records of the civil partnership held by the Registrar General (which does not include the indexes made under regulation 13(1) of the Civil Partnership (Registration Provisions) Regulations 2005⁽¹²⁾), are annotated with the date and place of the conversion;

(2) After a conversion is registered in accordance with regulation 6(1), or the Registrar General is notified of a conversion pursuant to any enactment, the Registrar General or a registration authority may not issue any of the certified copies or certified extracts within sub-paragraph (3) relating to a civil partnership that has been converted into a marriage, unless the copies or extracts include the annotation made under paragraph (1).

(3) Sub-paragraph (2) applies to—

- (a) any certified copy or certified extract of an entry in the civil partnership register issued pursuant to regulation 13 of the Civil Partnership (Registration Provisions) Regulations 2005⁽¹³⁾;
- (b) any certified copy or certified extract of an entry in the civil partnership register issued pursuant to regulation 14 of the Civil Partnership (Registration Provisions) Regulations 2005;
- (c) any certified copy of a civil partnership document issued pursuant to article 14(3) of the Civil Partnership (Registration Abroad and Certificates) Order 2005⁽¹⁴⁾.

(12) [S.I. 2005/3176](#).

(13) Regulation 2 of [S.I. 2005/3176](#) provides that “certified copy” means a copy of an entry in the civil partnership register which contains all of the information recorded in that entry; and “certified extract” means a copy of an entry in the civil partnership register which does not include the addresses of the civil partners as recorded in that entry.

(14) [S.I. 2005/2761](#).

The conversion register

15.—(1) The Registrar General must provide a system for keeping any records that relate to conversions and are required by these Regulations to be made (“the conversion register”).

(2) That system may, in particular, enable those records to be kept together with other records kept by the Registrar General.

Searches of indexes of conversion records kept by the Registrar General and issue of copies

16.—(1) The Registrar General must cause indexes of all entries in the conversion register to be made and to be kept in the General Register Office.

(2) Any person is entitled to search the indexes of the conversion register at any time when the General Register Office is open for that purpose, and to have a certified copy of any entry in the conversion register, on payment to the Registrar General of the fee of £9.25.

(3) The Registrar General must cause all certified copies given in the General Register Office to be sealed or stamped with the seal of that Office.

(4) Any certified copy stamped with the seal of the General Register Office is to be received in evidence of the marriage to which it relates without any further proof of the entry.

(5) No certified copy purporting to have been given by the General Register Office is to be of any force or effect unless it is sealed or stamped in accordance with paragraph (3).

(6) For the purpose of discharging the duty in paragraph (1), and the duty in section 65(1) of the 1949 Act⁽¹⁵⁾ (duty to keep an index of certified copies of entries in marriage register books), the Registrar General may keep a joint index of entries in the conversion register and certified copies of entries in marriage register books.

Searches of indexes of conversion records kept by the superintendent registrar and issue of copies

17.—(1) Every superintendent registrar must cause indexes of entries in the conversion register relating to all conversions registered in the superintendent registrar’s registration district to be made and to be kept with other records in the register office.

(2) Any person is entitled at any time when the register office is required to be open for the transaction of public business to search the indexes, and to have a certified copy of any entry in the conversion register, on payment to the superintendent registrar of the fee of £10.00.

(3) The superintendent registrar must sign all certified copies given in accordance with paragraph (2).

(4) Any certified copy signed by the superintendent registrar is to be received in evidence of the marriage to which it relates without any further proof of the entry.

(5) No certified copy purporting to have been given by the superintendent registrar is to be of any force or effect unless it is signed in accordance with paragraph (3).

(6) For the purpose of discharging the duty in paragraph (1), and the duty in section 64(1) of the 1949 Act⁽¹⁶⁾ (duty to keep an index of certified copies of entries in marriage register books), the superintendent registrar may keep a joint index of entries in the conversion register and certified copies of entries in marriage register books.

⁽¹⁵⁾ 1949 c. 76. There are amendments to section 65(2) and (4), not relevant here.

⁽¹⁶⁾ 1949 c. 76. There are amendments to section 64(2), not relevant here.

Retention of documents relating to conversions

18. A superintendent registrar must—

- (a) forward the conversion declarations to the Registrar General at such time as the Registrar General may require;
- (b) retain all other information and any medical or supporting statements provided to or obtained by the superintendent registrar in connection with a conversion, or proposed conversion, for a minimum period of 5 years.

Duties of the superintendent registrar

19.—(1) A superintendent registrar must immediately report any offence, or suspected offence, under the Perjury Act 1911⁽¹⁷⁾ or the Forgery and Counterfeiting Act 1981⁽¹⁸⁾ to the Registrar General in writing and must deliver to the Registrar General such documents in the superintendent registrar's possession relating to the offence as the Registrar General may require.

(2) Nothing in this regulation limits any other power or duty under which offences, or suspected offences may be reported by the superintendent registrar.

Correction of errors generally

20.—(1) An error in the conversion register may only be corrected in accordance with these Regulations if the entry in the conversion register is complete.

(2) For the purpose of these Regulations, an entry in the conversion register is complete when the superintendent registrar has discharged the duty under regulation 6(1) (duty to register conversion).

Correction of errors

21. If—

- (a) one of the parties or a superintendent registrar discovers any error in an entry in the conversion register which is complete, they must report it to the Registrar General giving such information as the Registrar General may require;
- (b) the Registrar General receives from one of the parties or from a superintendent registrar satisfactory evidence relating to an error caused by the superintendent registrar when the information was recorded in the conversion register, the Registrar General may correct it, or may authorise the superintendent registrar to correct it, but the corrected entry is only to show the information as corrected;
- (c) the Registrar General receives from a party or from a superintendent registrar satisfactory evidence relating to an error caused by a party when providing information to the superintendent registrar, the Registrar General may correct it, or may authorise the superintendent registrar to correct it, by making a marginal note to show the correct information, but the original entry must remain unchanged after that correction.

Consequential amendments

22. Schedule 2 (which amends subordinate legislation in consequence of these Regulations) has effect.

(17) 1911 c. 6.

(18) 1981 c. 45.

Draft Legislation: This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 ISBN 978-0-11-112194-8

Date

Name
Minister of State
Home Office

SCHEDULE 1

Regulation 8

1. The evidence which must be provided for the purposes of regulations 8(2)(c)(i), 9 and 10 (evidence of name, address and date of birth of each of the civil partners) is as follows—

- (a) To establish name and date of birth, one of the following documents must be provided:
- (i) United Kingdom birth certificate (together with another piece of specified evidence to establish current name, if changed since birth);
 - (ii) valid passport;
 - (iii) valid EEA identity card;
 - (iv) valid travel document issued in the United Kingdom at the discretion of the Secretary of State to persons who have been formally and, in the view of the Secretary of State, unreasonably, refused a passport by their own authorities and who have—
 - (aa) been granted limited leave to remain or humanitarian protection on rejection of a claim for asylum or for recognition as a stateless person; or
 - (bb) been granted indefinite leave to remain;
 - (v) valid travel document issued in the United Kingdom by the Secretary of State pursuant to Article 28 of the Convention relating to the Status of Refugees done at Geneva on 28th July 1951⁽¹⁹⁾;
 - (vi) valid travel document issued in the United Kingdom by the Secretary of State pursuant to Article 28 of the Stateless Convention;
 - (vii) valid driving licence with photograph (full or provisional issued by the United Kingdom, Isle of Man or Channel Islands);
 - (viii) valid HM Forces identity card issued by the United Kingdom;
 - (ix) valid registration card within the meaning of section 26A(1) of the Immigration Act 1971⁽²⁰⁾;
 - (x) valid biometric immigration document within the meaning of section 5(1)(a) of the UK Borders Act 2007⁽²¹⁾;
 - (xi) if none of the documents listed in (i) to (x) are available, such other document as the Registrar General determines it is reasonable to accept in the particular circumstances of the case.
- (b) To establish address, one of the following documents must be provided:
- (i) utility bill dated no more than three months before the date on which the conversion declaration is made;
 - (ii) bank or building society statement dated no more than one month before the date on which the conversion declaration is made;
 - (iii) council tax bill dated no more than one year before the date on which the conversion declaration is made;
 - (iv) valid United Kingdom driving licence (full or provisional issued by the United Kingdom, Isle of Man or Channel Islands);
 - (v) if none of the documents listed in (i) to (iv) are available, such other document as the Registrar General determines it is reasonable to accept in the particular circumstances of the case.

⁽¹⁹⁾ United Nations, Treaty Series, volume 189 at page 137.

⁽²⁰⁾ 1971 c. 77. Section 26A was inserted by section 148 of the Nationality, Immigration and Asylum Act 2002 (c. 41); and subsection (1) was amended by article 2 of S.I. 2008/1693.

⁽²¹⁾ 2007 c. 30.

(c) In this paragraph—

“claim for asylum” means a claim within the meaning of section 94(1) of the Immigration and Asylum Act 1999⁽²²⁾;

“humanitarian protection” means protection granted in accordance with paragraph 339C of the immigration rules⁽²³⁾;

“immigration rules” means the rules for the time being laid down as mentioned in section 3(2) of the Immigration Act 1971⁽²⁴⁾;

“indefinite leave to remain” means leave to remain in the United Kingdom given in accordance with the provisions of the Immigration Act 1971 or the immigration rules which is not limited as to duration;

“limited leave to remain” means leave to remain in the United Kingdom given in accordance with the provisions of the Immigration Act 1971 or the immigration rules which is limited as to duration;

“Stateless Convention” means the Convention relating to the Status of Stateless Persons done at New York on 28th September 1954⁽²⁵⁾

“stateless person” has the same meaning as in Article 1 of the Stateless Convention;

“travel document” means a document which is not a passport, allowing a person to travel outside the United Kingdom.

2. The evidence which must be provided for the purposes of regulations 8(2)(c)(ii), 9 and 10, to establish the formation of the civil partnership, is a certified copy of the entry in the civil partnership register made on the formation of the civil partnership.

SCHEDULE 2

Regulation 22

Consequential Amendments

1.—(1) The Civil Partnership (Registration Provisions) Regulations 2005⁽²⁶⁾ are amended as follows.

(2) In regulation 15 (access to civil partnership records), before paragraph (6), insert—

“(5A) Where a civil partnership is converted into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013, no certified copy or certified extract of the entry relating to it in the civil partnership register may be issued unless it is annotated in accordance with regulations made under that section.”

2.—(1) The Civil Partnership (Registration Abroad and Certificates) Order 2005⁽²⁷⁾ is amended as follows.

(2) In article 14 (transmission of documents to UK), before paragraph (4), insert—

“(3A) Where a civil partnership is converted into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013, no certified copy of a civil partnership document received by him under paragraph (1) may be issued by the Registrar General for England and Wales unless it is annotated in accordance with regulations made under that section.”

⁽²²⁾ 1999 c. 33.

⁽²³⁾ Laid before Parliament on 23rd May 1994 (HC 395).

⁽²⁴⁾ 1971 c. 77. There are amendments to section 3, not relevant here.

⁽²⁵⁾ United Nations, Treaty Series, volume 360 at page 117.

⁽²⁶⁾ S.I. 2005/3176.

⁽²⁷⁾ S.I. 2005/2761.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations establish the procedure in England and Wales for converting civil partnerships formed under the law of England and Wales into marriages, pursuant to section 9 of the Marriage (Same Sex Couples) Act 2013.

Regulation 4 specifies the point at which a civil partnership is converted into a marriage, and specifies the content of the declaration that the civil partners must make. Regulation 6 requires the superintendent registrar to register specified details in relation to a conversion, and entitles the parties to apply for a certified copy of the register entry at the time the conversion takes place. Regulation 7 enables the declaration and the register entry to be completed in Welsh as well as in English.

Regulations 8-11 set out the different procedures to be followed by those converting their civil partnership at a register office under the standard procedure, those who are housebound or detained, or those who are seriously ill and not expected to recover. Regulation 12 provides that no fee is payable for a conversion where the civil partnership that is to be converted into marriage was formed prior to 29th March 2014 (the first date on which marriages of same sex couples could take place in England and Wales), and the conversion takes place before 10th December 2015.

Regulation 13 gives the superintendent registrar power to verify the information and evidence provided by the civil partners with other superintendent registrars and registration authorities, and with the Registrar General.

Regulation 14 requires the Registrar General to annotate civil partnership records held by him to show the date and place of the conversion. The Registrar General holds the civil partnership register for England and Wales, and also receives copies of consular and armed forces register entries. Once the civil partnership has been converted into marriage, any certified copy or certified extract of the civil partnership register entry issued by the Registrar General must show that the civil partnership has been converted.

Regulation 15 imposes a duty on the Registrar General to establish a register of conversions. Regulations 16 and 17 impose duties on the Registrar General and superintendent registrars respectively to create indexes of conversions, to permit any person to search the indexes and to provide certified copies of entries in the conversion register on payment of a fee.

Regulation 18 provides for the retention of documents relating to conversions. Regulation 19 requires the superintendent registrar to report certain offences to the Registrar General.

Regulations 20 and 21 specify how corrections to the conversion register are to be made.

Schedule 1 lists the evidence that must be provided by the civil partners when seeking to convert their civil partnership into marriage, to verify their names, addresses, dates of birth and the formation of the civil partnership.

Schedule 2 contains amendments to other statutory instruments, in consequence of the duty in regulation 14 to show details of the conversion on certified copies of the civil partnership register entry after the conversion is complete.

A full impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.