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DRAFT STATUTORY INSTRUMENTS

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**2019 No.**

**The Civil Partnership (Opposite-sex Couples) Regulations 2019**

**PART 6**

Miscellaneous amendments

**Limitation of right to convert civil partnership into marriage to same-sex couples**

**37.**—(1) In section 9 of the Marriage (Same Sex Couples) Act 2013<sup>(1)</sup>, after subsection (2) insert—

“(2A) Subsections (1) and (2) apply only where both parties to the civil partnership are of the same sex.”.

(2) In regulation 2 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014<sup>(2)</sup>, in the definition of “civil partnership”, for the words from “is either” to the end substitute—

“—

- (a) is between two people who are of the same sex, and
- (b) is either an England and Wales civil partnership, or a civil partnership within section 9(3) of the 2013 Act;”.

**Registration of civil partnerships abroad**

**38.**—(1) The Civil Partnership (Registration Abroad and Certificates) Order 2005<sup>(3)</sup> is amended as follows.

(2) In article 2<sup>(4)</sup>—

- (a) in paragraph (1), omit the definition of “overseas relationship”;
- (b) omit paragraph (2).

(3) In article 4—

- (a) in paragraph (4), after “Schedule 20 to the Act”<sup>(5)</sup> insert “(as it forms part of the law of the relevant part of the United Kingdom)”;
- (b) after paragraph (4) insert—

“(4A) If the relevant part of the United Kingdom is England and Wales, a country or territory is treated by paragraph (4) as having sufficient facilities only if—

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(1) There are amendments to section 9, but none is relevant to this instrument.  
(2) [S.I. 2014/3181](#).  
(3) [S.I. 2005/2761](#).  
(4) Articles 2 and 4 were amended by [S.I. 2012/3063](#).  
(5) “The Act” is defined in article 2 as the Civil Partnership Act 2004.

- (a) in the case of proposed civil partners who are of the same sex under the law of that country or territory, the country or territory is listed in Part 1 of Schedule 20 to the Act (as it forms part of the law of England and Wales);
  - (b) in the case of proposed civil partners who are of the opposite sex under that law, the country or territory is listed in Part 2 of that Schedule.
- (4B) For the purposes of paragraphs (2)(d) and (4), an “overseas relationship” is a relationship that would be an overseas relationship within the meaning given by section 212 of the Act<sup>(6)</sup> (as it forms part the law of the relevant part of the United Kingdom).”;
- (c) in paragraph (5), for “purpose of paragraph (2)(b) and paragraph (3)” substitute “purposes of this article”.
- (4) In article 17<sup>(7)</sup>—
- (a) after paragraph (1) insert—
    - “(1A) Where the person making the application under paragraph (1) is resident outside the United Kingdom, the person must specify in the application the part of the United Kingdom to which the certificate is to relate.”;
  - (b) after paragraph (5) insert—
    - “(6) In this article—
      - “impediment” means an impediment under the law of the relevant part of the United Kingdom;
      - “overseas relationship” means a relationship that would be an overseas relationship within the meaning given by section 212 of the Act as it forms part of the law of the relevant part of the United Kingdom;
      - “relevant part of the United Kingdom” means—
        - (a) if the person making the application under paragraph (1) is resident within the United Kingdom, the part of the United Kingdom in which the person resides, or
        - (b) if the person making the application under paragraph (1) is resident outside the United Kingdom, the part of the United Kingdom specified under paragraph (1A).”.

### **Recognition of overseas dissolution etc. granted outside country of domicile**

**39.** In section 237 of the Civil Partnership Act 2004<sup>(8)</sup>, in subsection (2)(b)(ii), for “legal relationships between two people of the same sex” substitute “relationships of the sort that the civil partnership in question is (whether generally, between two persons of the same sex, or between two persons of the opposite sex)”.

**40.—**(1) Regulation 3 of the Civil Partnership (Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Legal Separations) (England and Wales and Northern Ireland) Regulations 2005<sup>(9)</sup> is amended as follows.

- (2) In the heading, for “between two people of the same sex” substitute “of the sort in question”.

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<sup>(6)</sup> Section 212 of the Civil Partnership Act 2004 was amended by [S.I. 2014/560](#).

<sup>(7)</sup> Article 17 was amended by [S.I. 2012/3063](#), [2014/1107](#).

<sup>(8)</sup> Section 237 was amended by [S.I. 2010/976](#).

<sup>(9)</sup> [S.I. 2005/3104](#).

(3) In paragraph (2), in the inserted subsection (1A)(c), for “legal relationships between people of the same sex” substitute “the relevant sort of relationship”.

(4) In paragraph (3), in the inserted subsection (2A)(b), for “legal relationships between people of the same sex” substitute “the relevant sort of relationship”.

(5) After paragraph (3) insert—

“(4) After subsection (3) insert—

“(3A) In this section references to “the relevant sort of relationship” are to the sort of relationship that the civil partnership in question is, and include—

- (a) in the case of a relationship between two persons who are of the same sex under the relevant law, reference to that sort of relationship whether generally or between two persons of the same sex;
- (b) in the case of a relationship between two persons who are of the opposite sex under the relevant law, reference to that sort of relationship whether generally or between two persons of the opposite sex.

(3B) In subsection (3A), “the relevant law” means the law in relation to which the question of recognition arises under subsection (1A)(c) or (as the case may be) (2A)(b).”.”.

#### **Consequential and related amendments**

**41.** In Schedule 3—

- (a) Part 1 contains consequential and related amendments of primary legislation;
- (b) Part 2 contains consequential and related amendments of secondary legislation;
- (c) Part 3 contains consequential and related amendments of legislation governing certain pension schemes.