



Civil Partnership Act 2004

2004 CHAPTER 33

PART 2

CIVIL PARTNERSHIP: ENGLAND AND WALES

CHAPTER 1

REGISTRATION

Formation, eligibility and parental etc. consent

2 Formation of civil partnership by registration

- (1) For the purposes of section 1, two people are to be regarded as having registered as civil partners of each other once each of them has signed the civil partnership document—
 - (a) at the invitation of, and in the presence of, a civil partnership registrar, and
 - (b) in the presence of each other and two witnesses.
- (2) Subsection (1) applies regardless of whether subsections (3) and (4) are complied with.
- (3) After the civil partnership document has been signed under subsection (1), it must also be signed, in the presence of the civil partners and each other, by—
 - (a) each of the two witnesses, and
 - (b) the civil partnership registrar.
- (4) After the witnesses and the civil partnership registrar have signed the civil partnership document, the relevant registration authority must ensure that—
 - (a) the fact that the two people have registered as civil partners of each other, and
 - (b) any other information prescribed by regulations,is recorded in the register as soon as is practicable.

Status: Point in time view as at 08/01/2007.

Changes to legislation: Civil Partnership Act 2004, Chapter 1 is up to date with all changes known to be in force on or before 29 May 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)

- (5) No religious service is to be used while the civil partnership registrar is officiating at the signing of a civil partnership document.
- (6) “The civil partnership document” has the meaning given by section 7(1).
- (7) “The relevant registration authority” means the registration authority in whose area the registration takes place.

Commencement Information

- II** S. 2 wholly in force at 5.12.2005; s. 2 not in force at Royal Assent see s. 263; s. 2(4)(b) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1 and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1; s. 2(1)-(3), (4)(a), (5)-(7) in force at 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1

3 Eligibility

- (1) Two people are not eligible to register as civil partners of each other if—
 - (a) they are not of the same sex,
 - (b) either of them is already a civil partner or lawfully married,
 - (c) either of them is under 16, or
 - (d) they are within prohibited degrees of relationship.
- (2) Part 1 of Schedule 1 contains provisions for determining when two people are within prohibited degrees of relationship.

4 Parental etc. consent where proposed civil partner under 18

- (1) The consent of the appropriate persons is required before a child and another person may register as civil partners of each other.
- (2) Part 1 of Schedule 2 contains provisions for determining who are the appropriate persons for the purposes of this section.
- (3) The requirement of consent under subsection (1) does not apply if the child is a surviving civil partner.
- (4) Nothing in this section affects any need to obtain the consent of the High Court before a ward of court and another person may register as civil partners of each other.
- (5) In this Part “child”, except where used to express a relationship, means a person who is under 18.

Registration procedure: general

5 Types of pre-registration procedure

- (1) Two people may register as civil partners of each other under—
 - (a) the standard procedure;
 - (b) the procedure for house-bound persons;
 - (c) the procedure for detained persons;

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- (d) the special procedure (which is for cases where a person is seriously ill and not expected to recover).
- (2) The procedures referred to in subsection (1)(a) to (c) are subject to—
 - (a) section 20 (modified procedures for certain non-residents);
 - (b) Schedule 3 (former spouses one of whom has changed sex).
- (3) The procedures referred to in subsection (1) (including the procedures as modified by section 20 and Schedule 3) are subject to—
 - (a) Part 2 of Schedule 1 (provisions applicable in connection with prohibited degrees of relationship), and
 - (b) Parts 2 and 3 of Schedule 2 (provisions applicable where proposed civil partner is under 18).
- (4) This section is also subject to section 249 and Schedule 23 (immigration control and formation of civil partnerships).

6 Place of registration

- (1) The place at which two people may register as civil partners of each other—
 - (a) must be in England or Wales,
 - (b) must not be in religious premises, and
 - (c) must be specified in the notices, or notice, of proposed civil partnership required by this Chapter.
- (2) “Religious premises” means premises which—
 - (a) are used solely or mainly for religious purposes, or
 - (b) have been so used and have not subsequently been used solely or mainly for other purposes.
- [^{F1}(3) Subsections (3A) and (3B) apply in the case of registration under the standard procedure (including that procedure modified as mentioned in section 5).
- (3A) The place must be—
 - (a) on approved premises, or
 - (b) in a register office.
- (3B) If it is in a register office, the place must be open to any person wishing to attend the registration.
- (3C) In this Chapter “register office” means a register office provided under section 10 of the Registration Service Act 1953.]
- (4) ^{F2}.....
- (5) ^{F2}.....

Textual Amendments

- F1** S. 6(3)-(3C) substituted (5.12.2005) for s. 6(3) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 2(2)** (subject to art. 1(3))
- F2** S. 6(4)(5) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 2(3)** (subject to art. 1(3))

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[^{F3}6A Power to approve premises

- (1) The Chancellor of the Exchequer may by regulations make provision for and in connection with the approval by registration authorities of premises for the purposes of section 6(3A)(a).
- (2) The matters dealt with by regulations may include—
 - (a) the kind of premises in respect of which approvals may be granted;
 - (b) the procedure to be followed in relation to applications for approval;
 - (c) the considerations to be taken into account by a registration authority in determining whether to approve any premises;
 - (d) the duration and renewal of approvals;
 - (e) the conditions that must or may be imposed by a registration authority on granting or renewing an approval;
 - (f) the determination and charging by registration authorities of fees in respect of applications for the approval of premises and in respect of the renewal of approvals;
 - (g) the circumstances in which a registration authority must or may revoke an approval;
 - (h) the review of any decision to refuse an approval or the renewal of an approval, to impose conditions on granting or renewing an approval or to revoke an approval;
 - (i) the notification to the Registrar General of all approvals granted, renewed or revoked;
 - (j) the keeping by registration authorities of registers of approved premises;
 - (k) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (3) Without prejudice to the width of subsection (2)(e), the Chancellor of the Exchequer must exercise his power to provide for the imposition of conditions as mentioned there so as to secure that members of the public are permitted to attend when two people sign the civil partnership schedule on approved premises in accordance with section 6(3A)(a).]

Textual Amendments

F3 S. 6A inserted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, **Sch. para. 3**

7 The civil partnership document

- (1) In this Part “the civil partnership document” means—
 - (a) in relation to the special procedure, a Registrar General’s licence, and
 - (b) in relation to any other procedure, a civil partnership schedule.
- (2) Before two people are entitled to register as civil partners of each other—
 - (a) the civil partnership document must be delivered to the civil partnership registrar, and
 - (b) the civil partnership registrar may then ask them for any information required (under section 2(4)) to be recorded in the register.

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The standard procedure

8 Notice of proposed civil partnership and declaration

- [^{F4}(1) For two people to register as civil partners of each other under the standard procedure a notice of proposed civil partnership must be given—
- (a) if the proposed civil partners have resided in the area of the same registration authority for the period of 7 days immediately before the giving of the notice, by each of them to that registration authority;
 - (b) if the proposed civil partners have not resided in the area of the same registration authority for that period, by each of them to the registration authority in whose area he or she has resided for that period.]
- (2) A notice of proposed civil partnership must contain such information as may be prescribed by regulations.
- (3) A notice of proposed civil partnership must also include the necessary declaration, made and signed by the person giving the notice—
- (a) at the time when the notice is given, and
 - (b) in the presence of an authorised person;
- and the authorised person must attest the declaration by adding his name, description and place of residence.
- (4) The necessary declaration is a solemn declaration in writing—
- (a) that the proposed civil partner believes that there is no impediment of kindred or affinity or other lawful hindrance to the formation of the civil partnership;
 - [^{F5}(b) that the proposed civil partners have for the period of 7 days immediately before the giving of the notice had their usual places of residence in the area of the registration authority, or in the areas of the registration authorities, to which notice is given.]
- (5) Where a notice of proposed civil partnership is given to a registration authority in accordance with this section, the registration authority must ensure that the following information is recorded in the register as soon as possible—
- (a) the fact that the notice has been given and the information in it;
 - (b) the fact that the authorised person has attested the declaration.
- (6) “Authorised person” means an employee or officer or other person provided by a registration authority who is authorised by that authority to attest notices of proposed civil partnership.
- (7) For the purposes of this Chapter, a notice of proposed civil partnership is recorded when subsection (5) is complied with.

Textual Amendments

- F4** S. 8(1) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 4(2)** (subject to art. 1(3))
- F5** S. 8(4)(b) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 4(3)** (subject to art. 1(3))

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Commencement Information

- I2** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 263; s. 8(2) in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and otherwise 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#); s. 8(3) - (7) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#); s. 8(1) never in force;

9 Power to require evidence of name etc.

- (1) The registration authority to which a notice of proposed civil partnership is given may require the person giving the notice to provide it with specified evidence—
 - (a) relating to that person, or
 - (b) if the registration authority considers that the circumstances are exceptional, relating not only to that person but also to that person’s proposed civil partner.
- (2) Such a requirement may be imposed at any time before the registration authority issues the civil partnership schedule under section 14.
- (3) “Specified evidence”, in relation to a person, means such evidence as may be specified in guidance issued by the Registrar General—
 - (a) of the person’s name and surname,
 - (b) of the person’s age,
 - (c) as to whether the person has previously formed a civil partnership or a marriage and, if so, as to the ending of the civil partnership or marriage, ^[F6]and
 - (d) of the person’s nationality, ^{F7} . . .
 - (e) ^{F7}

Textual Amendments

- F6** Word in s. 9(3)(c) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), [art. 3](#), [Sch. para. 5\(2\)](#) (subject to [art. 1\(3\)](#))
- F7** S. 9(3)(e) and word omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), [art. 3](#), [Sch. para. 5\(3\)](#) (subject to [art. 1\(3\)](#))

10 Proposed civil partnership to be publicised

- (1) Where a notice of proposed civil partnership has been given to a registration authority, ^[F8]the registration authority must keep the relevant information on public display during the waiting period.]
- (2) “The relevant information” means—
 - (a) the name of the person giving the notice,
 - (b) the name of that person’s proposed civil partner, and
 - (c) such other information ^[F9]included in the notice of proposed civil partnership] as may be prescribed by regulations.
- ^[F10](3) All information that a registration authority is required for the time being to keep on public display under subsection (1) must be kept on display by it at one register office provided for a district within its area.]

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Textual Amendments

- F8** Words in s. 10(1) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 6(2)** (subject to art. 1(3))
- F9** Words in s. 10(2)(c) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 6(3)** (subject to art. 1(3))
- F10** S. 10(3) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 6(4)** (subject to art. 1(3))

Commencement Information

- I3** S. 10 wholly in force at 5.12.2005; s. 10 not in force at Royal Assent see s. 263; s. 10(2)(c) in force at 15.4.2005 for certain purposes by [S.I. 2005/1112](#), **art. 2**, **Sch. 1**; s. 10 in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), **art. 2(1)**, **Sch. 1**

11 Meaning of “the waiting period”

In this Chapter “the waiting period”, in relation to a notice of proposed civil partnership, means the period—

- (a) beginning the day after the notice is recorded, and
- (b) subject to section 12, ending at the end of the period of 15 days beginning with that day.

12 Power to shorten the waiting period

- (1) If the Registrar General, on an application being made to him, is satisfied that there are compelling reasons because of the exceptional circumstances of the case for shortening the period of 15 days mentioned in section 11(b), he may shorten it to such period as he considers appropriate.
- (2) Regulations may make provision with respect to the making, and granting, of applications under subsection (1).
- (3) Regulations under subsection (2) may provide for—
 - (a) the power conferred by subsection (1) to be exercised by a registration authority on behalf of the Registrar General in such classes of case as are prescribed by the regulations;
 - (b) the making of an appeal to the Registrar General against a decision taken by a registration authority in accordance with regulations made by virtue of paragraph (a).

Commencement Information

- I4** S. 12 wholly in force at 5.12.2005; s. 12 not in force at Royal Assent see s. 263; s. 12(2) in force at 15.4.2005 by [S.I. 2005/1112](#), **art. 2**, **Sch. 1**; s. 12(1)(3) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), **art. 2(1)**, **Sch. 1**

13 Objection to proposed civil partnership

- (1) Any person may object to the issue of a civil partnership schedule under section 14 by giving any registration authority notice of his objection.

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- (2) A notice of objection must—
 - (a) state the objector’s place of residence and the ground of objection, and
 - (b) be signed by or on behalf of the objector.
- (3) If a notice of objection is given to a registration authority, it must ensure that the fact that it has been given and the information in it are recorded in the register as soon as possible.

14 Issue of civil partnership schedule

- (1) As soon as the waiting period in relation to each notice of proposed civil partnership has expired, the registration authority in whose area it is proposed that the registration take place is under a duty, at the request of one or both of the proposed civil partners, to issue a document to be known as a “civil partnership schedule”.
- (2) Regulations may make provision as to the contents of a civil partnership schedule.
- (3) The duty in subsection (1) does not apply if the registration authority is not satisfied that there is no lawful impediment to the formation of the civil partnership.
- (4) If an objection to the issue of the civil partnership schedule has been recorded in the register, no civil partnership schedule is to be issued until—
 - (a) the relevant registration authority has investigated the objection and is satisfied that the objection ought not to obstruct the issue of the civil partnership schedule, or
 - (b) the objection has been withdrawn by the person who made it.
- (5) “The relevant registration authority” means the authority which first records that a notice of proposed civil partnership has been given by one of the proposed civil partners.

Commencement Information

- I5** S. 14 wholly in force at 5.12.2005; s. 14 not in force at Royal Assent see s. 263; s. 14(2) in force at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#); s. 14(1)(3)-(5) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

15 Appeal against refusal to issue civil partnership schedule

- (1) If the registration authority refuses to issue a civil partnership schedule—
 - (a) because an objection to its issue has been made under section 13, or
 - (b) in reliance on section 14(3),
 either of the proposed civil partners may appeal to the Registrar General.
- (2) On an appeal under this section the Registrar General must either confirm the refusal or direct that a civil partnership schedule be issued.

16 Frivolous objections and representations: liability for costs etc.

- (1) Subsection (3) applies if—
 - (a) a person objects to the issue of a civil partnership schedule, but

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- (b) the Registrar General declares that the grounds on which the objection is made are frivolous and ought not to obstruct the issue of the civil partnership schedule.
- (2) Subsection (3) also applies if—
 - (a) in reliance on section 14(3), the registration authority refuses to issue a civil partnership schedule as a result of a representation made to it, and
 - (b) on an appeal under section 15 against the refusal, the Registrar General declares that the representation is frivolous and ought not to obstruct the issue of the civil partnership schedule.
- (3) The person who made the objection or representation is liable for—
 - (a) the costs of the proceedings before the Registrar General, and
 - (b) damages recoverable by the proposed civil partner to whom the objection or representation relates.
- (4) For the purpose of enabling any person to recover any such costs and damages, a copy of a declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has made the declaration.

17 Period during which registration may take place

- (1) The proposed civil partners may not register as civil partners of each other on the production of the civil partnership schedule until the waiting period in relation to each notice of proposed civil partnership has expired.
- (2) Subject to subsection (1), under the standard procedure, they may register as civil partners by signing the civil partnership schedule ^{F11}on any day in the applicable period between 8 o'clock in the morning and 6 o'clock in the evening].
- (3) If they do not register as civil partners by signing the civil partnership schedule before the end of the applicable period—
 - (a) the notices of proposed civil partnership and the civil partnership schedule are void, and
 - (b) no civil partnership registrar may officiate at the signing of the civil partnership schedule by them.
- (4) The applicable period, in relation to two people registering as civil partners of each other, is the period of 12 months beginning with—
 - (a) the day on which the notices of proposed civil partnership are recorded, or
 - (b) if the notices are not recorded on the same day, the earlier of those days.

Textual Amendments

- F11** Words in s. 17(2) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 7** (subject to art. 1(3))

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The procedures for house-bound and detained persons

18 House-bound persons

- (1) This section applies if two people wish to register as civil partners of each other at the place where one of them is house-bound.
- (2) A person is house-bound at any place if, in relation to that person, a statement is made by a registered medical practitioner that, in his opinion—
 - (a) because of illness or disability, that person ought not to move or be moved from the place where he is at the time when the statement is made, and
 - (b) it is likely to be the case for at least the following 3 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 register as civil partners of each other is the same as the standard procedure, except that—
 - (a) each notice of proposed civil partnership must be accompanied by a statement under subsection (2) (“a medical statement”), which must have been made not more than 14 days before the day on which the notice is recorded,
 - (b) the fact that the registration authority to whom the notice is given has received the medical statement must be recorded in the register, and
 - (c) the applicable period (for the purposes of section 17) is the period of 3 months beginning with—
 - (i) the day on which the notices of proposed civil partnership are recorded, or
 - (ii) if the notices are not recorded on the same day, the earlier of those days.
- (4) A medical statement must contain such information and must be made in such manner as may be prescribed by regulations.
- (5) A medical statement may not be made in relation to a person who is detained as described in section 19(2).
- (6) For the purposes of this Chapter, a person in relation to whom a medical statement is made is to be treated, if he would not otherwise be so treated, as resident and usually resident at the place where he is for the time being.

Commencement Information

- I6** S. 18 wholly in force at 5.12.2005; s. 18 not in force at Royal Assent see s. 263; s. 18(4) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1 and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1; s. 18(1)-(3)(5)(6) in force at 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1

19 Detained persons

- (1) This section applies if two people wish to register as civil partners of each other at the place where one of them is detained.
- (2) “Detained” means detained—

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- (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 (c. 20) (short term detentions)), or
 - (b) in a prison or other place to which the Prison Act 1952 (c. 52) applies.
- (3) The procedure under which the two people concerned may register as civil partners of each other is the same as the standard procedure, except that—
- (a) each notice of proposed civil partnership must be accompanied by a supporting statement, which must have been made not more than 21 days before the day on which the notice is recorded,
 - (b) the fact that the registration authority to whom the notice is given has received the supporting statement must be recorded in the register, and
 - (c) the applicable period (for the purposes of section 17) is the period of 3 months beginning with—
 - (i) the day on which the notices of proposed civil partnership are recorded, or
 - (ii) if the notices are not recorded on the same day, the earlier of those days.
- (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 that establishment being specified in a notice of proposed civil partnership as the place at which the person is to register as a civil partner.
- (5) A supporting statement must contain such information and must be made in such manner as may be prescribed by regulations.
- (6) “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 1952 Act applies, the governor or other officer for the time being in charge of that prison or other place.
- (7) “Patient” and “hospital” have the same meaning as in Part 2 of the 1983 Act and “managers”, in relation to a hospital, has the same meaning as in section 145(1) of the 1983 Act.
- (8) For the purposes of this Chapter, a detained person is to be treated, if he would not otherwise be so treated, as resident and usually resident at the place where he is for the time being.

Commencement Information

- I7** S. 19 wholly in force at 5.12.2005; s. 19 not in force at Royal Assent see s. 263; s. 19(5) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1 and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1; s. 19(1)-(4)(6)-(8) in force at 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1

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Modified procedures for certain non-residents

20 Modified procedures for certain non-residents

- (1) Subsection (5) applies in the following [^{F12}two] cases.
- (2) The first is where—
 - (a) two people wish to register as civil partners of each other in England and Wales, and
 - (b) one of them (“A”) resides in Scotland and the other (“B”) resides in England or Wales.
- (3) ^{F13}
- (4) The [^{F14}second] is where—
 - (a) two people wish to register as civil partners of each other in England and Wales, and
 - (b) one of them (“A”) is [^{F15}an officer, seaman or marine borne on the books of one of Her Majesty's ships at sea.] and the other (“B”) resides in England or Wales.
- (5) For the purposes of the standard procedure, the procedure for house-bound persons and the procedure for detained persons—
 - (a) A is not required to give a notice of proposed civil partnership under this Chapter;
 - [^{F16}(b) B may make the necessary declaration without reference to A's usual place of residence for any period;]
 - (c) the waiting period is calculated by reference to the day on which B's notice is recorded;
 - (d) the civil partnership schedule is not to be issued by a registration authority unless A or B produces to that registration authority a certificate of no impediment issued to A under the relevant provision;
 - (e) the applicable period is calculated by reference to the day on which B's notice is recorded and, where the standard procedure is used in the [^{F17}first case], is the period of 3 months beginning with that day;
 - (f) section 31 applies as if in subsections (1)(a) and (2)(c) for “each notice” there were substituted “ B's notice ”.
- (6) “The relevant provision” means—
 - (a) if A resides in Scotland, section 97;
 - (b) ^{F18}
 - (c) if A is [^{F19}an officer, seaman or marine borne on the books of one of Her Majesty's ships at sea], section 239.
- (7) ^{F20}

Textual Amendments

F12 Word in s. 20(1) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(2)** (subject to art. 1(3))

F13 S. 20(3) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(3)** (subject to art. 1(3))

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- F14** Word in s. 20(4) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(4)(a)** (subject to art. 1(3))
- F15** Words in s. 20(4) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(4)(b)** (subject to art. 1(3))
- F16** S. 20(5)(b) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(5)(a)** (subject to art. 1(3))
- F17** Words in s. 20(5)(e) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(5)(b)** (subject to art. 1(3))
- F18** S. 20(6)(b) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(6)(a)** (subject to art. 1(3))
- F19** Words in s. 20(6)(c) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(6)(b)** (subject to art. 1(3))
- F20** S. 20(7) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 8(7)** (subject to art. 1(3))

The special procedure

21 Notice of proposed civil partnership

- (1) For two people to register as civil partners of each other under the special procedure, one of them must—
 - (a) give a notice of proposed civil partnership to the registration authority for the area in which it is proposed that the registration take place, and
 - (b) comply with any requirement made under section 22.
- (2) The notice must contain such information as may be prescribed by regulations.
- (3) Subsections (3) to (6) of section 8 (necessary declaration etc.), apart from paragraph (b) of subsection (4), apply for the purposes of this section as they apply for the purposes of that section.

Commencement Information

- I8** S. 21 wholly in force at 5.12.2005; s. 21 not in force at Royal Assent see s. 263; s. 21(2) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, **art. 2, Sch. 1** and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3175, **art. 2(1), Sch. 1**; s. 21(1)(3) in force at 5.12.2005 insofar as not already in force by S.I. 2005/3175, **art. 2(1), Sch. 1**

22 Evidence to be produced

- (1) The person giving a notice of proposed civil partnership to a registration authority under the special procedure must produce to the authority such evidence as the Registrar General may require to satisfy him—
 - (a) that there is no lawful impediment to the formation of the civil partnership,
 - (b) that the conditions in subsection (2) are met, and
 - (c) that there is sufficient reason why a licence should be granted.
- [^{F21}(2) The conditions are that one of the proposed civil partners—
 - (a) is seriously ill and not expected to recover,

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- (b) cannot be moved to a place where they could be registered as civil partners of each other under the standard procedure, and
 - (c) understands the nature and purport of signing a Registrar General's licence.]
- (3) The certificate of a registered medical practitioner is sufficient evidence of any or all of the matters referred to in subsection (2).

Textual Amendments

F21 S. 22(2) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 9** (subject to art. 1(3))

23 Application to be reported to Registrar General

On receiving a notice of proposed civil partnership under section 21 and any evidence under section 22, the registration authority must—

- (a) inform the Registrar General, and
- (b) comply with any directions the Registrar General may give for verifying the evidence given.

24 Objection to issue of Registrar General's licence

- (1) Any person may object to the Registrar General giving authority for the issue of his licence by giving the Registrar General or any registration authority notice of his objection.
- (2) A notice of objection must—
 - (a) state the objector's place of residence and the ground of objection, and
 - (b) be signed by or on behalf of the objector.
- (3) If a notice of objection is given to a registration authority, it must ensure that the fact that it has been given and the information in it are recorded in the register as soon as possible.

25 Issue of Registrar General's licence

- (1) This section applies where a notice of proposed civil partnership is given to a registration authority under section 21.
- (2) The registration authority may issue a Registrar General's licence if, and only if, given authority to do so by the Registrar General.
- (3) The Registrar General—
 - (a) may not give his authority unless he is satisfied that one of the proposed civil partners is seriously ill and not expected to recover, but
 - (b) if so satisfied, must give his authority unless a lawful impediment to the issue of his licence has been shown to his satisfaction to exist.
- (4) A licence under this section must state that it is issued on the authority of the Registrar General.

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- (5) Regulations may (subject to subsection (4)) make provision as to the contents of a licence under this section.
- (6) If an objection has been made to the Registrar General giving authority for the issue of his licence, he is not to give that authority until—
 - (a) he has investigated the objection and decided whether it ought to obstruct the issue of his licence, or
 - (b) the objection has been withdrawn by the person who made it.
- (7) Any decision of the Registrar General under subsection (6)(a) is final.

Commencement Information

- 19** [S. 25](#) wholly in force at 5.12.2005; [s. 25](#) not in force at Royal Assent see [s. 263](#); [s. 25\(5\)](#) in force at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#); [s. 25\(1\)-\(4\)\(6\)\(7\)](#) in force at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

26 Frivolous objections: liability for costs

- (1) This section applies if—
 - (a) a person objects to the Registrar General giving authority for the issue of his licence, but
 - (b) the Registrar General declares that the grounds on which the objection is made are frivolous and ought not to obstruct the issue of his licence.
- (2) The person who made the objection is liable for—
 - (a) the costs of the proceedings before the Registrar General, and
 - (b) damages recoverable by the proposed civil partner to whom the objection relates.
- (3) For the purpose of enabling any person to recover any such costs and damages, a copy of a declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has made the declaration.

27 Period during which registration may take place

- (1) If a Registrar General's licence has been issued under section 25, the proposed civil partners may register as civil partners by signing it at any time within 1 month from the day on which the notice of proposed civil partnership was given.
- (2) If they do not register as civil partners by signing the licence within the 1 month period—
 - (a) the notice of proposed civil partnership and the licence are void, and
 - (b) no civil partnership registrar may officiate at the signing of the licence by them.

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Supplementary

28 Registration authorities

In this Chapter “registration authority” means—

- (a) in relation to England, a county council, the council of any district comprised in an area for which there is no county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council.

29 Civil partnership registrars

- (1) A civil partnership registrar is an individual who is designated by a registration authority as a civil partnership registrar for its area.
- (2) It is the duty of each registration authority to ensure that there is a sufficient number of civil partnership registrars for its area to carry out in that area the functions of civil partnership registrars.
- (3) Each registration authority must inform the Registrar General as soon as is practicable—
 - (a) of any designation it has made of a person as a civil partnership registrar, and
 - (b) of the ending of any such designation.
- (4) ^{F22}

Textual Amendments

F22 S. 29(4) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 10** (subject to art. 1(3))

30 The Registrar General and the register

- (1) In this Chapter “the Registrar General” means the Registrar General for England and Wales.
- (2) The Registrar General must provide a system for keeping any records that relate to civil partnerships and are required by this Chapter to be made.
- (3) The system may, in particular, enable those records to be kept together with other records kept by the Registrar General.
- (4) In this Chapter “the register” means the system for keeping records provided under subsection (2).

31 Offences relating to civil partnership schedule

- (1) A person commits an offence if he issues a civil partnership schedule knowing that he does so—
 - (a) before the waiting period in relation to each notice of proposed civil partnership has expired,
 - (b) after the end of the applicable period, or

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- (c) at a time when its issue has been forbidden under Schedule 2 by a person entitled to forbid its issue.
- (2) A person commits an offence if, in his actual or purported capacity as a civil partnership registrar, he officiates at the signing of a civil partnership schedule by proposed civil partners knowing that he does so—
- (a) at a place other than the place specified in the notices of proposed civil partnership and the civil partnership schedule,
- [^{F23}(aa) on premises that are not approved premises although the signing is purportedly in accordance with section 6(3A)(a),
- (ab) at any other time other than between 8 o'clock in the morning and 6 o'clock in the evening,]
- (b) in the absence of a civil partnership registrar,
- (c) before the waiting period in relation to each notice of proposed civil partnership has expired, or
- (d) even though the civil partnership is void under section 49(b) or (c).
- (3) A person guilty of an offence under subsection (1) or [^{F24}(2)(a), (aa), (b), (c) or (d)] is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine (or both).
- [^{F25}(3A) A person guilty of an offence under subsection (2)(ab) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or to a fine or both.]
- (4) A prosecution under this section may not be commenced more than 3 years after the commission of the offence.

Textual Amendments

- F23** S. 31(2)(aa)(ab) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 11(2)** (subject to art. 1(3))
- F24** Words in s. 31(3) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 11(3)** (subject to art. 1(3))
- F25** S. 31(3A) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 11(4)** (subject to art. 1(3))

32 Offences relating to Registrar General's licence

- (1) A person commits an offence if—
- (a) he gives information by way of evidence in response to a requirement under section 22(1), knowing that the information is false;
- (b) he gives a certificate as provided for by section 22(3), knowing that the certificate is false.
- (2) A person commits an offence if, in his actual or purported capacity as a civil partnership registrar, he officiates at the signing of a Registrar General's licence by proposed civil partners knowing that he does so—
- (a) at a place other than the place specified in the licence,
- (b) in the absence of a civil partnership registrar,
- (c) after the end of 1 month from the day on which the notice of proposed civil partnership was given, or

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- (d) even though the civil partnership is void under section 49(b) or (c).
- (3) A person guilty of an offence under subsection (1) or (2) is liable—
 - (a) on conviction on indictment, to imprisonment not exceeding 3 years or to a fine (or both);
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (4) A prosecution under this section may not be commenced more than 3 years after the commission of the offence.

33 Offences relating to the recording of civil partnerships

- (1) A civil partnership registrar commits an offence if he refuses or fails to comply with the provisions of this Chapter or of any regulations made under section 36.
- (2) A civil partnership registrar guilty of an offence under subsection (1) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both);
 - (b) on summary conviction, to a fine not exceeding the statutory maximum; and on conviction shall cease to be a civil partnership registrar.
- (3) A person commits an offence if—
 - (a) under arrangements made by a registration authority for the purposes of section 2(4), he is under a duty to record information required to be recorded under section 2(4), but
 - (b) he refuses or without reasonable cause omits to do so.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person commits an offence if he records in the register information relating to the formation of a civil partnership by the signing of a civil partnership schedule, knowing that the civil partnership is void under section 49(b) or (c).
- (6) A person guilty of an offence under subsection (5) is liable on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both).
- (7) A person commits an offence if he records in the register information relating to the formation of a civil partnership by the signing of a Registrar General's licence, knowing that the civil partnership is void under section 49(b) or (c).
- (8) A person guilty of an offence under subsection (7) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine (or both);
 - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (9) A prosecution under subsection (5) or (7) may not be commenced more than 3 years after the commission of the offence.

34 Fees

- (1) The Chancellor of the Exchequer may by order provide for fees, of such amounts as may be specified in the order, to be payable to such persons as may be prescribed by the order in respect of—

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- (a) the giving of a notice of proposed civil partnership and the attestation of the necessary declaration;
 - (b) the making of an application under section 12(1) (application to reduce waiting period);
 - (c) the issue of a Registrar General's licence;
 - (d) the attendance of the civil partnership registrar when two people sign the civil partnership document;
 - (e) such other services provided in connection with civil partnerships either by registration authorities or by or on behalf of the Registrar General as may be prescribed by the order.
- (2) The Registrar General may remit the fee for the issue of his licence in whole or in part in any case where it appears to him that the payment of the fee would cause hardship to the proposed civil partners.
- [^{F26}(3) Where a civil partnership registrar for any area attends when two people sign the civil partnership schedule on approved premises, in accordance with section 6(3A)(a)—
- (a) subsection (1)(d) does not apply, but
 - (b) the registration authority for that area is entitled from those people a fee of an amount determined by the authority in accordance with regulations under section 6A.]

Textual Amendments

F26 S. 34(3) inserted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, **Sch. para. 12**

Commencement Information

I10 S. 34 wholly in force at 5.12.2005; s. 34 not in force at Royal Assent see [s. 263](#); [s. 34\(1\)](#) in force at 15.4.2005 by [S.I. 2005/1112](#), **art. 2**, **Sch. 1**; [s. 34\(2\)](#) in force at 5.12.2005 by [S.I. 2005/3175](#), **art. 2(1)**, **Sch. 1**

35 Power to assimilate provisions relating to civil registration

- (1) The Chancellor of the Exchequer may by order make—
 - (a) such amendments of this Act as appear to him appropriate for the purpose of assimilating any provision connected with the formation or recording of civil partnerships in England and Wales to any provision made ^{F27} . . . in relation to civil marriage in England and Wales, and
 - (b) such amendments of other enactments and of subordinate legislation as appear to him appropriate in consequence of any amendments made under paragraph (a).
- (2) “Civil marriage” means marriage solemnised otherwise than according to the rites of the Church of England or any other religious usages.
- (3) “Amendment” includes repeal or revocation.
- (4) “Subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

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Textual Amendments

F27 Words in s. 35(1)(a) repealed (8.1.2007) by [Legislative and Regulatory Reform Act 2006 \(c. 51\)](#), ss. 30, 33, [Sch. \(with s. 30\(2\)-\(5\)\)](#)

Modifications etc. (not altering text)

C1 [S. 35\(1\)](#): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 3(1), [Sch. 1 para. 14\(c\)](#) (with art. 4)

36 Regulations and orders

- (1) Regulations may make provision supplementing the provisions of this Chapter.
- (2) Regulations may in particular make provision—
 - (a) relating to the use of Welsh in documents and records relating to civil partnerships;
 - (b) with respect to the retention of documents relating to civil partnerships;
 - (c) prescribing the duties of civil partnership registrars;
 - (d) prescribing the duties of persons in whose presence any declaration is made for the purposes of this Chapter;
 - (e) for the issue by the Registrar General of guidance supplementing any provision made by the regulations.
 - (f) for the issue by registration authorities or the Registrar General of certified copies of entries in the register and for such copies to be received in evidence.
- (3) In this Chapter [^{F28}, except in section 6A,]“regulations” means regulations made by the Registrar General with the approval of the Chancellor of the Exchequer.
- (4) Any power to make regulations or an order under this Chapter is exercisable by statutory instrument.
- (5) A statutory instrument containing [^{F29}regulations under section 6A or] an order under section 34 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) No order may be made under section 35 unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

Textual Amendments

F28 Words in s. 36(3) inserted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, [Sch. para. 13\(2\)](#)

F29 Words in s. 36(5) inserted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, [Sch. para. 13\(3\)](#)

Status:

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