



# 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.

**Changes to legislation:** Civil Partnership Act 2004, Cross Heading: Formation, eligibility and parental etc. consent is up to date with all changes known to be in force on or before 06 April 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

- (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—
  - <sup>F1</sup>(a) .....
  - (b) either of them is already a civil partner or lawfully married,
  - (c) either of them is under [<sup>F2</sup>18], 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.

#### Textual Amendments

- F1** S. 3(1)(a) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), [regs. 1\(2\)](#), [4](#)
- F2** Word in [s. 3\(1\)\(c\)](#) substituted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), [ss. 3\(2\)](#), [7\(1\)](#) (with [s. 8](#)); [S.I. 2023/88](#), [reg. 2](#) (with [regs. 3-17](#))

### <sup>F3</sup>4 Parental etc. consent where proposed civil partner under 18

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#### Textual Amendments

- F3** [S. 4](#) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), [ss. 3\(3\)](#), [7\(1\)](#) (with [s. 8](#)); [S.I. 2023/88](#), [reg. 2](#) (with [regs. 3-17](#))

**Changes to legislation:**

Civil Partnership Act 2004, Cross Heading: Formation, eligibility and parental etc. consent is up to date with all changes known to be in force on or before 06 April 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.

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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\(2\)](#)