



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 1

#### REGISTRATION

#### *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.

*Status: Point in time view as at 05/12/2005.*

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(4) <sup>F1</sup> .....

#### Textual Amendments

**F1** 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
  - (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,
  - [<sup>F2</sup>(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 [<sup>F3</sup>(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).

[<sup>F4</sup>(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.]

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- (4) A prosecution under this section may not be commenced more than 3 years after the commission of the offence.

#### Textual Amendments

- F2** 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))
- F3** 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))
- F4** 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—
- he gives information by way of evidence in response to a requirement under section 22(1), knowing that the information is false;
  - 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—
- at a place other than the place specified in the licence,
  - in the absence of a civil partnership registrar,
  - after the end of 1 month from the day on which the notice of proposed civil partnership was given, or
  - 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—
- on conviction on indictment, to imprisonment not exceeding 3 years or to a fine (or both);
  - 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—
- on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both);
  - 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—

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- (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—
- (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.
- [<sup>F5</sup>(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.]

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### Textual Amendments

- F5** 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

- II** 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 (whether or not under an order under section 1 of the Regulatory Reform Act 2001 (c. 6)) 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).

## 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 [<sup>F6</sup>, 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.

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- (5) A statutory instrument containing [<sup>F7</sup>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.

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#### Textual Amendments

- F6** 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)**
- F7** 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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