
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations establish the procedure 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.

Part 2 of the Regulations governs conversions to be carried out in England and Wales, which may follow one of five different procedures listed in regulation 5. These are the standard procedure, separate procedures for people who are housebound, detained, or seriously ill and not expected to recover, and a ‘two stage’ procedure for those who wish to convert their civil partnership in certain different locations.

Regulation 3 specifies the declarations that civil partners must make, and the point at which a civil partnership is converted into a marriage. Regulation 4 sets out the information that must be supplied by the parties before a conversion.

Regulations 6 to 12 explain the procedural requirements that must be followed by couples seeking to convert their civil partnerships in accordance with one of the procedures listed in regulation 5. Regulations 11 and 12 list the places at which a conversion in accordance with the two stage procedure may take place, and impose additional requirements in the case of conversions which are to take place on religious premises.

Regulation 14 empowers local authorities to provide secular services or ceremonies following conversions.

Regulations 15 and 16 make provision for the waiver and reduction of fees where the civil partnership that is to be converted into a 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). No fee is payable for a conversion that takes place before 10th December 2015 in accordance with the standard procedure, or the procedures for housebound, detained and seriously ill people. The fee for a conversion under the two stage procedure will be reduced by £45 where the conversion takes place before 10th December 2015.

Regulation 18 requires the superintendent registrar to register specified details in relation to a marriage resulting from a conversion, and entitles the parties to a certified copy of the register entry as soon as the conversion has been registered. Regulation 19 enables the declaration and the register entry to be completed in Welsh as well as in English.

Regulation 20 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 21 requires the Registrar General to annotate civil partnership records held by him or her 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 a 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 22 imposes a duty on the Registrar General to establish a register of conversions. Regulations 23 and 24 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.

Status: This is the original version (as it was originally made).

Regulations 27 and 28 specify how corrections to the conversion register are to be made.

Part 3 of the Regulations establishes a procedure for the conversion of civil partnerships by consular registration officers in third countries where that country has given consent for conversions to take place. Regulations 30 and 31 explain the procedure the parties must follow to convert their civil partnership under this Part. Regulation 32 sets out the contents of the conversion declaration which the two parties must sign to convert the civil partnership. This includes a requirement that the parties have been resident for the preceding 28 days in the consular district of the registration officer. This period can be reduced where there is good reason to do so by the Secretary of State in accordance with regulation 34. Regulation 33 makes provision for registers of conversion declarations to be kept, copies to be sent to the Registrar General for England and Wales and for certified copies of entries to be obtained.

Part 4 of these Regulations sets out the procedure to be followed for armed forces conversions overseas, which are those conversions carried out in respect of a couple at least one of whom is a member of Her Majesty's armed forces serving in the country or territory or is a person subject to service discipline or is a child of such a person who lives with them. Regulations 37 and 38 explain the procedure the parties must follow to convert their civil partnership under this Part. Regulation 39 sets out the contents of the conversion declaration which the two parties must sign to convert the civil partnership. No provision is made under Part 4 for the registration of conversions, which will be carried out in accordance with arrangements made under the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957.

Schedule 1 lists the evidence that must be provided by the civil partners when seeking to convert their civil partnership into a marriage under Part 2 of the Regulations, 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 21 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.