
STATUTORY INSTRUMENTS

2019 No. 1458

CIVIL PARTNERSHIP, ENGLAND AND WALES

The Civil Partnership (Opposite-sex Couples) Regulations 2019

Made - - - - 5th November 2019

Coming into force in accordance with regulation 1(2)

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 2(1), (3), (5) and (7) and 5(2), (4) and (5) of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019⁽¹⁾, section 64(1) and (2) of the Human Fertilisation and Embryology Act 2008⁽²⁾, and section 17(2) and (3) of the Marriage (Same Sex Couples) Act 2013⁽³⁾.

The Secretary of State has carried out consultation in accordance with section 2(6) of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019.

The Welsh Ministers have been consulted in accordance with section 64(6) of the Human Fertilisation and Embryology Act 2008⁽⁴⁾.

A draft of this instrument has been laid before, and approved by a resolution of, each House of Parliament in accordance with section 5(7) of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019, section 62(3) of the Human Fertilisation and Embryology Act 2008, and section 18(2) of the Marriage (Same Sex Couples) Act 2013.

PART 1

Introductory provision

Citation and commencement

1.—(1) These Regulations may be cited as the Civil Partnership (Opposite-sex Couples) Regulations 2019.

(2) These Regulations come into force on the later of 2nd December 2019 and the day after the day on which they are made.

(1) 2019 c. 12.

(2) 2008 c. 22.

(3) 2013 c. 30.

(4) Section 64(6) was amended by the Wales Act 2017 (c. 4), Schedule 6, paragraph 72.

Extent

2.—(1) Subject to the following provisions of this regulation, these Regulations extend to England and Wales only.

(2) The following provisions of these Regulations extend to England and Wales, Scotland and Northern Ireland—

- (a) this Part;
- (b) regulations 20, 21 and 22;
- (c) Part 5, except for regulations 25, 32, 33 and 36;
- (d) regulation 38;
- (e) regulation 41.

(3) The following provisions of these Regulations extend to England and Wales and Scotland—

- (a) regulations 10, 11 and 16;
- (b) regulation 25.

(4) Subject to paragraph (5), an amendment contained in Schedule 3 has the same extent as the provision amended (except insofar as the provision extends outside the United Kingdom).

(5) In Schedule 3—

- (a) paragraphs 1, 8, 108, 109, 111(3)(b), 112(3)(b), 113(3)(b) and 114 extend to England and Wales only;
- (b) paragraph 116 extends to England and Wales and Scotland only.

PART 2

Extension of civil partnership to opposite-sex couples in England and Wales

Amendment of definition of civil partnership

3. In section 1(1) of the Civil Partnership Act 2004⁽⁵⁾, in the words before paragraph (a), omit “of the same sex”.

Formation of civil partnerships by opposite-sex couples in England and Wales

4. In section 3(1) of the Civil Partnership Act 2004, omit paragraph (a).

Treatment of opposite-sex overseas relationships as civil partnerships

5.—(1) Part 5 of the Civil Partnership Act 2004 is amended as follows.

(2) In section 212(1)(b), omit sub-paragraph (i) (including the “and”).

(3) In section 213⁽⁶⁾—

(a) in subsection (1), for “by Schedule 20.” substitute—

“—

- (a) in the case of a relationship registered by two people who under the relevant law are of the same sex when the relationship is registered, by Part 1 of Schedule 20,

⁽⁵⁾ 2004 c. 33.

⁽⁶⁾ Section 213 was amended by S.I. 2010/1839.

- (b) in the case of a relationship registered by two people who under the relevant law are not of the same sex when the relationship is registered, by Part 2 of Schedule 20.”;
- (b) in subsection (3), after “this section” insert “amending Part 1 of Schedule 20”.
- (4) In section 215—
 - (a) in subsection (2), for “subsection (3)” substitute “subsections (3) and (5B)”;
 - (b) after subsection (5) insert—
 - “(5A) In the case of a relationship that is—
 - (a) an overseas relationship treated as a civil partnership for the purposes of this Act only as a result of the amendments made by the Civil Partnership (Opposite-sex Couples) Regulations 2019(7) (“the 2019 Regulations”), and
 - (b) registered (under the relevant law) as having been entered into before the 2019 Regulations come into force,subsection (5B) or (as the case may be) subsections (5C) and (5D) apply in place of subsections (3) to (5).
 - (5B) The time when the two people are treated as having formed a civil partnership is the time when the 2019 Regulations come into force.
 - (5C) But if—
 - (a) before the 2019 Regulations come into force, a dissolution or annulment of the overseas relationship was obtained outside the United Kingdom, and
 - (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,subsection (5B) does not apply and subsections (1) and (2) have effect subject to subsection (5D).
 - (5D) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provision except—
 - (a) Schedules 7, 11 and 17 (financial relief in United Kingdom after dissolution or annulment obtained outside the United Kingdom);
 - (b) such provisions as are specified (with or without modifications) in regulations under section 2 or 5 of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019;
 - (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).”;
- (c) in subsection (6), omit “216.”.
- (5) Omit section 216(8).
- (6) In Schedule 20(9)—
 - (a) the existing text becomes Part 1;
 - (b) as the heading of that Part insert “Same-sex relationships”;
 - (c) in that Part, in the words before the table, for “section 213 (meaning of “overseas relationship”)” substitute “section 213(1)(a) (specified relationships between two people of the same sex)”;

(7) [S.I. 2019/1458](#).

(8) Section 216 was amended by [S.I. 2011/1043](#).

(9) Schedule 20 was amended by [S.I. 2005/3129](#), 3135, 2012/2976.

- (d) after that Part insert as Part 2 the provision set out in Schedule 1.

Transitional provision in relation to opposite-sex overseas relationships

6. Schedule 2 contains transitional provision in connection with regulation 5.

PART 3

Religious protection

Approval of religious premises for formation of civil partnership

7. In section 6 of the Civil Partnership Act 2004(10), after subsection (3C) insert—

“(3D) Where, further to regulations under section 6A of this Act or section 2 of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019, an approval of premises for the purposes of subsection (3A)(a) has effect—

- (a) only in relation to civil partnerships formed by two people of the same sex, or
- (b) only in relation to civil partnerships formed by two people of the opposite sex, the premises are “approved premises”, for the purposes of this Part, only in relation to civil partnerships of that sort.”.

- 8.—(1) The Marriages and Civil Partnerships (Approved Premises) Regulations 2005(11) are amended as follows.

- (2) Omit regulation 2B.

- (3) In regulation 2D, after paragraph (7) insert—

“(7A) Consent under this regulation must specify that it is consent to an application for approval in accordance with paragraph (a), (b) or (as the case may be) (c) of regulation 3A(1A).”.

- (4) In regulation 3A, after paragraph (1) insert—

“(1A) The application must state that approval, if granted, is to have effect—

- (a) in relation to civil partnerships generally,
- (b) only in relation to civil partnerships formed by two people of the same sex, or
- (c) only in relation to civil partnerships formed by two people of the opposite sex.”.

- (5) After regulation 6 insert—

“Effect of approval of religious premises

- 6A.—(1) An approval of religious premises has effect—

- (a) in relation to civil partnerships generally;
- (b) only in relation to civil partnerships formed by two people of the same sex; or
- (c) only in relation to civil partnerships formed by two people of the opposite sex.

- (2) Which of sub-paragraphs (a), (b) or (c) of paragraph (1) applies depends on what was stated—

(10) Section 6 was amended by S.I. 2005/2000 and by the Equality Act 2010 (c.15), Schedule 27, paragraph 1.

(11) S.I. 2005/3168, amended by S.I. 2011/2661; there are other amending instruments but none is relevant.

- (a) in the application further to which the approval was granted (in accordance with regulation 3A(1A)), or
 - (b) if the approval has been renewed further to an application made in reliance on regulation 7(7), in the most recent such application.”.
- (6) In regulation 7, after paragraph (6) insert—
- “(7) An application for renewal of an approval of religious premises may state that the approval is to have effect after the renewal (if granted) in accordance with a different sub-paragraph of regulation 6A(1) from that in accordance with which it has effect before the renewal.
- (8) Regulation 2D applies to an application for renewal made in reliance on paragraph (7) as it applies to an application for approval, but as if for paragraph (7A) of that regulation there were substituted—
- “(7A) Consent under this regulation must specify that it is consent to an application for renewal that will result in the approval having effect in accordance with sub-paragraph (a), (b) or (as the case may be) (c) of regulation 6A(1).”.
- (7) In regulation 10(1A), for the words from “that premises” to the end substitute—
- “—
- (a) that premises are religious premises approved for the formation of civil partnerships; and
 - (b) whether the approval of such premises has effect—
 - (i) in relation to civil partnerships generally;
 - (ii) only in relation to civil partnerships formed by two people of the same sex; or
 - (iii) only in relation to civil partnerships formed by two people of the opposite sex.”.
- (8) In the heading of regulation 16, at the end insert “relating to the 1995 Regulations”.
- (9) After regulation 16 insert—

“Transitional provisions relating to the introduction of opposite-sex civil partnership

17.—(1) Any approval of religious premises in force immediately before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force has effect, on and after that date, in accordance with regulation 6A(1)(b) (approval having effect only in relation to same-sex partnerships).

(2) Any application for approval of religious premises made before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force is to be treated, on and after that date (so far as anything remains to be done in relation to it), as having been made in accordance with regulation 3A(1A)(b) (approval sought only in relation to same-sex partnerships).

(3) The holder of an approval of religious premises which, by virtue of paragraph (1) or (2), has effect in accordance with regulation 6A(1)(b) may apply to modify the approval so that it has effect in accordance with sub-paragraph (a) or (c) of regulation 6A(1) instead.

(4) Regulation 2D (required consent) applies to an application under paragraph (3) as it applies to an application for approval of religious premises, but as if for paragraph (7A) of that regulation there were substituted—

“(7A) Consent under this regulation must specify that it is consent to an application for modification that will result in the approval having effect in accordance with sub-paragraph (a) or (as the case may be) (c) of regulation 6A(1).”.

(5) The applicant must deliver to the proper officer of the authority—

- (a) an application in writing, including the name and address of the applicant; and
 - (b) the required consent (or in the case of premises within the meaning of regulation 2D(8), each of the required consents).
- (6) The applicant must provide the authority with such additional information as it may reasonably require in order to determine the application.
- (7) If satisfied that the application has been made in accordance with this regulation, the authority must grant the modification; and if not so satisfied, the authority must refuse the modification.
- (8) A holder of an approval who is aggrieved in relation to a decision under paragraph (7) to refuse a modification may request a review of that decision by delivering a request to the proper officer of the authority.
- (9) On such a review the authority may, acting in accordance with paragraphs (3) to (7), confirm the original decision or substitute a different decision.
- (10) Paragraphs (4) and (6) of regulation 9 apply to a review under paragraph (8) as they apply to a review under that regulation.
- (11) The proper officer must amend the register kept under regulation 10 immediately on the grant of a modification under paragraph (7).
- (12) A modification granted under paragraph (7)—
- (a) results in the approval having effect in accordance with regulation 6A(1)(a) or (as the case may be) (c); but
 - (b) has no effect on the duration of the approval so modified.”.

Protection against compulsion in relation to religious involvement in civil partnership

- 9.—(1) The Civil Partnership Act 2004 is amended as follows.
- (2) In section 6A(12), omit subsection (3A).
 - (3) After section 30 insert—

“Religious involvement: protection against compulsion

30ZA.—(1) A protected person may not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to—

- (a) seek or consent to the approval of religious premises for the purposes of section 6(3A)(a)(13),
- (b) allow religious premises to be used as the place at which two people register as civil partners of each other under this Part, or
- (c) provide, arrange, facilitate, participate in, or be present at—
 - (i) an occasion during which two people register as civil partners of each other on religious premises under this Part, or
 - (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

where the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(12) Section 6A was inserted by S.I. 2005/2000 and amended by S.I. 2008/678 and the Equality Act 2010, section 202(3) and 4.

(13) Section 6(3)-(3C) was substituted for section 6(3) by S.I. 2005/2000.

(2) In this section—

“protected person” means—

- (a) a religious organisation,
- (b) a constituent body or part of a religious organisation, or
- (c) a person acting on behalf of, or under the auspices of, such an organisation, body or part,

but does not include a civil partnership registrar;

“religious premises” has the meaning given by section 6A(3C).”.

10.—(1) The Equality Act 2010(**14**) is amended as follows.

(2) In section 110(**15**), after subsection (5B) insert—

“(5BA) If A is a protected person, A does not contravene this section if A—

- (a) does not allow religious premises to be used as the place at which two people register as civil partners of each other under Part 2 of the Civil Partnership Act 2004 (“the 2004 Act”), or
- (b) does not provide, arrange, facilitate or participate in, or is not present at—
 - (i) an occasion during which two people register as civil partners of each other on religious premises under Part 2 of the 2004 Act, or
 - (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

for the reason that the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(5BB) In subsection (5BA)—

“protected person” has the meaning given by section 30ZA(2) of the 2004 Act;

“religious premises” has the meaning given by section 6A(3C) of the 2004 Act.”.

(3) In Part 6A of Schedule 3(**16**)—

- (a) in the heading, after “Same Sex Couples” insert “and Civil Partnership”;
- (b) after paragraph 25A insert—

“No compulsion for religious organisations or persons acting on their behalf to act in relation to civil partnerships

25AA.—(1) A protected person does not contravene section 29 only because the person—

- (a) does not allow religious premises to be used as the place at which two people register as civil partners of each other under Part 2 of the Civil Partnership Act 2004 (“the 2004 Act”), or
- (b) does not provide, arrange, facilitate or participate in, or is not present at—
 - (i) an occasion during which two people register as civil partners of each other on religious premises under Part 2 of the 2004 Act, or

(14) 2010 c. 15.

(15) Section 110 was amended by the Marriage (Same Sex Couples) Act 2013, section 2(5) and S.I. 2014/3229.

(16) Part 6A was added by the Marriage (Same Sex Couples) Act 2013, section 2(6).

- (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

for the reason that the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(2) An employer or principal does not contravene section 29 only because the employer or principal is treated under section 109 as doing something that does not, by virtue of sub-paragraph (1), amount to a contravention of section 29 by the employee or agent who in fact does it.

- (3) In this paragraph—

“protected person” has the meaning given by section 30ZA(2) of the 2004 Act;

“religious premises” has the meaning given by section 6A(3C) of the 2004 Act(17).”.

Religious employment of persons in same-sex or opposite-sex civil partnerships

11. In Schedule 9 to the Equality Act 2010, in paragraph 2(4)—

- (a) in paragraph (ca)(18), after “married to” insert “, or the civil partner of,”;
- (b) after paragraph (ca) insert—
- “(cb) a requirement not to be the civil partner of a person of the opposite sex;”.

PART 4

Parenthood

Legitimacy of children of civil partners

12.—(1) The Legitimacy Act 1976(19) is amended as follows.

(2) Before section 1(20) insert—

“Legitimacy of children of civil partners

A1.—(1) A child is legitimate by virtue of a civil partnership between the natural parents of the child if, had the civil partnership been a marriage (and all other circumstances were the same), the child would have been legitimate at common law by virtue of the marriage.

(2) The presumption of common law that a child born to a woman during her marriage to a man is also the natural child of her spouse applies equally in relation to a child born to a woman during her civil partnership with a man.”.

(3) In section 1—

- (a) in the heading, “after “void marriages” insert “and civil partnerships”;
- (b) in subsection (1)—
- (i) after “void marriage” insert “or a void civil partnership”;

(17) Section 6A(3C) was added by [S.I. 2005/2000](#).

(18) Paragraph (ca) was added by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 45.

(19) [1976 c. 31](#).

(20) Section 1 was amended by the Family Law Reform Act 1987 ([c. 42](#)), sections 28 and 34; and [S.I. 2014/560](#), 3168.

- (ii) after “celebration of the marriage” insert “, or the formation of the civil partnership,”;
 - (iii) after “that the marriage” insert “or civil partnership”;
 - (c) in subsection (3), after “marriage” insert “or civil partnership”;
 - (d) in subsection (4)—
 - (i) after “a child” insert “of a void marriage”;
 - (ii) after “Family Law Reform Act 1987,” insert “or a child of a void civil partnership (whenever born),”;
 - (iii) after “void marriage” insert “or civil partnership”;
 - (iv) after “celebration of the marriage” insert “, or the formation of the civil partnership,”;
 - (v) after “that the marriage” insert “or civil partnership”.
 - (4) In section 2(21)—
 - (a) in the heading, after “marriage” insert “or civil partnership”;
 - (b) after “marry” insert “or become civil partners of”;
 - (c) after “marriage”, in the first place it occurs (after the heading), insert “or civil partnership”;
 - (d) after “date of marriage” insert “or the date of the formation of the civil partnership”;
 - (e) for “date of the marriage” substitute “that date”.
 - (5) In section 3(22), in subsection (1)—
 - (a) after “marry” insert “or become civil partners of”;
 - (b) after “marriage”, in each place it occurs, insert “or civil partnership”.
 - (6) In Schedule 1—
 - (a) in paragraph 4, after sub-paragraph (3) insert—

“(4) Section 1 does not affect any matter referred to in sub-paragraph (2) or (3) so far as it applies to a child of a void civil partnership.”;
 - (b) after paragraph 5 insert—

“**5A.** Nothing in this Act, except for section 2A, legitimates a person born before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force by virtue of a civil partnership formed by the person’s parents before that date.”.
- 13.—**(1) The Family Law Reform Act 1987(23) is amended as follows.
- (2) In section 1(24)—
 - (a) in subsection (2), in paragraphs (a) and (b), after “married to” insert “, or civil partners of,”;
 - (b) after subsection (4) insert—

“(4A) Subsection (4B) applies to a person—

 - (a) who was born before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force;
 - (b) whose parents formed a civil partnership before that date; and

(21) Section 2 was amended by [S.I. 2014/560](#).

(22) Section 3 was amended by the Human Fertilisation and Embryology Act 2008 (c. 22), Schedule 6, paragraph 17 and [S.I. 2014/560](#).

(23) [1987 c. 42](#).

(24) Section 1 was amended by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraph 51; the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 24; and [S.I. 2014/560](#).

(c) who does not fall within subsection (3)(ba) or (bb).

(4B) A reference falling within subsection (2)(a) or (b) above does not include or (as the case may be) exclude the person by virtue of that civil partnership.”;

(c) omit subsections (5) to (8).

(3) In section 18, in subsection (2), after “married to” insert “, or civil partners of.”.

(4) In section 21, in subsection (1)(a), after “married to” insert “, or civil partners of.”.

14.—(1) In section 50 of the Human Fertilisation and Embryology Act 2008(**25**), omit subsection (2).

(2) The repeal of that subsection does not affect the status of any person born before the date on which these Regulations come into force who was treated as legitimate by virtue of that subsection (but is not so treated by virtue of section 1 of the Legitimacy Act 1976 as amended by these Regulations).

Parental responsibility of civil partners

15.—(1) The Children Act 1989(**26**) is amended as follows.

(2) In section 2(**27**), in subsections (1), (2) and (3), after “married to” insert “, or civil partners of.”.

(3) In section 4, in subsection (1), in the words before paragraph (a)(**28**), after “married to” insert “, or civil partners of.”.

(4) In section 105, in subsection (2), after “married to” insert “, or civil partners of.”.

Parental status of civil partners in cases of assisted reproduction

16.—(1) The Human Fertilisation and Embryology Act 2008 is amended as follows.

(2) In section 35(**29**)—

(a) in the heading, after “married to” insert “, or civil partner of.”;

(b) in subsection (1)—

(i) in paragraph (a), after “marriage with a man” insert “or a civil partnership with a man”;

(ii) in paragraph (b) and in the words after that paragraph, after “marriage” insert “or civil partnership”.

(3) In section 38(2)—

(a) after “common law” insert “or section A1(2) of the Legitimacy Act 1976(**30**)”;

(b) after “marriage” insert “or civil partnership”.

(4) In section 40(**31**)—

(a) in the heading, for “husband etc” substitute “male spouse, civil partner or intended parent”;

(b) in subsection (1)—

(25) 2008 c. 22.

(26) 1989 c. 41.

(27) Section 2 was amended by the Adoption and Children Act 2002, section 111(5); and the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 26.

(28) Section 4(1)(a) was substituted by the Adoption and Children Act 2002, section 111(2).

(29) Section 35 was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 38, and by [S.I. 2014/3229](#).

(30) 1976 c. 31. Section A1 is inserted by [S.I. 2019/1458](#).

(31) Section 40(1) was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 39 and by [S.I. 2014/3229](#).

- (i) in paragraph (b), after “marriage with a man” insert “or a civil partnership with a man”;
 - (ii) in paragraphs (c), (d) and (e), after “marriage” insert “or civil partnership”.
- (5) In section 42(1)(**32**), after “a civil partnership” insert “with another woman”.
- (6) In section 45(2)—
- (a) after “common law” insert “or section A1(2) of the Legitimacy Act 1976”;
 - (b) after “marriage” insert “or civil partnership”.
- (7) In section 46(**33**)—
- (a) in the heading, for “civil partner or wife or intended female parent” substitute “female spouse, civil partner or intended parent”;
 - (b) in subsection (1)(b), for “or marriage with another woman” substitute “with a woman or a marriage with a woman”.
- (8) In section 48(6)(b), after “party to a” insert “marriage or”.

Registration of birth of children of civil partners

- 17.**—(1) The Births and Deaths Registration Act 1953(**34**) is amended as follows.
- (2) In section 10(**35**)—
- (a) in the heading, omit “where parents not married”, in the first place it occurs;
 - (b) in subsection (1), in the words before paragraph (a), after “married to” insert “, or civil partners of,”;
 - (c) in subsection (2), in the words before paragraph (a), after “married to” insert “, or civil partners of,”;
 - (d) in subsection (3), after “married to” insert “, or civil partners of,”.
- (3) In section 10A(**36**), in subsection (1), in the words before paragraph (a), after “married to” insert “, or civil partners of,”.
- 18.**—(1) The Registration of Births and Deaths Regulations 1987(**37**) are amended as follows.
- (2) In regulation 9, in paragraph (7)(**38**)—
- (a) omit sub-paragraph (a) (including the final “or”);
 - (b) in sub-paragraph (b), after “with, the” insert “father or”.
- (3) In the heading of Part 4, after “married to” insert “, or civil partners of,”.
- (4) In regulation 19, in paragraph (b)(ii)(**39**)—
- (a) omit “her marriage to the father, or”;
 - (b) after “with, the” insert “father or”.

(32) Section 42(1) was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 40 and by [S.I. 2014/3229](#).

(33) Section 46 was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 41 and by [S.I. 2014/3229](#).

(34) [1953 c. 20](#).

(35) Section 10 was substituted by the Family Law Reform Act 1987, section 24; relevant amendments were made by the Children Act 1989, Schedule 12, paragraph 6(4); the Adoption and Children Act 2002, Schedule 3, paragraph 6(c); the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 ([c. 24](#)), Schedule 1, paragraph 2; the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 5(2); and [S.I. 2014/560](#).

(36) Section 10A was substituted by the Family Law Reform Act 1987, section 25; subsection (1) was amended by the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 7.

(37) [S.I. 1987/2088](#).

(38) Regulation 9(7) was amended by [S.I. 2014/107](#), 3061.

(39) Regulation 19(b)(ii) was amended by [S.I. 2014/107](#).

19.—(1) Schedule 6 to the Welfare Reform Act 2009⁽⁴⁰⁾ (which makes amendments in relation to the registration of births that are not yet in force) is amended as follows.

(2) In paragraph 2⁽⁴¹⁾—

(a) in sub-paragraph (2), in the substituted paragraph (aa)—

(i) in sub-paragraph (i), after “married to” insert “, or civil partners of,”;

(ii) in sub-paragraph (ii), omit “where parents not married”;

(b) in sub-paragraph (4), in the inserted subsection (4), after “married to”, in both places it occurs, insert “, or civil partners of,”.

(3) In paragraph 3—

(a) in sub-paragraph (2), after “married to” insert “, or civil partners of,”;

(b) in sub-paragraph (4), after “married” insert “or civil partners”.

(4) In paragraph 4—

(a) in the inserted section 2A—

(i) in the heading, after “married” insert “or civil partners”;

(ii) in subsection (1), in the words before paragraph (a), after “married to” insert “, or civil partners of,”;

(b) in the inserted section 2B—

(i) in the heading, for “unmarried mother” substitute “mother not married or a civil partner”;

(ii) in subsection (1), after “married” insert “or civil partners”;

(c) in the inserted section 2D—

(i) in subsection (1), in the words before paragraph (a), after “married to” insert “, or civil partners of,”;

(ii) in subsection (3), after “married to” insert “, or civil partners of,”.

(5) In paragraph 10, in sub-paragraph (2), in the inserted subsection (3A), for “unmarried mother” substitute “mother not married or a civil partner”.

(6) In paragraph 11—

(a) in sub-paragraph (1)—

(i) omit “where parents not married”;

(ii) after “parents not” (in the remaining place it occurs) insert “married or”;

(b) in sub-paragraph (2)(a), after “married to” insert “, or civil partners of,”.

(7) In paragraph 13—

(a) in the inserted section 10B, in subsection (2)(a), after “married to” insert “, or civil partners of,”;

(b) in the inserted section 10C, in subsection (2)(a), after “married to” insert “, or civil partners of,”.

(8) In paragraph 19, in the inserted subsection (1A), for “unmarried mother” substitute “mother not married or a civil partner”.

⁽⁴⁰⁾ 2009 c. 24.

⁽⁴¹⁾ Schedule 6, paragraph 2 was amended by S.I. 2014/560.

20. In section 5 of the Registration of Births, Deaths and Marriages Act (Special Provisions) Act 1957(42)—

- (a) in subsection (1), in the words after paragraph (b) (but before the proviso), after “subsequent marriage” insert “or civil partnership”;
- (b) in subsection (2), after “marriage”, in both places it occurs, insert “or formation of the civil partnership”;
- (c) omit subsection (3)(b).

21. In article 3A of the Service Departments Registers Order 1959(43)—

- (a) in paragraph (1), in the words before sub-paragraph (a), after “married to” insert “, or civil partners of,”;
- (b) in paragraph (3), in the words before sub-paragraph (a), after “married to” insert “, or civil partners of,”.
- (c) in paragraph (4), after “married to” insert “, or civil partners of,”;

Status of male civil partners as fathers for purposes of nationality law

22. In section 50(9A)(a) of the British Nationality Act 1981(44), after “husband” insert “or male civil partner”.

PART 5

Gender recognition

Gender Recognition Act 2004 amended

23. The Gender Recognition Act 2004(45) is amended as set out in regulations 24 to 34.

Ordinary applications: evidence about civil partnership

24.—(1) Section 3 is amended as follows.

(2) After subsection (6A)(46) insert—

“(6AA) If the applicant is a civil partner, an application under section 1(1) must include a statutory declaration as to whether the civil partnership is a civil partnership under the law of England and Wales, of Scotland, or of Northern Ireland, or is an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004.”.

(3) In subsection (6B)—

- (a) in the words before paragraph (a)—
 - (i) after “married” insert “or a civil partner”;
 - (ii) after “the marriage” insert “or civil partnership”;
 - (iii) after “protected marriage” insert “or a protected civil partnership”;

(42) 1957 c. 58. Section 5 was amended by the Armed Forces Act 2006 (c. 52), Schedule 16, paragraph 42; the Human Fertilisation and Embryology Act 2008, Schedule 6, para 12; and S.I. 2014/560.

(43) S.I. 1959/406. Article 3A was inserted by S.I. 2007/908, and amended by S.I. 2009/1736.

(44) 1981 c. 61. Section 50(9)-(9C) was substituted by the Nationality, Immigration and Asylum Act 2002 (c. 41), section 9(1).

(45) 2004 c. 7.

(46) Section 3(6A)-(6C) was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 2.

- (b) in paragraph (a)—
 - (i) after “spouse”, where it first occurs, insert “or civil partner”;
 - (ii) after “spouse”, in both remaining places it occurs, insert “or partner”;
 - (iii) after “marriage” insert “or partnership”;
- (c) in paragraph (b), after “spouse” insert “or civil partner”.
- (4) In subsection (6C)—
 - (a) after “spouse”, where it first occurs, insert “or civil partner”;
 - (b) after “spouse”, in the remaining place it occurs, insert “or partner”.

Applications on alternative ground: evidence about civil partnership

- 25.**—(1) Section 3B(47) is amended as follows.
- (2) After subsection (7) insert—

“(7A) If the applicant is a civil partner, the application must include a statutory declaration as to whether the civil partnership is a civil partnership under the law of England and Wales, of Scotland, or of Northern Ireland, or is an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004.”.
 - (3) In subsection (8)—
 - (a) in the words before paragraph (a)—
 - (i) after “married” insert “or a civil partner”;
 - (ii) after “the marriage” insert “or civil partnership”;
 - (iii) after “protected marriage” insert “or a protected civil partnership”;
 - (b) in paragraph (a)—
 - (i) after “spouse”, where it first occurs, insert “or civil partner”;
 - (ii) after “spouse”, in the remaining place it occurs, insert “or partner”;
 - (c) in paragraph (b), after “spouse” insert “or civil partner”.
 - (4) In subsection (9)—
 - (a) after “spouse”, where it first occurs, insert “or civil partner”;
 - (b) after “spouse”, in the remaining place it occurs, insert “or partner”.

Grant of full gender recognition certificate to one civil partner with consent of other partner

- 26.**—(1) Section 4(48) is amended as follows.
- (2) In subsection (2)(c), for the words from “the Panel” to the end substitute “the applicant’s civil partner consents to the civil partnership continuing after the issue of a full gender recognition certificate.”
 - (3) In subsection (3)—
 - (a) in paragraph (c), for the words from “has not made” to the end substitute “does not consent to the civil partnership continuing after the issue of a full gender recognition certificate, or”;
 - (b) omit paragraph (d) (including the final “or”).

(47) Section 3B was added by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 19.

(48) Section 4(2) to (3B) was substituted for section 4(2) and (3) by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 3.

- (4) In subsection (3A)—
 - (a) after “protected marriage” insert “or a protected civil partnership”;
 - (b) after “spouse” insert “or civil partner”.
- (5) Omit subsection (3B).

Grant of full certificate where other civil partner consents after interim certificate issued

- 27. In the italic heading before section 4A, after “married” insert “or a civil partner”.
- 28.—(1) Section 4A(49) is amended as follows.
 - (2) In the heading, after “Married person” insert “or civil partner”.
 - (3) In subsection (1), for “in either of the following cases” substitute “if subsection (2) applies”.
 - (4) In subsection (2)—
 - (a) in the words before paragraph (a), for “Case A is where” substitute “This subsection applies if”;
 - (b) in paragraph (b), after “protected marriage” insert “or a protected civil partnership”;
 - (c) in paragraph (c), after “protected marriage” insert “or a protected civil partnership”;
 - (d) in paragraph (d)—
 - (i) after “spouse” insert “or civil partner”;
 - (ii) after “marriage” insert “or civil partnership”.
 - (5) Omit subsection (3).
 - (6) In subsection (4), omit “or (3)”.
 - (7) Omit subsection (6).
 - (8) In subsection (7)—
 - (a) omit “or (3)”;
 - (b) after “spouse” insert “or civil partner”.
 - (9) Omit subsection (8).
 - (10) In subsection (9)—
 - (a) for “this section” substitute “subsection (2)”;
 - (b) after “spouse” insert “or civil partner”.
 - (11) Omit subsection (10).

Grant of full gender recognition certificate after death of civil partner while section 4A application pending

- 29.—(1) Section 4B(50) is amended as follows.
 - (2) In the heading, after “spouse” insert “or civil partner”.
 - (3) In subsection (1)—
 - (a) in the words before paragraph (a)—
 - (i) omit “or (3)”;
 - (ii) after “spouse” insert “or civil partner”;

(49) Section 4A was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 4.

(50) Section 4B was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 4.

- (b) in paragraph (a), after “has died” insert “or under section 5A(2) in a case where a civil partner has died”.
- (4) In subsection (3)—
 - (a) in the definition of “new application”, after “section 5(2)” insert “or (as the case may be) section 5A(2)”;
 - (b) in the definition of “required evidence”, after “section 5(4)” insert “or (as the case may be) section 5A(4)”.

Removal of requirement for both civil partners to obtain full gender recognition certificate

- 30.** Omit section 5B(51).

Applications by civil partners to quash certificates secured by fraud

- 31.** In section 8(5A)(52), after “spouse” insert “or civil partner”.

Continuity of civil partnership on change of gender

- 32.** For section 11B(53) substitute—

“Change in gender of civil partner

11B.—(1) This section applies in relation to a protected civil partnership if (by virtue of section 4(2)(c) or 4A) a full gender recognition certificate is issued to a party to the partnership.

(2) The continuity of the protected civil partnership is not affected by the relevant change in gender.

(3) If the protected civil partnership is a protected overseas relationship—

- (a) the continuity of the civil partnership continues by virtue of subsection (2) notwithstanding any impediment under the relevant law;
- (b) the relevant law is not affected by the continuation of the civil partnership by virtue of subsection (2).

(4) In this section—

“impediment” means anything which would affect the continuation of the overseas relationship merely by virtue of the relevant change in gender;

“relevant change in gender” means the change or changes in gender occurring by virtue of the issue of the full gender recognition certificate or certificates;

“relevant law”, in relation to the protected overseas relationship in question, has the same meaning as in Chapter 2 of Part 5 of the Civil Partnership Act 2004.”.

Amendment of definition relating to civil partnership to include overseas relationships

- 33.** In section 25(54), in the definition of “protected civil partnership”, for the words from “means” to the end substitute—

(51) Section 5B was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 5.

(52) Section 8(5A) was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 8(c).

(53) Section 11B was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 11.

(54) The definition of “protected civil partnership” was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 14(a).

“means—

- (a) a civil partnership under the law of England or Wales, or
- (b) an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004,

and “protected overseas relationship” means a protected civil partnership within paragraph (b),”.

Regulations about registration of civil partnership following a change of gender by either party

34. In Schedule 3, in paragraph 11A(3)(55), in the definition of “qualifying civil partnership”, for “each” substitute “one, or each,”.

Transitional provision about applications

35.—(1) This regulation applies where—

- (a) an application under section 1 or 4A(56) of the Gender Recognition Act 2004 (“the Act”) has been received by the Gender Recognition Panel (“the Panel”) before the date on which these Regulations come into force, and
- (b) the Panel has not, before that date, granted or rejected the application.

(2) Paragraphs (3) and (4) apply if it appears to the Panel that the outcome of the application may be different if the application were dealt with in accordance with the Act as amended by this Part.

(3) The Panel must—

- (a) inform the applicant of the difference of outcome that appears possible,
- (b) ask the applicant if he or she wishes for the application to be dealt with in accordance with the Act as amended by this Part, and
- (c) give the applicant a reasonable opportunity to provide any further information that would be required for the application to be so dealt with.

(4) If the applicant—

- (a) expresses a wish for the application to be dealt with in accordance with the Act as amended by this Part, and
- (b) duly provides any information required under paragraph (3)(c),

the Panel must deal with the application in accordance with the Act as amended by this Part.

(5) If paragraph (4) does not apply, the Panel must continue to deal with the application in accordance with the Act as it would have effect without the amendments made by this Part.

Registration of civil partnership following a change of gender by either party

36.—(1) The Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015(57) are amended as follows.

(2) In regulation 2, after the definition of “civil partnership register entry” insert—

““civil partnership registrar” has the same meaning as in section 29 of the Civil Partnership Act 2004(58);”.

(3) In regulation 16—

(55) Schedule 3, paragraph 11A was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 9(2).

(56) Section 4A was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 4.

(57) S.I. 2015/50.

(58) Section 29 was amended by S.I. 2005/2000.

- (a) in paragraph (1), after “paragraph (2)” insert “and regulations 16A to 16D”;
- (b) in paragraph (2), for “certificates granted to” substitute “certificate, or certificates, granted to one or”.
- (c) in paragraph (4), for “the parties’ civil partnership was” substitute “a civil partnership is registered in the Gender Recognition Civil Partnership Register as having been”;
- (d) after paragraph (4) insert—
 - “(5) In regulations 16A to 16C—
 - (a) references to a register office mean the register office that is agreed between the Registrar General and the parties to the qualifying civil partnership;
 - (b) references to a civil partnership registrar are to a civil partnership registrar in post on the applicable date for the area in which the register office is situated;
 - (c) “applicable date” means the date on which the qualifying civil partnership is recorded in the Gender Recognition Civil Partnership Register as having been formed.”.
- (4) After regulation 16 insert—

“Qualifying civil partnerships of opposite sex couples

16A.—(1) Unless the parties to the qualifying civil partnership specifically request the Registrar General to do so, the Registrar General must not register in the Gender Recognition Civil Partnership Register any of the particulars required by regulation 16(1) if to do so would indicate that a civil partnership was formed by two people of the opposite sex before the date on which the civil partnership could have been formed by virtue of the Civil Partnership (Opposite-sex Couples) Regulations 2019.

(2) If, by virtue of the prohibition in paragraph (1), the Registrar General is unable to register the date on which the qualifying civil partnership was formed, the civil partnership is to be registered as if it had been entered into on the date on which it is registered in the Gender Recognition Civil Partnership Register, and, except as mentioned in paragraphs (3) and (4), the particulars to be recorded (including particulars relating to the civil partnership registrar) must be those applicable on that date.

(3) Where paragraph (2) applies—

- (a) the condition of each of the parties is to be recorded in the Gender Recognition Civil Partnership Register as it was before they formed the civil partnership, in the manner prescribed under section 2(4) of the Civil Partnership Act 2004 on the applicable date (but see regulation 16(2));
- (b) the witnesses to the formation of the civil partnership are to be recorded in the Gender Recognition Civil Partnership Register as they were in the parties’ civil partnership register entry; and
- (c) subject to paragraph (4) and regulations 16B and 16C, the place at which the civil partnership was formed is to be registered in the Gender Recognition Civil Partnership Register as it was in the parties’ civil partnership register entry.

(4) If the place required to be registered under paragraph (3)(c) is a place at which, on the date of registration in the Gender Recognition Civil Partnership Register, the parties’ civil partnership could not be formed under the law of England and Wales, the civil partnership is to be registered as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

(5) Nothing in this regulation affects the continuity of any qualifying civil partnership.

Qualifying civil partnerships registered on religious premises

16B.—(1) The Registrar General must not register in the Gender Recognition Civil Partnership Register any particulars that would indicate that a qualifying civil partnership was formed on religious premises.

(2) Where paragraph (1) applies, the civil partnership is to be registered in the Gender Recognition Civil Partnership Register as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

Qualifying civil partnerships formed outside the United Kingdom

16C.—(1) Unless paragraph (2) applies, the Registrar General must not register in the Gender Recognition Civil Partnership Register any particulars that would indicate that a qualifying civil partnership was formed outside the United Kingdom according to the law of England and Wales.

(2) Paragraph (1) does not apply if the Registrar General is satisfied that the authorities of the country or territory in which the civil partnership was formed would not, on the applicable date, have objected to the formation of a civil partnership in that country or territory between two parties of the respective genders that are to be registered in the Gender Recognition Civil Partnership Register under regulation 16(1) and (2).

(3) Where paragraph (1) applies, the civil partnership is to be registered in the Gender Recognition Civil Partnership Register as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

Power to amend particulars

16D.—(1) The Registrar General may, after consulting the parties to a qualifying civil partnership, amend the particulars required to be registered under these Regulations as the Registrar General considers necessary to ensure that the particulars registered in the Gender Recognition Civil Partnership Register do not disclose that one party has, or both parties have, obtained a gender recognition certificate.

(2) Under paragraph (1), the Registrar General may, in particular, substitute for the name or names of one or both witnesses to the formation of the civil partnership the name or names of one or two other persons who were present at the formation of the civil partnership.”.

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⁽⁵⁹⁾, after subsection (2) insert—

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

(59) There are amendments to section 9, but none is relevant to this instrument.

(2) In regulation 2 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014⁽⁶⁰⁾, 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⁽⁶¹⁾ is amended as follows.

(2) In article 2⁽⁶²⁾—

- (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”⁽⁶³⁾ 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—

- (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⁽⁶⁴⁾ (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⁽⁶⁵⁾—

(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;

⁽⁶⁰⁾ S.I. 2014/3181.

⁽⁶¹⁾ S.I. 2005/2761.

⁽⁶²⁾ Articles 2 and 4 were amended by S.I. 2012/3063.

⁽⁶³⁾ “The Act” is defined in article 2 as the Civil Partnership Act 2004.

⁽⁶⁴⁾ Section 212 of the Civil Partnership Act 2004 was amended by S.I. 2014/560.

⁽⁶⁵⁾ Article 17 was amended by S.I. 2012/3063, 2014/1107.

“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(**66**), 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(**67**) is amended as follows.

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

(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;

(66) Section 237 was amended by [S.I. 2010/976](#).

(67) [S.I. 2005/3104](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) Part 3 contains consequential and related amendments of legislation governing certain pension schemes.

5th November 2019

Liz Truss
Secretary of State for International Trade and
Minister for Women and Equalities
Department for International Trade

SCHEDULE 1

Regulation 5(6)

Specified overseas relationships: opposite-sex relationships

The provision to be inserted as Part 2 of Schedule 20 to the Civil Partnership Act 2004 is as follows—

“PART 2

Opposite-sex relationships

A relationship is specified for the purposes of section 213(1)(b) (specified relationships between two people who are not of the same sex) if it is registered in a country or territory given in the first column of the table and fits the description given in relation to that country or territory in the second column—

<i>Country or territory</i>	<i>Description</i>
Andorra	unió estable de parella
Argentina	unión convivencial
Aruba	geregistreerd partnerschap
Australia: Australian Capital Territory	civil partnership
Australia: New South Wales	a relationship registered under the Relationships Register Act 2010
Australia: Queensland	civil partnership
Australia: South Australia	registered relationship
Australia: Tasmania	significant relationship
Australia: Victoria	registered domestic relationship
Austria	eingetragene Partnerschaft
Belgium	the relationship referred to as cohabitation légale, wettelijke samenwoning or gesetzliches Zusammenwohnen
Bermuda	domestic partnership
Brazil	união estável
Canada: Alberta	adult interdependent partner
Canada: Manitoba	the relationship referred to as common-law relationship or as union de fait
Canada: Nova Scotia	domestic partnership
Canada: Quebec	union civile
Chile	unión civil
Colombia	unión marital de hecho
Cyprus	politiki symviosi
Ecuador	unión de hecho
Estonia	Kooselulepingu

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Country or territory</i>	<i>Description</i>
Falkland Islands	civil partnership
France	pacte civil de solidarité
Gibraltar	civil partnership
Greece	simfono simviosis
Isle of Man	civil partnership
Israel	civil union
Luxembourg	the relationship referred to as partenariat enregistré or eingetragene Partnerschaft
Malta	civil union
Mexico: Campeche	sociedad civil de Convivencia
Mexico: Coahuila	pacto civil de solidaridad
Mexico: Mexico City Federal District	sociedad de convivencia
Mexico: Michoacán	sociedad de Convivencia
Mexico: Tlaxcala	sociedad de convivencia solidaria
Netherlands	geregistreerd partnerschap
New Zealand	civil union
San Marino	unione civile
South Africa	civil partnership
Spain: Balearic Islands	pareja estable
Spain: Basque Country	pareja de hecho
Spain: Galicia	pareja de hecho
United States of America: California	domestic partnership
United States of America: Colorado	civil union
United States of America: District of Columbia	domestic partnership
United States of America: Hawaii	civil union
United States of America: Illinois	civil union
United States of America: Maine	domestic partnership
United States of America: Nevada	domestic partnership
United States of America: New Jersey	domestic partnership
United States of America: Washington	state registered domestic partnership”

SCHEDULE 2

Regulation 6

Transitional provision in relation to opposite-sex overseas relationships

Interpretation

1. In this Schedule—

“the 2004 Act” means the Civil Partnership Act 2004;

“the commencement date” means the date on which these Regulations come into force;

“a relevant pre-commencement relationship” means a relationship that is—

- (a) an overseas relationship treated as a civil partnership for the purposes of the 2004 Act as a result of the amendments made by these Regulations, and
- (b) registered (under the relevant law within the meaning of Chapter 2 of Part 5 of the 2004 Act) as having been entered into before the commencement date.

Requirements as to other relationships in order for pre-commencement relationships to be recognised as civil partnerships

2.—(1) Sub-paragraph (2) applies in relation to a relationship that would, disregarding this paragraph and section 212(1)(b)(ii) of the 2004 Act as it applies without this paragraph, be a relevant pre-commencement relationship.

(2) Section 212(1)(b) of the 2004 Act has effect as if, for sub-paragraph (ii), there were substituted—

“(ii) neither of whom was, when the relationship was registered—

(aa) lawfully married,

(bb) a civil partner, or

(cc) in another relationship registered as mentioned above, which continues to subsist at the time when the Civil Partnership (Opposite-sex Couples) Regulations 2019 come into force and is at that time an overseas relationship treated as a civil partnership for the purposes of this Act, and

(iii) neither of whom is, immediately before the Civil Partnership (Opposite-sex Couples) Regulations 2019 come into force, lawfully married or a civil partner.”

Treatment as civil partnership for certain purposes of relationships terminated before commencement

3. The following provisions are specified for the purposes of section 215(5D)(b) of the 2004 Act (as amended by these Regulations)—

- (a) in the case of a marriage celebrated on or after the commencement date, section 28B(68) of, and Schedule 1(69) to, the Marriage Act 1949;
- (b) in the case of a notice of marriage given on or after the commencement date, section 27 of that Act(70);
- (c) the Inheritance (Provision for Family and Dependants) Act 1975(71);

(68) 1949 c. 76. Section 28B was added by the Immigration Act 2014 (c. 22), paragraph 7 of Schedule 4.

(69) Schedule 1 was amended by the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16), sections 1(4) and (6) and Schedule 1, paragraph 8; by the Civil Partnership Act 2004, Schedule 27, paragraph 17; and by S.I. 2007/438.

(70) Section 27(3) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 14. There are other amendments to the section, not relevant here.

(71) 1975 c. 63.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) the Fatal Accidents Act 1976(72);
- (e) in the case of a bankruptcy where the bankruptcy order was made on or after the commencement date—
 - (i) sections 283A(73), 313(74), 313A(75), 332(76), 335A(77) and 366(78) of the Insolvency Act 1986, and
 - (ii) rules 10.167, 10.168, 10.169 and 10.171 of the Insolvency (England and Wales) Rules 2016(79);
- (f) Schedule 1 to the Children Act 1989(80);
- (g) sections 33(81), 35(82) and 37(83) of, and Schedule 7(84) to, the Family Law Act 1996;
- (h) sections 9(85), 65 and 68 of, and Schedule 1(86) to, the 2004 Act.

Transitional modifications of the Civil Partnership Act 2004 to do with dissolution, financial matters etc.

4.—(1) Section 41 of the 2004 Act applies in relation to a relevant pre-commencement relationship as if, for “formation of the civil partnership”, there were substituted “registration of the relationship”.

(2) Section 65 of the 2004 Act applies to a contribution made by a party to a relevant pre-commencement relationship as if—

- (a) for “a civil partner” there were substituted “a party to the relationship”;
- (b) for “the civil partners”, in each place it occurs, there were substituted “the parties to the relationship”; and
- (c) for “the contributing partner” there were substituted “the contributing party”.

(3) Paragraph 21(2)(d) of Schedule 5 to the 2004 Act (including as it applies by virtue of paragraph 10(3)(a) of Schedule 7 to that Act) applies to an application made in relation to a relevant pre-commencement relationship under Part 1 of Schedule 5 or Part 1 of Schedule 7 to that Act as if, for “the duration of the civil partnership”, there were substituted “the duration of the relationship by virtue of which they are treated as having formed a civil partnership”.

(4) Paragraph 5(2)(d) of Schedule 6 to the 2004 Act applies to an application made in relation to a relevant pre-commencement relationship under Part 1 of that Schedule as if, for “the duration

(72) 1976 c. 30.

(73) Section 283A was added by the Enterprise Act 2002 (c. 40), section 261(1); and amended by the Civil Partnership Act 2004, Schedule 27, paragraph 113.

(74) Section 313(1) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 114. There are other amendments to the section, not relevant here.

(75) Section 313A was added by the Enterprise Act 2002, section 261(3); and amended by the Civil Partnership Act 2004, Schedule 27, paragraph 115.

(76) Section 332(1)(a) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 117. There are other amendments to the section, not relevant here.

(77) Section 335A was added by the Trusts of Land and Appointment of Trustees Act 1996 (c. 47), Schedule 3, paragraph 23; and amended by the Civil Partnership Act 2004, Schedule 27, paragraph 118.

(78) Section 366 was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 120. There are other amendments to the section, not relevant here.

(79) S.I. 2016/1024.

(80) 1989 c. 41. Schedule 1, paragraph 16 was amended by the Civil Partnership Act, section 78(4). There are other amendments to the Schedule, not relevant here.

(81) 1996 c. 27. Section 33 was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 4.

(82) Section 35 was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 6.

(83) Section 37 was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 8.

(84) Schedule 7 was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 16. There are other amendments to the Schedule, not relevant here.

(85) Section 9 was substituted by the Immigration Act 2014, Schedule 4, paragraph 21.

(86) There are amendments to Schedule 1, not relevant here.

of the civil partnership”, there were substituted “the duration of the relationship by virtue of which they are treated as having formed a civil partnership”.

Pre-commencement wills not to be revoked by virtue of recognition of pre-commencement relationships as civil partnerships

5. The formation of a civil partnership treated as having occurred, in relation to a pre-commencement relationship, by section 215(5B) of the 2004 Act (as amended by these Regulations) does not have effect under section 18B of the Wills Act 1837⁽⁸⁷⁾ to revoke a will made before the commencement date.

Disapplication of earlier transitional provision

6.—(1) Article 3 of the Civil Partnership (Treatment of Overseas Relationships) Order 2005⁽⁸⁸⁾ and article 2(1) of the Civil Partnership (Treatment of Overseas Relationships No. 2) Order 2005⁽⁸⁹⁾ do not apply in relation to a relevant pre-commencement relationship.

(2) Article 5 of the Civil Partnership (Treatment of Overseas Relationships) Order 2005 does not apply in relation to a relationship within paragraph 2(1).

SCHEDULE 3

Regulation 41

Consequential and related amendments

PART 1

Primary legislation

Population (Statistics) Act 1938

1. In paragraph 1 of the Schedule to the Population (Statistics) Act 1938⁽⁹⁰⁾—

(a) for sub-paragraphs (c) and (d) substitute—

“(c) where the birth is of a child whose father and mother were married to, or civil partners of, each other at the time of the child’s birth (or a child to whom section 1(3) of the Family Law Reform Act 1987 applies by reason of a marriage or civil partnership between the child’s parents)—

(i) the date of the marriage or formation of the civil partnership, and

(ii) whether before she married, or formed the civil partnership with, the child’s other parent, the mother had been married to, or had formed a civil partnership with, any other person;”;

(b) in sub-paragraph (e), omit “or (d)”.

⁽⁸⁷⁾ 1837 c. 26. Section 18B was added by the Civil Partnership Act 2004, Schedule 4, paragraph 2.

⁽⁸⁸⁾ S.I. 2005/3042.

⁽⁸⁹⁾ S.I. 2005/3284.

⁽⁹⁰⁾ 1938 c. 12. The Schedule was substituted by the Population (Statistics) Act 1960, section 1(2); paragraph 1(c)-(e) was substituted by the Welfare Reform Act 2009, section 56 and Schedule 6, paragraph 20(1)(b), (2); and paragraph 1(d) was substituted by SI 2014/560.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Children and Young Persons Act 1969

2. In section 70 of the Children and Young Persons Act 1969(91)—
- (a) in subsection (1A)(a), after “married to” insert “, or civil partners of,”;
 - (b) in subsection (1B), after “married to” insert “, or civil partners of,”.

Inheritance (Provision for Family and Dependants) Act 1975

3.—(1) The Inheritance (Provision for Family and Dependants) Act 1975(92) is amended as follows.

- (2) In section 1—
- (a) in subsection (1)(ba), omit “or (1B)”;
 - (b) in subsection (1A)(b), for “as the husband or wife of the deceased” substitute “as if that person and the deceased were a married couple or civil partners”;
 - (c) omit subsection (1B).

(3) In section 3(2A)(a), for the words from “as the husband” to the end substitute “in the same household as the deceased as if the applicant and the deceased were a married couple or civil partners”.

Rent (Agriculture) Act 1976

4. In section 4(5A) of the Rent (Agriculture) Act 1976(93), for paragraphs (a) and (b) substitute “a person who was living with the original occupier as if they were a married couple or civil partners shall be treated as the spouse or civil partner of the original occupier;”.

Rent Act 1977

5. In paragraph 2 of Schedule 1 to the Rent Act 1977(94)—
- (a) for sub-paragraph (2) substitute—

“(2) For the purposes of this paragraph, a person who was living with the original tenant as if they were a married couple or civil partners is to be treated as the spouse or civil partner of the original tenant.”;
 - (b) in sub-paragraph (3), for the words from “, or if that person” to the end substitute “or civil partner”.

Interpretation Act 1978

6. In Schedule 1 to the Interpretation Act 1978(95), in the entry headed “Construction of certain references to relationships”, in paragraph (b), after “married to” insert “, or civil partners of,”.

(91) 1969 c. 54. Section 70(1A) and (1B) was inserted by the Family Law Reform Act 1987, sections 8(1) and 33(1), Schedule 2, paragraph 26; and was substituted by the Crime and Disorder Act 1998 (c. 37), section 106, Schedule 7, paragraph 10.

(92) 1975 c. 63. Relevant amendments were made to sections 1 and 3 by the Law Reform Succession Act 1995 (c. 41), section 2; and the Civil Partnership Act 2004, Schedule 4, paragraphs 15 and 18.

(93) 1976 c. 80. Section 4(5A) was inserted by the Housing Act 1988 (c. 50) section 39(4); and substituted by the Civil Partnership Act 2004, Schedule 8, paragraph 10.

(94) 1977 c. 42. Schedule 1, paragraph 2 was substituted by the Housing Act 1980 (c. 51), section 76; paragraph 2(2) was inserted by the Housing Act 1988, section 39, Schedule 4, paragraph 2, and substituted by the Civil Partnership Act 2004, section 81, Schedule 8, paragraph 13.

(95) 1978 c.30. The entry referred to was inserted by the Family Law Reform Act 1987, section 33(1), Schedule 2, paragraph 73.

Pneumoconiosis etc (Workers' Compensation) Act 1979

7. In section 3(2A) of the Pneumoconiosis etc (Workers' Compensation) Act 1979(96), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Mobile Homes Act 1983

8. In section 5(3) of the Mobile Homes Act 1983(97), in the words after paragraph (b), for “as husband and wife or as if they were civil partners” substitute “as if they were a married couple or civil partners”.

Child Abduction Act 1984

9. In each of the following provisions of the Child Abduction Act 1984(98), after “married to” insert “, or civil partners of,”—

- (a) section 1(2)(b);
- (b) section 2(2)(a) and (b) and (3)(a);
- (c) section 3(d).

Housing Act 1985

10.—(1) The Housing Act 1985(99) is amended as follows.

(2) In section 86A(100) (prospectively re-numbered as section 86G)—

(a) for subsection (5) substitute—

“(5) For the purposes of this section, a person who was living with the tenant as if they were a married couple or civil partners is to be treated as the tenant’s spouse or civil partner.”;

(b) in subsection (7), omit the words from “(according to” to “the tenant”.

(3) In section 113(1)(a)(101), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(4) In section 186(1)(a), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(5) In section 325(1), for “husband and wife” substitute “a married couple or civil partners”.

(6) In Part 1 of Schedule 2, in Ground 2A(102)—

- (a) omit “, a couple living together as husband and wife”;
- (b) after “as if they were” insert “a married couple or”.

Landlord and Tenant Act 1987

11. In section 4(5)(a) of the Landlord and Tenant Act 1987(103), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(96) 1979 c. 41. Section 3(2A) was substituted by S.I. 2014/560 and 3229.

(97) 1983 c. 34. Section 5(3) was amended by the Civil Partnership Act 2004, Schedule 27, paragraph 88.

(98) 1984 c. 37. Relevant amendments were made by the Children Act 1989, Schedule 12, paragraphs 37(2), 38(2) and 39.

(99) 1985 c. 68.

(100) Section 86A was inserted by the Localism Act 2011 (c. 20), section 160(1). Amendments (which are not yet in force) were made by the Housing and Planning Act 2016 (c. 22), Schedule 8, paragraph 3.

(101) Sections 113(1)(a) and 186(1)(a) were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 27.

(102) Ground 2A was added by the Housing Act 1996 (c. 52), section 145, and amended by the Civil Partnership Act 2004, Schedule 8, paragraph 33.

(103) 1987 c. 31. Section 4(5)(a) was amended by the Civil Partnership Act 2004, Schedule 8, paragraph 40.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Housing Act 1988

- 12.**—(1) The Housing Act 1988(**104**) is amended as follows.
- (2) In section 17(**105**)—
- (a) for subsection (4) substitute—
- “(4) For the purposes of this section, a person who was living with the tenant as if they were a married couple or civil partners is to be treated as the tenant’s spouse or civil partner.”;
- (b) in subsection (5), for the words from “, or if that person” to the end substitute “or civil partner”.
- (3) In Part 2 of Schedule 2, in Ground 14A(**106**)—
- (a) omit “, a couple living together as husband and wife”;
- (b) after “as if they were” insert “a married couple or”.
- (4) In paragraph 3 of Schedule 3, for sub-paragraph (5) substitute—
- “(5) For the purposes of sub-paragraph (2)(a) above, a person who, immediately before the previous qualifying occupier’s death, was living together with the previous occupier as if they were a married couple or civil partners shall be treated as the widow, widower or surviving civil partner of the previous occupier.”.

Child Support Act 1991

- 13.**—(1) The Child Support Act 1991(**107**) is amended as follows.
- (2) In section 26(2), in Case A1, for paragraph (b) (not including the final “and”) substitute—
- “(b) the Secretary of State is satisfied that the alleged parent is a man who was married to, or the civil partner of, the child’s mother at some time in the period beginning with the conception and ending with the birth of the child;”.
- (3) In section 32L(5)(**108**), after “marriage” insert “or formation of civil partnership”.
- (4) In Schedule 1, in paragraph 10C(5)(b), at the end insert “or civil partners”.

Social Security Contributions and Benefits Act 1992

- 14.**—(1) The Social Security Contributions and Benefits Act 1992(**109**) is amended as follows.
- (2) In each of the following provisions, for “as a married couple” substitute “as if they were a married couple or civil partners”—
- (a) section 37(4)(b)(**110**);
- (b) section 38(3)(c);
- (c) section 39A(5)(b);
- (d) in section 137(1), in the definition of “couple”, paragraph (b);

(104) 1988 c. 50.

(105) Relevant amendments were made to section 17(4) and (5) by the Civil Partnership Act 2004, Schedule 8, paragraph 41 and by [S.I. 2014/560](#).

(106) Ground 14A was added by the Housing Act 1996, section 149. Relevant amendments were made by the Civil Partnership Act 2004, Schedule 8, paragraph 43.

(107) 1991 c. 48. In section 26(2), Case A1 was inserted by the Child Support, Pensions and Social Security Act 2000 (c. 19), section 15(1); and amended by [S.I. 2012/2007](#).

(108) Section 32L was added by the Child Maintenance and Other Payments Act 2008 (c. 6), section 24.

(109) 1992 c. 4.

(110) Sections 37(4)(b), 38(3)(c), 39A(5)(b), the definition of “couple” in section 137(1), and Schedule 7, paragraph 4(3)(a)(ii) were amended by [S.I. 2014/560](#) and [3229](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Pension Schemes Act 1993

17. In section 17(4A)(c)(i) of the Pension Schemes Act 1993(**116**), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Jobseekers Act 1995

18. In section 35(1) of the Jobseekers Act 1995(**117**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Family Law Act 1996

19. In section 62(1)(a) of the Family Law Act 1996(**118**), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Housing Act 1996

20.—(1) The Housing Act 1996(**119**) is amended as follows.

(2) In section 62(1)(a)(**120**), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(3) In section 140(1)(a), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

(4) In section 178(3)(**121**)—

- (a) in the definition of “co-habitants”, for paragraphs (a) and (b) substitute “two people who, although not married to, or civil partners of, each other, are living together as if they were a married couple or civil partners”;
- (b) in the definition of “relative”, in the words after paragraph (b)—
 - (i) for “husband and wife” substitute “if they were a married couple or civil partners”;
 - (ii) after “married to” insert “, or civil partners of,”.

Social Security Act 1998

21. In section 72 of the Social Security Act 1998(**122**), omit subsection (3).

State Pension Credit Act 2002

22. In section 17(1) of the State Pension Credit Act 2002(**123**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(**116**) 1993 c. 48. Subsection (4A) was inserted by the Child Support, Pensions and Social Security Act 2000, paragraph 1. Relevant amendments were made by S.I. 2005/2050.

(**117**) 1995 c. 18. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

(**118**) 1996 c. 27. Section 62(1)(a) was amended by the Civil Partnership Act 2004, Schedule 9, paragraph 13.

(**119**) 1996 c. 52.

(**120**) Sections 62(1)(a) and 140(1)(a) were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 51.

(**121**) The definitions of “cohabitants” and “relative” were amended by the Civil Partnership Act 2004, Schedule 8, paragraph 61.

(**122**) 1998 c. 14. Subsection (3) was added by the Civil Partnership Act 2004, Schedule 24, paragraph 138.

(**123**) 2002 c. 16. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

Tax Credits Act 2002

23.—(1) Part 1 of the Tax Credits Act 2002(**124**) (as it continues to have effect by virtue of article 3 of the Welfare Reform Act 2012 (Commencement No 32 and Savings and Transitional Provisions) Order 2019(**125**)) is amended as follows.

(2) In section 3(5A), for paragraphs (a) to (d) substitute—

“(a) two people who are married to, or civil partners of, each other and are neither—

(i) separated under a court order, nor

(ii) separated in circumstances in which the separation is likely to be permanent, or

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

(3) In section 48, omit subsection (2).

Adoption and Children Act 2002

24. In section 55(1) of the Adoption and Children Act 2002(**126**), after “marriage of” insert “, or formation of a civil partnership by,”.

Income Tax (Earnings and Pensions) Act 2003

25.—(1) The Income Tax (Earnings and Pensions) Act 2003(**127**) is amended as follows.

(2) In section 61, for subsections (4) and (5)(**128**) substitute—

“(4) For the purposes of this Chapter, two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.”.

(3) In section 61I(**129**), for subsection (7) substitute—

“(7) For the purposes of subsection (2), two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.”.

(4) In section 554Z1(**130**), for subsection (2) substitute—

“(2) In applying section 993 of ITA 2007 for the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

(5) In section 681G(**131**)—

(a) in subsection (1), for “any of conditions A to D” substitute “either condition A or condition B”;

(b) in subsection (2), for “a man and a woman who are married to” substitute “married to, or civil partners of,”;

(**124**) Section 3(5A) was substituted by the Civil Partnership Act 2004, Schedule 24, paragraph 144. Part 1 of the Tax Credits Act 2002 was repealed (subject to savings in [S.I. 2019/167](#)) by the Welfare Reform Act 2012, Schedule 14, paragraph 1.

(**125**) [S.I. 2019/167](#).

(**126**) 2002 c. 38.

(**127**) 2003 c. 1.

(**128**) Section 61(5) was added by [S.I. 2005/3229](#).

(**129**) Section 61I was added by the Finance Act 2017 ([c. 10](#)), Schedule 3, paragraph 4.

(**130**) Section 554Z1 was added by the Finance Act 2011 ([c. 11](#)), Schedule 2, paragraph 1.

(**131**) Section 681G was added by the Finance Act 2012 ([c. 14](#)), Schedule 1, paragraph 1.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (c) in subsection (3), for the words from “a man and a woman” to the end substitute “not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners”;
- (d) omit subsections (4) and (5).

Housing Act 2004

- 26.**—(1) The Housing Act 2004(**132**) is amended as follows.
- (2) In section 141(1)(b), for “husband or wife” substitute “a married couple or civil partners”.
 - (3) In section 142(1)(b), for “husband or wife” substitute “a married couple or civil partners”.
 - (4) In section 258—
 - (a) in subsection (3)(a), for the words from “each other” to the end substitute “, or civil partners of, each other or live together as if they were a married couple or civil partners”;
 - (b) in subsection (4)(a), omit “are married to each other or otherwise”.
 - (5) In section 259(3), in the words after paragraph (b), for “to whom they are or were married” substitute “who are or were their spouses or civil partners”.

Income Tax (Trading and Other Income) Act 2005

- 27.** In section 643H of the Income Tax (Trading and Other Income) Act 2005(**133**), for subsection (2) substitute—
- “(2) For the purposes of subsection (1), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

Mental Capacity Act 2005

- 28.** In paragraph 185(b) of Schedule A1 to the Mental Capacity Act 2005(**134**), after “married couple” insert “or civil partners”.

Income Tax Act 2007

- 29.**—(1) The Income Tax Act 2007(**135**) is amended as follows.
- (2) In section 733A(**136**), for subsection (8) substitute—
 - “(8) For the purposes of subsection (7), two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.
 - (3) In section 809ZQ(2)(**137**), in the inserted subsection (9), for paragraphs (a) and (b) substitute—
 - “(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other, and”.
 - (4) In section 809M(3)(**138**), for paragraphs (a) and (b) substitute—

(132)2004 c. 34.

(133)2005 c. 5. Section 643H was added by the Finance Act 2018, Schedule 10, paragraph 11.

(134)2005 c. 9. Schedule A1 was inserted by the Mental Health Act 2007 (c. 12), Schedule 7, paragraph 1. Paragraph 185(b) was substituted by S.I. 2014/560.

(135)2007 c. 3.

(136)Section 733A was added by the Finance (No. 2) Act 2017 (c. 32), Schedule 8, paragraph 36.

(137)Section 809ZQ was added by the Finance Act 2011, Schedule 3, paragraph 1.

(138)Section 809M was added by the Finance Act 2008 (c. 9), Schedule 7, paragraph 1.

- “(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other.”.

Welfare Reform Act 2007

30. In paragraph 6(5) of Schedule 1 to the Welfare Reform Act 2007(**139**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Corporation Tax Act 2010

31.—(1) The Corporation Tax Act 2010(**140**) is amended as follows.

(2) In section 939H(2), in the inserted subsection (10), for paragraphs (a) and (b) substitute—

- “(a) two people living together as if they were a married couple or civil partners are treated as if they were spouses or civil partners of each other, and”.

Equality Act 2010

32.—(1) The Equality Act 2010(**141**) is amended as follows.

(2) In section 23(**142**)—

- (a) in subsection (3), omit “to a person of the opposite sex”;
- (b) in subsection (4), after “married to”, in both places it occurs, insert “, or the civil partner of”.

(3) In section 67(7)(**143**)—

- (a) in paragraph (a)—
- (i) after “married to”, in the first place it occurs, insert “, or the civil partner of”;
- (ii) after “married to”, in the second place it occurs, insert “ or (as the case may be) the civil partner of”;
- (b) for paragraph (b) substitute—
- “(b) where A is married to, or the civil partner of, someone of the same sex, A is to be compared to B where B is married to or (as the case may be) the civil partner of someone of the same sex as B.”.

(4) In Schedule 5, in paragraph 3(6), for the words from “of—” to the end substitute “of two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

Localism Act 2011

33. In section 30(3)(b) of the Localism Act 2011(**144**)—

- (a) in sub-paragraph (i), at the end insert “or”;
- (b) omit sub-paragraph (ii) (including the “or”);
- (c) in sub-paragraph (iii), after “as if they were” insert “a married couple or”.

(139)2007 c. 5. The definition of “couple” was substituted by S.I. 2014/560 and 3229.

(140)2010 c. 4. Section 939H was added by the Finance Act 2011, Schedule 3, paragraph 2.

(141)2010 c. 15.

(142)Section 23(3) and (4) was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraphs 42 and 43.

(143)Section 67(7) was substituted by S.I. 2014/560 and 3229.

(144)2011 c. 20.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Charities Act 2011

34. In section 350 of the Charities Act 2011(**145**), for subsection (2) substitute—

“(2) For the purposes of sections 118(2)(e), 188(1)(b), 200(1)(b) and 249(2)(b), where two people are not married to, or civil partners of, each other but live together as if they were a married couple or civil partners, each of them is to be treated as the spouse or civil partner of the other.”.

Welfare Reform Act 2012

35. In section 39 of the Welfare Reform Act 2012(**146**)—

- (a) in subsection (1)(b), for “as a married couple” substitute “as if they were a married couple or civil partners”;
- (b) in subsection (3)(b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Finance Act 2013

36.—(1) Schedule 45 to the Finance Act 2013(**147**) is amended as follows.

(2) In paragraph 32(2)(b), for the words from “as husband and wife” to “as if they were” substitute “as if they were a married couple or”.

(3) In paragraph 52(4)—

- (a) in paragraph (a), at the end insert “or”;
- (b) in paragraph (b), for “as husband and wife” substitute “as if they were a married couple or civil partners”;
- (c) omit paragraph (c) (and the preceding “or”).

PART 2

Secondary legislation

Social Security (Credits) Regulations 1975

37.—(1) The Social Security (Credits) Regulations 1975(**148**) are amended as follows.

(2) In regulation 8C(2), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(3) In paragraph 3 of the Schedule, for “as a married couple” substitute “as if they were a married couple or civil partners”.

Social Security Benefit (Dependency) Regulations 1977

38. In paragraph 2C of Schedule 2 to the Social Security Benefit (Dependency) Regulations 1977(**149**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(145)2011 c. 25.

(146)2012 c. 5. Section 39(1) and (3) was amended by S.I. 2014/560 and 3229.

(147)2013 c. 29.

(148)S.I. 1975/556. Relevant amendments were made by S.I. 2000/1483, 2005/2877, 2011/709 and 2014/3061.

(149)S.I. 1977/343. Relevant amendments were made by S.I. 1984/1699, 2005/2877, 2014/107 and 3229.

Vaccine Damage Payments Regulations 1979

39. In regulation 5(2)(b)(ii) of the Vaccine Damage Payments Regulations 1979(150), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Income Support (General) Regulations 1987

40. In regulation 2(1) of the Income Support (General) Regulations 1987(151), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Social Security (Claims and Payments) Regulations 1987

41. In regulation 2(1) of the Social Security (Claims and Payments) Regulations 1987(152), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Council Tax (Additional Provisions for Discount Disregards) Regulations 1992

42. In the Schedule to the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992(153), in paragraph 4(1), for paragraphs (a) and (aa) substitute—

“(a) he is the spouse or civil partner of the other or they live together as if they were a married couple or civil partners; or”.

Council Tax (Exempt Dwellings) Order 1992

43. In article 2(5) of the Council Tax (Exempt Dwellings) Order 1992(154), for paragraph (ii) substitute—

“(ii) a relationship between two persons living together as if they were a married couple or civil partners shall be treated as a relationship by marriage or civil partnership;”.

Child Support (Collection and Enforcement) Regulations 1992

44. In regulation 3(9) of the Child Support (Collection and Enforcement) Regulations 1992(155), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Social Security (Incapacity for Work) (General) Regulations 1995

45. In regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations 1995(156), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;”.

(150) S.I. 1979/432. Relevant amendments were made by S.I. 2005/3070.

(151) S.I. 1987/1967. Relevant amendments were made by S.I. 2014/107 and 3229.

(152) S.I. 1987/1968. Relevant amendments were made by S.I. 2014/107 and 3229.

(153) S.I. 1979/432. Relevant amendments were made by S.I. 2005/3070.

(154) S.I. 1992/558, amended by S.I. 1997/656, 1998/291 and 2005/2865.

(155) S.I. 1992/1989. Relevant amendments were made by S.I. 2014/107 and 3229.

(156) S.I. 1995/311. Relevant amendments were made by S.I. 2005/2877.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Education (Grants) (Music, Ballet and Choir Schools) Regulations 1995

46.—(1) Regulation 4(1) of the Education (Grants) (Music, Ballet and Choir Schools) Regulations 1995(**157**) is amended as follows.

(2) In sub-paragraph (a), for paragraph (i) substitute—

“(i) they live together as spouses or civil partners (whether or not they are married to, or civil partners of, each other), and”.

(3) In sub-paragraphs (b) to (e), after “spouse”, in each place it occurs, insert “or civil partner”.

Jobseeker’s Allowance Regulations 1996

47. In regulation 1(3) of the Jobseeker’s Allowance Regulations 1996(**158**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Occupational Pension Schemes (Contracting-out) Regulations 1996

48. In regulation 26(1) of the Occupational Pension Schemes (Contracting-out) Regulations 1996(**159**)—

(a) in sub-paragraph (b)(iii), for the words from “as a married couple” to the end substitute “with another person as if they were a married couple or civil partners”;

(b) in sub-paragraph (c), for the words from “as a married couple” to the end substitute “with another person, whom he or she is not married to or in a civil partnership with, as if they were a married couple or civil partners”.

Social Security Benefit (Computation of Earnings) Regulations 1996

49. In regulation 2(1) of the Social Security Benefit (Computation of Earnings) Regulations 1996(**160**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Housing Renewal Grants Regulations 1996

50. In regulation 2(1) of the Housing Renewal Grants Regulations 1996(**161**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Social Security (Child Maintenance Bonus) Regulations 1996

51. In regulation 1(2) of the Social Security (Child Maintenance Bonus) Regulations 1996(**162**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(157) S.I. 1995/2018. Regulation 4(1) was revoked in relation to England by S.I. 2001/2743. There are other amending instruments, not relevant here.

(158) S.I. 1996/207. Relevant amendments were made by S.I. 2014/107 and 3229.

(159) S.I. 1996/1172, amended by S.I. 2005/2050, 2014/107 and 3229.

(160) S.I. 1996/2745. Relevant amendments were made by S.I. 2014/107 and 3229.

(161) S.I. 1996/2890. Relevant amendments were made by S.I. 2005/3323, 2006/2801 and 2104/107.

(162) S.I. 1996/3195. Relevant amendments were made by S.I. 2005/2877, 2014/107 and 3229.

Occupational Pension Schemes (Discharge of Liability) Regulations 1997

52. In regulation 11(4)(b)(iii) of the Occupational Pension Schemes (Discharge of Liability) Regulations 1997(**163**), for the words from “as a married couple” to the end substitute “with another person, whom he or she is not married to or in a civil partnership with, as if they were a married couple or civil partners; or”.

Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998

53. In paragraph 3 of the Schedule to the Council Tax (Prescribed Classes of Dwellings) (Wales) Regulations 1998(**164**), for the words from “references to the spouse” to the end substitute “references to the spouse or civil partner of a person are to be taken to include references to a person who is living with the other as if they were a married couple or civil partners”.

Social Security and Child Support (Decisions and Appeals) Regulations 1999

54. In regulation 1(3) of the Social Security and Child Support (Decisions and Appeals) Regulations 1999(**165**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

General Chiropractic Council (Registration) Rules 1999

55. In rule 2(3) of the General Chiropractic Council (Registration) Rules 1999(**166**), for the words after paragraph (b) substitute ““spouse or civil partner” for this purpose includes a former spouse or civil partner and a partner other than a spouse or civil partner”.

Asylum Support Regulations 2000

56.—(1) The Asylum Support Regulations 2000(**167**) are amended as follows.

(2) In regulation 2—

(a) in paragraph (1)—

(i) omit the definitions of “civil partnership couple”, “married couple”, “same-sex couple” and “unmarried couple”;

(ii) after the definition of “asylum support” insert—

““cohabiting couple” means two people who, though not married to, or civil partners of, each other, are living together as if they were a married couple or civil partners;”;

(b) in paragraph (4)—

(i) in sub-paragraph (f), for “unmarried couple” substitute “cohabiting couple”;

(ii) omit sub-paragraph (fa).

(3) In regulation 15(2)—

(a) in sub-paragraph (g), after “married to” insert “, or the civil partner of,”;

(b) omit sub-paragraph (ga);

(c) in sub-paragraph (i)—

(i) after “spouse” insert “or civil partner”;

(163) S.I. 1997/784, amended by S.I. 2005/2050, 2014/107 and 3229.

(164) S.I. 1998/105, amended by S.I. 2005/3302 and 2014/107.

(165) S.I. 1999/991. Relevant amendments were made by S.I. 2014/107 and 3229.

(166) As set out in the Schedule to the General Chiropractic Council (Registration) Rules Order of Council 1999, S.I. 1999/1856.

(167) S.I. 2000/704. Relevant amendments were made by S.I. 2005/2114.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (ii) after “married to” insert “, or the civil partner of”;
- (d) omit sub-paragraph (ia).

Social Security Contributions (Intermediaries) Regulations 2000

57. In regulation 2 of the Social Security Contributions (Intermediaries) Regulations 2000(**168**), for paragraphs (5) and (6) substitute—

“(5) For the purposes of these Regulations, two people living together as if they were a married couple or civil partners are treated as if they were married to, or civil partners of, each other.”.

Social Fund Winter Fuel Payment Regulations 2000

58. In regulation 1(2) of the Social Fund Winter Fuel Payment Regulations 2000(**169**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001

59. In regulation 1(2) of the Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001(**170**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Registration of Social Care and Independent Health Care (Wales) Regulations 2002

60. In regulation 2(1) of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**171**), in the definition of “relative”, in the words after paragraph (c), for the words from “references to “spouse”” to the end substitute “and references to “spouse or civil partner” in relation to any person include a former spouse or civil partner and a person who is living with the person as if they were a married couple or civil partners”.

State Pension Credit Regulations 2002

61. In regulation 1(2) of the State Pension Credit Regulations 2002(**172**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002

62. In regulation 2(3) of the Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002(**173**), for the definition of “couple” substitute—

““couple” means two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

(168) S.I. 2000/727, amended by S.I. 2017/373.

(169) S.I. 2000/729. Relevant amendments were made by S.I. 2014/107 and 3229.

(170) S.I. 2001/1002. Relevant amendments were made by S.I. 2014/107 and 3229.

(171) S.I. 2002/919 (W. 107). Relevant amendments were made by S.I. 2005/3302 and 2014/107.

(172) S.I. 2002/1792, amended by S.I. 2014/107 and 3229.

(173) S.I. 2002/3078, amended by S.I. 2005/2114.

Tax Credits (Appeals) (No 2) Regulations 2002

63. In regulation 1(3) of the Tax Credits (Appeals) (No 2) Regulations 2002(**174**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;”.

Child Benefit and Guardian’s Allowance (Administration) Regulations 2003

64.—(1) The Child Benefit and Guardian’s Allowance (Administration) Regulations 2003(**175**) are amended as follows.

(2) In regulation 2—

- (a) in the definition of “civil partnership”, omit “of the same sex”;
- (b) for the definition of “cohabiting same-sex couple” substitute—

““cohabiting couple” means two people who are not a married couple or in a civil partnership but are living together as if they were married or civil partners;”;
- (c) in the definition of “partner”, for “an unmarried couple” to the end substitute “a civil partnership or a cohabiting couple”;
- (d) omit the definition of “unmarried couple”.

(3) In regulation 34—

- (a) in paragraph (1), for “member of a married couple or an unmarried couple” substitute “person with a partner”;
- (b) in paragraph (2)—
 - (i) for “wife” substitute “woman”;
 - (ii) after “husband” insert “or male civil partner”.

Guardian’s Allowance (General) Regulations 2003

65. In regulation 5(a) of the Guardian’s Allowance (General) Regulations 2003(**176**), for “unmarried at the date of the birth” substitute “not married to, or civil partners of, each other at the date of the birth”.

Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003

66. In regulation 2(1) of the Social Security (Jobcentre Plus Interviews for Partners) Regulations 2003(**177**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners;”.

(174) S.I. 2002/3196, amended by S.I. 2005/2877.

(175) S.I. 2003/492, amended by S.I. 2003/495 and 2005/2919.

(176) S.I. 2003/495, amended by S.I. 2006/204.

(177) S.I. 2003/1886, amended by S.I. 2005/2877 and 2008/759.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Service Charges (Consultation Requirements) (England) Regulations 2003

67. In regulation 2(1) of the Service Charges (Consultation Requirements) (England) Regulations 2003(**178**), for the definition of “cohabitee” substitute—

““cohabitee”, in relation to a person, means a person who is living with that person as if they were a married couple or civil partners;”.

Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003

68. In paragraph 3 of the Schedule to the Council Tax (Prescribed Classes of Dwellings) (England) Regulations 2003(**179**), for the words from “references to the spouse” to the end substitute “references to the spouse or civil partner of a person are to be taken to include references to a person who is living with the other as if they were a married couple or civil partners”.

Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004

69.—(1) In regulation 8(4)(b)(ii) of the Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004(**180**), after “married couple” insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in regulation 8(4)(b)(ii), after “gwpl priod” insert “neu bartneriaid sifil”.

Service Charges (Consultation Requirements) (Wales) Regulations 2004

70.—(1) In regulation 2(1) of the Service Charges (Consultation Requirements) (Wales) Regulations 2004(**181**), in the definition of “cohabitee”, at the end insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in regulation 2(1), in the definition of “un sy’n cyd-fyw”, at the end insert “neu bartneriaid sifil”.

Adoption Agencies Regulations 2005

71. In Schedule 1 to the Adoption Agencies Regulations 2005(**182**), in Part 3—

(a) for paragraph 15 substitute—

“**15.** Whether the child’s parents were married to, or civil partners of, each other at the time of the child’s birth (or have subsequently married or formed a civil partnership) and if so, the date and place of marriage or civil partnership.

15A. Whether—

- (a) if the child’s parents have been married as mentioned in paragraph 15, they are divorced or separated; or
- (b) if the child’s parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated.”;

(b) in paragraph 16, after “married” insert “or civil partners”.

(178) S.I. 2003/1987. Relevant amendments were made by S.I. 2006/5.

(179) S.I. 2003/3011, amended by S.I. 2005/2866.

(180) S.I. 2004/683 (W. 71), amended by S.I. 2005/3302 and 2014/107.

(181) S.I. 2004/684 (W. 72). Relevant amendments were made by S.I. 2005/3302 and 2014/107.

(182) S.I. 2005/389.

Pension Protection Fund (Compensation) Regulations 2005

72. In regulation 1(2) of the Pension Protection Fund (Compensation) Regulations 2005(183), in the definition of “relevant partner”, at the end insert “or civil partners”.

Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005

73. In regulation 2 of the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005(184), in the definition of “relative”, for “or marriage” substitute “, marriage, civil partnership,”.

Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005

74. In regulation 5A(4)(b)(i) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005(185), after “spouse,” insert “civil partner,”.

Special Guardianship Regulations 2005

75. In the Schedule to the Special Guardianship Regulations 2005(186), in paragraph 2—

- (a) in sub-paragraph (e)—
 - (i) after “married to” insert “, or civil partners of,”;
 - (ii) after “subsequently married” insert “or formed a civil partnership”;
 - (iii) omit “and whether they are divorced or separated”;
- (b) after sub-paragraph (e) insert—
 - “(ea) whether—
 - (i) if the child’s parents have been married as mentioned in sub-paragraph (e), they are divorced or separated; or
 - (ii) if the child’s parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated;”;
- (c) in sub-paragraph (g), after “married” insert “or civil partners”.

Adoption Agencies (Wales) Regulations 2005

76.—(1) In Schedule 1 to the Adoption Agencies (Wales) Regulations 2005(187), in Part 3, for paragraph 15 substitute—

“15. Whether the child’s parents were married to, or civil partners of, each other at the time of the child’s birth (or have subsequently married or formed a civil partnership) and if so, the date and place of marriage or civil partnership.

15A. Whether—

- (a) if the child’s parents have been married as mentioned in paragraph 15, they are divorced or separated; or
- (b) if the child’s parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated.”.

(183) S.I. 2005/670. Relevant amendments were made by S.I. 2005/2113, 2014/107 and 3229.

(184) S.I. 2005/888. Relevant amendments were made by S.I. 2009/1892.

(185) S.I. 2005/890, amended by S.I. 2014/2696.

(186) S.I. 2005/1109.

(187) S.I. 2005/1313 (W. 95).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(2) In the Welsh language text of those Regulations, in Schedule 1, in Part 3, for paragraph 15 substitute—

“15. A oedd rhieni’r plentyn yn briod â’i gilydd, neu’n bartneriaid sifil i’w gilydd, adeg geni’r plentyn (neu a ydynt wedi priodi neu wedi ffurfio partneriaeth sifil ar ôl hynny) ac os felly, dyddiad a man y briodas neu’r bartneriaeth sifil.

15A. A yw —

- (a) rhieni’r plentyn wedi ysgaru neu wedi gwahanu, os ydynt wedi bod yn briod fel y crybwyllwyd ym mharagraff 15; neu
- (b) os yw rhieni’r plentyn wedi bod yn bartneriaid sifil fel y crybwyllwyd, a yw’r bartneriaeth wedi ei diddymu neu a ydynt wedi gwahanu.”

Special Guardianship (Wales) Regulations 2005

77.—(1) In the Schedule to the Special Guardianship (Wales) Regulations 2005(188), in paragraph 3—

(a) in sub-paragraph (ba)—

- (i) after “married to” insert “, or civil partners of,”;
- (ii) after “subsequently married” insert “or formed a civil partnership”;
- (iii) omit “and whether they have divorced or separated”;

(b) after sub-paragraph (ba) insert—

“(bb) whether—

- (i) if the child’s parents have been married as mentioned in sub-paragraph (ba), they are divorced or separated; or
- (ii) if the child’s parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated;”;

(c) in sub-paragraph (d), after “married” insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in the Schedule, in paragraph 3—

(a) in sub-paragraph (ba)—

- (i) after “â’i gilydd” insert “, neu’n bartneriaid sifil i’w gilydd,”;
- (ii) after “briodasant” insert “neu a ffurfiasant bartneriaeth sifil”;
- (iii) omit “ac a ydynt wedi ysgaru neu wedi gwahanu”;

(b) after sub-paragraph (ba) insert—

“(bb) a yw—

- (i) rhieni’r plentyn wedi ysgaru neu wedi gwahanu, os ydynt wedi bod yn briod fel y crybwyllwyd yn is-baragraff (ba); neu
- (ii) os yw rhieni’r plentyn wedi bod yn bartneriaid sifil fel y crybwyllwyd, a yw’r bartneriaeth wedi ei diddymu neu a ydynt wedi gwahanu;”;

(c) in sub-paragraph (ch), after “briod” insert “nac yn bartneriaid sifil”.

(188) S.I. 2005/1513 (W.117), relevant amendments were made by S.I. 2014/3061 and 2018/573.

Financial Assistance Scheme Regulations 2005

78. In regulation 2(1) of the Financial Assistance Scheme Regulations 2005(189), in the definition of “partner”, at the end insert “or civil partners”.

Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005

79.—(1) In regulation 2 of the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005(190), in the definition of “birth relative”, for “or marriage” substitute “, marriage, civil partnership,”.

(2) In the Welsh language text of those Regulations, in regulation 2, in the definition of “perthynas geni”, for “neu drwy briodas” substitute “, priodas, partneriaeth sifil, neu yn rhinwedd adrannau 27 i 29 o Ddeddf Ffrwythloni ac Embryoleg Ddynol 1990 neu adrannau 33 i 47 o Ddeddf Ffrwythloni ac Embryoleg Ddynol 2008”.

Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005

80.—(1) In regulation 5A(4)(b)(i) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005(191), after “spouse,” insert “civil partner,”.

(2) In the Welsh language text of those Regulations, in regulation 5A(4)(b)(i), after “briod,” insert “partner sifil,”.

Social Fund Maternity and Funeral Expenses (General) Regulations 2005

81. In regulation 3(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005(192), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Housing Benefit Regulations 2006

82. In regulation 2(1) of the Housing Benefit Regulations 2006(193), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006

83. In regulation 2(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations 2006(194), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Child Benefit (General) Regulations 2006

84.—(1) The Child Benefit (General) Regulations 2006(195) are amended as follows.

(2) In regulation 1—

(189) S.I. 2005/1986. Relevant amendments were made by S.I. 2014/107 and 3229.

(190) S.I. 2005/2689 (W. 189), amended by S.I. 2009/1982.

(191) S.I. 2005/2701 (W.190), amended by S.I. 2015/1802.

(192) S.I. 2005/3061. Relevant amendments were made by S.I. 2013/247, 2014/107, 3229, 2017/271 and 2018/61.

(193) S.I. 2006/213. Relevant amendments were made by S.I. 2014/107, 3229 and 2017/213.

(194) S.I. 2006/214. Relevant amendments were made by S.I. 2014/107, 3229 and 2017/213.

(195) S.I. 2006/223. Relevant amendments were made by S.I. 2014/1231 and 2018/788.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(a) in paragraph (3)—

(i) in the definition of “civil partnership”, omit “of the same sex”;

(ii) omit the definition of “cohabiting same-sex couple”;

(iii) in the definition of “couple”, for paragraphs (a) and (b) substitute—

“(a) who are spouses residing together, or civil partners in a civil partnership; or

(b) who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

(b) omit paragraph (4).

(3) In regulation 12(1), for paragraphs (a) and (b) substitute “as if they were a married couple or civil partners.”.

Selective Licensing of Houses (Specified Exemptions) (England) Order 2006

85. In article 2(2)(b) of the Selective Licensing of Houses (Specified Exemptions) (England) Order 2006(**196**), for the words from “each other” to the end substitute “, or civil partners of, each other or live together as if they were a married couple or civil partners”.

Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006

86. In regulation 1(2) of the Pension Protection Fund (General and Miscellaneous Amendments) Regulations 2006(**197**), in the definition of “relevant partner”, at the end insert “or civil partners”.

Selective Licensing of Houses (Specified Exemptions) (Wales) Order 2006

87.—(1) In article 2(2)(b) of the Selective Licensing of Houses (Specified Exemptions) (Wales) Order 2006(**198**), at the end insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in article 2(2)(b), at the end insert “neu bartneriaid sifil”.

Integration Loans for Refugees and Others Regulations 2007

88. In regulation 11(1) of the Integration Loans for Refugees and Others Regulations 2007(**199**), for sub-paragraphs (a) to (d) substitute—

“(a) they are married to, or civil partners of, each other and are members of the same household;

(b) they are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”.

Digital Switchover (Disclosure of Information) Act 2007 (Prescription of Information) Order 2007

89. In article 3(4) of the Digital Switchover (Disclosure of Information) Act 2007 (Prescription of Information) Order 2007(**200**), for the definition of “couple” substitute—

““couple” means two people who—

(196) S.I. 2006/370.

(197) S.I. 2006/580. Relevant amendments were made by S.I. 2014/107 and 3229.

(198) S.I. 2006/2824 (W. 247), amended by S.I. 2014/107.

(199) S.I. 2007/1598.

(200) S.I. 2007/1768, amended by S.I. 2008/2557, 2010/1881 and 2011/677.

- (a) are married to, or civil partners of, each other and normally live at the same address; or
- (b) are not married to, or civil partners of, each other but normally live together at the same address as if they were a married couple or civil partners;”.

Employment and Support Allowance Regulations 2008

90. In regulation 2(1) of the Employment and Support Allowance Regulations 2008(**201**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Care Standards Act 2000 (Registration) (England) Regulations 2010

91. In regulation 2(1) of the Care Standards Act 2000 (Registration) (England) Regulations 2010(**202**), in the definition of “relative”, in the words after paragraph (c), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Child Minding and Day Care (Wales) Regulations 2010

92.—(1) In paragraph 21 of Schedule 2 to the Child Minding and Day Care (Wales) Regulations 2010(**203**), in paragraph (d) of the definition of “relative”, for the words from “references to “spouse”” to the end substitute “references to a “spouse or civil partner” in relation to any person include a former spouse or civil partner and a person who is living with the person as if they were a married couple or civil partners”.

(2) In the Welsh language text of those Regulations, in Schedule 2, in paragraph 21, in paragraph (d) of the definition of “perthynas”, for the words from “cyfeiriadau at “priod”” to the end substitute “cyfeiriadau at “priod neu bartner sifil” mewn perthynas ag unrhyw berson yn cynnwys cyn briod neu bartner sifil a pherson sy’n byw gyda’r person fel pe baent yn bâr priod neu’n bartneriaid sifil”.

Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc) Regulations 2011

93. In regulation 1(2) of the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc) Regulations 2011(**204**), in the definition of “relevant partner”, for the words from “of either sex” to the end substitute “who was not married to, or in a civil partnership with, the transferee but who was living with the transferee as if they were a married couple or civil partners”.

Warm Home Discount Regulations 2011

94. In regulation 2(1) of the Warm Home Discount Regulations 2011(**205**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

(201) S.I. 2008/794, amended by S.I. 2008/3157, 2011/674, 2012/757, 2014/107 and 3229.

(202) S.I. 2010/2130. Relevant amendments were made by S.I. 2007/603 and 2013/1394.

(203) S.I. 2010/2574 (W. 233), amended by S.I. 2014/107.

(204) S.I. 2011/731.

(205) S.I. 2011/1033, amended by S.I. 2016/806.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011

95. In regulation 2(1) of the Disclosure of State Pension Credit Information (Warm Home Discount) Regulations 2011(**206**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012

96. In the Schedule to the Council Tax Reduction Schemes (Default Scheme) (England) Regulations 2012(**207**), in paragraph 4–

(a) in paragraph (1), for sub-paragraphs (a) to (d) substitute–

“(a) two people who are married to, or civil partners of, each other and who are members of the same household; or

(b) two people who are not married to, or civil partners of, each other but are living together as if they were a married couple or civil partners.”;

(b) omit paragraph (2).

Jobseeker’s Allowance Regulations 2013

97. In regulation 3 of the Jobseeker’s Allowance Regulations 2013(**208**), omit paragraph (4).

Employment and Support Allowance Regulations 2013

98. In regulation 2 of the Employment and Support Allowance Regulations 2013(**209**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Council Tax (Reductions for Annexes) (England) Regulations 2013

99. In regulation 3(3)(b)(iii) of the Council Tax (Reductions for Annexes) (England) Regulations 2013(**210**), for sub-paragraph (bb) substitute—

“(bb) a relationship between two persons living together as if they were a married couple or civil partners shall be treated as a relationship by marriage or civil partnership;”.

State Pension Regulations 2015

100. In regulation 35(8) of the State Pension Regulations 2015(**211**), for “as a married couple” substitute “as if they were a married couple or civil partners”.

Occupational Pension Schemes (Schemes that were Contracted-out) (No. 2) Regulations 2015

101. In each of the following provisions of the Occupational Pension Schemes (Schemes that were Contracted-out) (No. 2) Regulations 2015(**212**), for “as a married couple” substitute “as if they were a married couple or civil partners”—

(a) regulation 22(4)(b) and (c) and (4A)(b);

(206) S.I. 2011/1830. Relevant amendments were made by S.I. 2016/806.

(207) S.I. 2012/2886.

(208) S.I. 2013/378.

(209) S.I. 2013/379. Relevant amendments were made by S.I. 2014/107 and 3229.

(210) S.I. 2013/2977.

(211) S.I. 2015/173. Relevant amendments were made by S.I. 2015/173, 2016/199 and 40.

(212) S.I. 2015/1677. Relevant amendments were made by S.I. 2016/199 and 2017/354.

(b) regulation 27A(3)(b)(i).

Council Tax (Exceptions to Higher Amounts) (Wales) Regulations 2015

102.—(1) In regulation 2 of the Council Tax (Exceptions to Higher Amounts) (Wales) Regulations 2015(**213**), for the words from “references to the spouse” to the end substitute “references to the spouse or civil partner of a person include references to a person who is living with the other as if they were a married couple or civil partners”.

(2) In the Welsh language text of those Regulations, in regulation 2, for the words from “mae cyfeiriadau at briod” to the end substitute “mae cyfeiriadau at briod neu bartner sifil person yn cynnwys cyfeiriadau at berson sy’n byw gyda’r llall fel pe baent yn briod neu’n bartneriaid sifil”.

Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016

103.—(1) In regulation 50(5)(b) of the Residential Property Tribunal Procedures and Fees (Wales) Regulations 2016(**214**), at the end insert “or civil partners”.

(2) In the Welsh language text of those Regulations, in regulations 50(5)(b), at the end insert “neu bartneriaid sifil”.

Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017

104. In article 2(2) of the Combined Authorities (Overview and Scrutiny Committees, Access to Information and Audit Committees) Order 2017(**215**)—

- (a) in sub-paragraph (b), for “as husband and wife or as if they were” substitute “as if they were a married couple or”;
- (b) in sub-paragraph (g), for “as husband and wife or as if they were” substitute “as if they were a married couple or”.

Electricity and Gas (Energy Company Obligation) Order 2018

105. In paragraph 5 of Schedule 2 to the Electricity and Gas (Energy Company Obligation) Order 2018(**216**), in the definition of “couple”, in paragraph (b), for “as a married couple” substitute “as if they were a married couple or civil partners”.

PART 3

Pension schemes

Personal Injuries (Civilians) Scheme 1983

106.—(1) The Personal Injuries (Civilians) Scheme 1983(**217**) is amended as follows.

(2) In article 2(**218**)—

- (a) in paragraph (8)—

(213) S.I. 2015/2068 (W. 311).

(214) S.I. 2016/1110 (W. 267).

(215) S.I. 2017/68.

(216) S.I. 2018/1183.

(217) S.I. 1983/686; amended by S.I. 2005/3031 and 2019/420. There are other amending instruments not relevant to this instrument.

(218) Article 2(8) and (9) was substituted by S.I. 2005/3031. There are other amendments to article 2 not relevant to this instrument.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) in the words before paragraph (a), after “living as a” insert “spouse or”;
 - (ii) in paragraph (a), omit “of the same sex”;
 - (iii) in paragraph (b), omit “of the same sex”;
 - (iv) in the words after paragraph (b), after “lived as a” insert “spouse or”;
- (b) omit paragraph (9).
- (3) In article 30(**219**)—
- (a) in the heading, for “and dependants who lived as” substitute “or”;
 - (b) in paragraph (1), omit “a dependant who lived as a”, in the second place it occurs;
 - (c) in paragraph (2)—
 - (i) omit “a dependant who lived as a”, in the second place it occurs;
 - (ii) omit “the dependant who lived as a”, in the second place it occurs;
 - (d) in paragraph (3), omit “the dependant who lived as a”, in the second place it occurs.
- (4) In article 31(**220**)—
- (a) in the heading, for “, dependants who lived as spouses and dependants who lived as” substitute “and dependants who lived as spouses or”;
 - (b) in paragraph (1), for “, dependant who lived as his spouse or dependant who lived as his” substitute “or dependant who lived as his spouse or”;
 - (c) in paragraph (4), for “, dependant who lived as the spouse or dependant who lived as the” substitute “or dependant who lived as the spouse or”.
- (5) In article 54(1B)(g)(**221**), for “, dependants who lived as spouses and dependants who lived as” substitute “and dependants who lived as spouses or”.
- (6) In article 71(**222**)—
- (a) in paragraph (1), for “, lives with another person as the spouse of that person or lives with another person as a” substitute “or lives with another person as the spouse or”;
 - (b) in paragraph (1A)(a), for “, lived with another person as the spouse of that person or lived with another person as the” substitute “or lived with another person as the spouse or”;
 - (c) in paragraph (1B), for “, begins to live with another person as the spouse of that person or begins to live with another person as the” substitute “or begins to live with another person as the spouse or”.
- (7) In article 77(1)(b)(ii)(**223**), omit “dependant who lived as a”, in the second place it occurs.
- (8) In Schedule 4(**224**), in the fourth entry in the table, in the first column, for “and dependants who lived as” substitute “or”.

National Health Service Pension Scheme Regulations 1995

107.—(1) The National Health Service Pension Scheme Regulations 1995(**225**) are amended as follows.

(219) Article 30 was amended by [S.I. 2005/3031](#).

(220) Article 31 was amended by [S.I. 2005/3031](#). There are other amendments to article 31 not relevant to this instrument.

(221) Article 54(1B) was inserted by [S.I. 1986/628](#), and sub-paragraph (g) was amended by [S.I. 2005/3031](#). There are other amendments to article 54 not relevant to this instrument.

(222) In article 71, paragraph (1) was substituted by [S.I. 1984/1289](#), and amended by [S.I. 2005/655](#) and [2005/3031](#); paragraph (1A) was inserted by [S.I. 1997/812](#) and amended by [S.I. 2005/3031](#); and paragraph (1B) was inserted by [S.I. 2005/655](#), and amended by [S.I. 2005/3031](#). There are other amendments to article 71 not relevant to this instrument.

(223) Article 77(1)(b) was amended by [S.I. 2005/3031](#).

(224) The table in Schedule 4 was substituted by [S.I. 2019/420](#).

(225) [S.I. 1995/300](#).

(2) In regulation A2(**226**), in the definition of “marriage”, at the end insert “, and are to be construed in accordance with regulation A4”.

(3) In regulation A4(**227**)—

(a) for the heading substitute “Treatment of same sex marriages and opposite sex civil partnerships”;

(b) after paragraph (5) insert—

“(5A) Where a female member is in a civil partnership with a man, for the purposes of these Regulations—

(a) the civil partnership is to be treated as a marriage;

(b) the man is accordingly to be treated as the husband (or, if the member is deceased, widower) of the member; and

(c) any related reference, however expressed, to marriage or civil partnership, or the parties to either, is to be read accordingly.”.

Armed Forces Pension Scheme Order 2005

108. In rule E.2(3)(b)(ii) of Schedule 1 to the Armed Forces Pension Scheme Order 2005(**228**), after “civil partnership, or” insert “prior to the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force”.

Reserve Forces Pension Scheme Regulations 2005

109. In rule E.2(3)(b)(ii) of Schedule 1 to the Reserve Forces Pension Scheme Regulations 2005(**229**), after “civil partnership, or” insert “prior to the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force”.

Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006

110.—(1) The Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006(**230**) is amended as follows.

(2) In article 2(2), for “, dependant who lived as a spouse or dependant who lived as a” substitute “or dependant who lived as a spouse or”.

(3) In article 12(6)(a)(**231**), in the words before paragraph (i), for “, dependant living as a spouse or dependant living as a” substitute “or dependant living as a spouse or”.

(4) In article 24—

(a) in the heading, for “and dependants who lived as” substitute “or”;

(b) in paragraph (1), omit “a dependant who lived as a”, in the second place it occurs.

(5) In article 25—

(**226**) Regulation A2 was amended by [S.I. 2014/78](#). There are other amendments not relevant to this instrument.

(**227**) Regulation A4 was inserted by [S.I. 2014/78](#), and amended by [S.I. 2014/3061](#). There are other amendments not relevant to this instrument.

(**228**) [S.I. 2005/438](#). Rule E.2(3)(b), in relation to England and Wales, was substituted by [S.I. 2014/107](#). There are other amendments to this Order not relevant to this instrument.

(**229**) Regulations of the Defence Council, 4th April 2005. These Regulations, and certain further regulations amending them, are not statutory instruments. They are available at <https://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations>. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB. Rule E.2(3)(b), in relation to England and Wales, was substituted by [S.I. 2014/107](#). There are other amendments not relevant to this instrument.

(**230**) [S.I. 2006/606](#), amended by [S.I. 2012/359](#), [2014/107](#), [2014/3229](#) and [2019/186](#). There are other amending instruments not relevant to this instrument.

(**231**) Article 12(6)(a) was amended by [S.I. 2012/359](#). There are other amendments to article 12 not relevant to this instrument.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in the heading, for “, dependants who lived as spouses and dependants who lived as”; substitute “and dependants who lived as spouses or”;
 - (b) in paragraph (1), in the words before paragraph (a), omit “a dependant who lived as a”, in the second place it occurs.
- (6) In article 27(1)(**232**), in the words after paragraph (c), omit “dependant who lived as a”.
- (7) In article 33(**233**)—
- (a) in paragraph (1), for the words from “marries” to the end substitute “marries or forms a civil partnership with another person, or lives with another person as the spouse or civil partner of that person, before the 1st April 2015.”;
 - (b) in paragraph (3), for the words from “marries” to the end substitute “marries or forms a civil partnership with another person, or begins to live with another person as the spouse or civil partner of that person, on or after the 6th April 2005.”.
- (8) In article 34(2)(**234**)—
- (a) in sub-paragraph (l), omit “a dependant who lived as a”, in the second place it occurs;
 - (b) in sub-paragraph (m), for “, dependant who lived as a spouse or dependant who lived as a” substitute “or dependant who lived as a spouse or”.
- (9) In article 35(9)(b)(**235**), omit “a dependant living as a”, in the second place it occurs.
- (10) In article 68(5)(b)(ii)(**236**), omit “dependant who lived as a”, in the second place it occurs.
- (11) In Part 4 of Schedule 1(**237**), in the fifth item in the table, in the first column, in paragraph (b) (i), for “, dependant living as a spouse or dependant living as a” substitute “or dependant living as a”.
- (12) In Part 3 of Schedule 2(**238**), in the first entry in the table, in the first column, omit “dependant who lived as a”, in the second place it occurs.
- (13) In Schedule 6(**239**)—
- (a) omit item 25;
 - (b) in item 26, in the second column, after “living as a” insert “spouse or ”;
 - (c) also in item 26, in the third column—
 - (i) omit “of the same sex”;
 - (ii) after “lived as a” insert “spouse or”;
 - (d) in item 30, in the third column, for “, dependant living as a”, in the second place it occurs, substitute “or”.

Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010

111.—(1) The Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(**240**) is amended as follows.

(232) There are amendments to article 27, but none relevant to this instrument.

(233) Article 33(1) was amended by [S.I. 2015/208](#). There are other amendments to article 33 not relevant to this instrument.

(234) There are amendments to article 34, but none relevant to this instrument.

(235) There are amendments to article 35, but none relevant to this instrument.

(236) There are amendments to article 68, but none relevant to this instrument.

(237) The table in Part 4 was substituted by [S.I. 2019/186](#).

(238) The table in Part 3 was substituted by [S.I. 2019/186](#).

(239) Items 25 and 26 were amended, in relation to England and Wales, by [S.I. 2014/107](#), and in relation to Scotland, by [SI 2014/3229](#). There are other amendments to Schedule 6 not relevant to this instrument.

(240) Order in Council of 10th February 2010; amended by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010, [S.I. 2014/107](#), the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015, and the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018. There are other amending

(2) In Schedule 1(**241**) (which sets out the Armed Forces Pension Scheme 1975 as it applies to the Navy and the Marines)—

(a) in rule E.1(**242**)—

(i) in paragraph (3)(c), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (5), for sub-paragraph (c) substitute—

“(c) the member was a woman and—

(i) was married to a man whom she leaves a widower; or

(ii) leaves a surviving civil partner who is a man.”;

(b) in rule E.9(3)(**243**), after “married couple” insert “or civil partners”.

(3) In Schedule 2 (which sets out the Naval and Marines Attributable Benefits Scheme)—

(a) in rule C.2(**244**)—

(i) in paragraph (a), for sub-paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (b), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex), where the civil partnership was formed after discharge;

(iia) was a woman and leaves a surviving civil partner who is a woman, where the civil partnership was formed after discharge; or”;

(iii) in paragraph (c), for the words from “married to” to the end (but not the final “or”) substitute—

“—

(i) married to a man whom she leaves a widower; or

(ii) who leaves a surviving civil partner who is a man;”;

(b) in rule C.3(**245**)—

(i) in paragraph (a), at the end insert “or”;

(ii) for paragraphs (b) and (c) (including the final “and”) substitute—

“(b) the person and the deceased were living together as if they were a married couple or civil partners and were not—

(i) prevented from marrying (or, prior to 13th March 2014 (which is the date on which section 1 of the Marriage (Same Sex Couples)

instruments not relevant to this instrument. This Order, and certain further orders amending it, are not statutory instruments. They are available at <https://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations>. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

(241) Schedule 1 was substituted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010.

(242) Paragraphs (3)(c) and (5)(c) of rule E.1 were substituted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018.

(243) Rule E.9 was substituted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015.

(244) Rule C.2 was substituted by the Naval and Marine Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018.

(245) Rule C.3 was amended, in relation to England and Wales, by [S.I. 2014/107](#).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- Act 2013 came fully into force), would not have been prevented from doing so apart from both being of the same sex), or
- (ii) prevented from forming a civil partnership (or, prior to the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force, would not have been prevented from doing so apart from both being of the opposite sex), and”.

Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010

112.—(1) The Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Warrant 2010(**246**) is amended as follows.

(2) In Schedule 1(**247**) (which sets out the Armed Forces Pension Scheme 1975 as it applies to the Army)—

(a) in rule E.1(**248**)—

(i) in paragraph (3)(c), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (5), for sub-paragraph (c) substitute—

“(c) the member was a woman and—

(i) was married to a man whom she leaves a widower; or

(ii) leaves a surviving civil partner who is a man.”;

(b) in rule E.9(3)(**249**), after “married couple” insert “or civil partners”.

(3) In Schedule 2 (which sets out the Army Attributable Benefits Scheme)—

(a) in rule C.2(**250**)—

(i) in paragraph (a), for sub-paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex);

(iia) was a woman and leaves a surviving civil partner who is a woman; or”;

(ii) in paragraph (b), for paragraph (ii) (including the “or”) substitute—

“(ii) was a man and leaves a surviving civil partner (of either sex), where the civil partnership was formed after discharge;

(iia) was a woman and leaves a surviving civil partner who is a woman, where the civil partnership was formed after discharge; or”;

(**246**) Royal Warrant of 10th February 2010; amended by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010, *S.I. 2014/107*, the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2015, and the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2018. There are other amending instruments not relevant to this instrument. This Warrant, and certain further warrants amending it, are not statutory instruments. They are available at <https://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations>. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

(**247**) Schedule 1 was substituted by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2010.

(**248**) Paragraphs (3)(c) and (5)(c) of rule E.1 were substituted by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2018. There are other amendments to rule E.1 not relevant to this instrument.

(**249**) Rule E.9 was substituted by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2015.

(**250**) Rule C.2 was substituted by the Army Pensions (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Warrant 2018.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (iii) in paragraph (c), for the words from “married to” to the end (but not the final “or”) substitute—
 - “—
 - (i) married to a man whom she leaves a widower; or
 - (ii) who leaves a surviving civil partner who is a man;”;
- (b) in rule C.3(251)—
 - (i) in paragraph (a), at the end insert “or”;
 - (ii) for paragraphs (b) and (c) (including the final “and”) substitute—
 - “(b) the person and the deceased were living together as if they were a married couple or civil partners and were not—
 - (i) prevented from marrying (or, prior to 13th March 2014 (which is the date on which section 1 of the Marriage (Same Sex Couples) Act 2013 came fully into force), would not have been prevented from doing so apart from both being of the same sex), or
 - (ii) prevented from forming a civil partnership (or, prior to the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force, would not have been prevented from doing so apart from both being of the opposite sex), and”.

Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010

113.—(1) The Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) Order 2010(252) is amended as follows.

(2) In Schedule 1(253) (which sets out the Armed Forces Pension Scheme 1975 as it applies to the Air Force)—

- (a) in rule E.1(254)—
 - (i) in paragraph (3)(c), for paragraph (ii) (including the “or”) substitute—
 - “(ii) was a man and leaves a surviving civil partner (of either sex);
 - (iia) was a woman and leaves a surviving civil partner who is a woman; or”;
 - (ii) in paragraph (5), for sub-paragraph (c) substitute—
 - “(c) the member was a woman and—
 - (i) was married to a man whom she leaves a widower; or
 - (ii) leaves a surviving civil partner who is a man.”;

(251) Rule C.3, in relation to England and Wales, was amended by [S.I. 2014/107](#).

(252) Order by Her Majesty of 10th February 2010; amended by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010, [S.I. 2014/107](#), the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015, and the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018. There are other amending instruments not relevant to this instrument. This Order, and certain further orders amending it, are not statutory instruments. They are available at <https://www.gov.uk/government/publications/armed-forces-pension-scheme-1975-regulations>. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

(253) Schedule 1 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2010.

(254) Paragraphs (3)(c) and (5)(c) of rule E.1 were substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018. There are other amendments to rule E.1 that are not relevant to this instrument.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (b) in rule E.9(3)(255), after “married couple” insert “or civil partners”.
- (3) In Schedule 2 (which sets out the Air Force Attributable Benefits Scheme)—
 - (a) in rule C.2(256)—
 - (i) in paragraph (a), for sub-paragraph (ii) (including the “or”) substitute—
 - “(ii) was a man and leaves a surviving civil partner (of either sex);
 - (ii) was a woman and leaves a surviving civil partner who is a woman; or”;
 - (ii) in paragraph (b), for paragraph (ii) (including the “or”) substitute—
 - “(ii) was a man and leaves a surviving civil partner (of either sex), where the civil partnership was formed after discharge;
 - (ii) was a woman and leaves a surviving civil partner who is a woman, where the civil partnership was formed after discharge; or”;
 - (iii) in paragraph (c), for the words from “married to” to the end (but not the final “or”) substitute—
 - “—
 - (i) married to a man whom she leaves a widower; or
 - (ii) who leaves a surviving civil partner who is a man;”;
 - (b) in rule C.3(257)—
 - (i) in paragraph (a), at the end insert “or”;
 - (ii) for paragraphs (b) and (c) (including the final “and”) substitute—
 - “(b) the person and the deceased were living together as if they were a married couple or civil partners and were not—
 - (i) prevented from marrying (or, prior to 13th March 2014 (which is the date on which section 1 of the Marriage (Same Sex Couples) Act 2013 came fully into force), would not have been prevented from doing so apart from both being of the same sex), or
 - (ii) prevented from forming a civil partnership (or, prior the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force, would not have been prevented from doing so apart from both being of the opposite sex), and”.

Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No 2) Order 2010

114. In article 23(c)(ii) of the Armed Forces (Redundancy, Resettlement and Gratuity Earnings Schemes) (No 2) Order 2010(258), after “civil partnership, or” insert “prior the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force”.

Teachers’ Pensions Regulations 2010

115.—(1) The Teachers’ Pensions Regulations 2010(259) are amended as follows.

(255) Rule E.9 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2015.

(256) Rule C.2 was substituted by the Air Force (Armed Forces Pension Scheme 1975 and Attributable Benefits Scheme) (Amendment) Order 2018.

(257) Rule C.3 was amended, in relation to England and Wales, by [S.I. 2014/107](#).

(258) [S.I. 2010/832](#). Article 23(c) was substituted, in relation to England and Wales, by [S.I. 2014/107](#). There are other amendments to this Order not relevant to this instrument.

(259) [S.I. 2010/990](#); amended by [S.I. 2019/1134](#). There are other amending instruments but none is relevant to this instrument.

- (2) In Schedule 5, in paragraph 3(260)—
- (a) in sub-paragraph (a)(ii), after “a woman with a” insert “female”;
 - (b) in sub-paragraph (b), after “male spouse” insert “or a male civil partner”.
- (3) In Schedule 8(261)—
- (a) in paragraph 1—
 - (i) for the heading substitute “Pensions for surviving adults: general”;
 - (ii) in sub-paragraph (1), for paragraph (b) substitute—
 - “(b) where D is a man, D’s surviving civil partner (of either sex);
 - (ba) where D and her surviving civil partner are both women, that partner;”;
 - (iii) in sub-paragraph (2)(h), after sub-paragraph (i) insert—
 - “(ia) D was a man in a civil partnership, in a case where D’s surviving adult is a surviving civil partner who is a man;
 - (ib) D was a man or woman in a civil partnership, in a case where D’s surviving adult is a surviving civil partner who is a woman;”;
 - (b) in paragraph 2—
 - (i) for the heading substitute “Pensions for widowers other than widowers with pre-1988 rights, and surviving male civil partners, of female members”;
 - (ii) in sub-paragraph (1), for “a widower other than a widower with pre-1988 rights.” substitute—
 - “__
 - (a) a widower other than a widower with pre-1988 rights, or
 - (b) a surviving civil partner who is a man.”;
 - (iii) in sub-paragraph (2)(f), for “D was a married woman.” substitute—
 - “__
 - (i) D was a married woman, in a case where D’s surviving adult is a widower other than a widower with pre-1988 rights, or
 - (ii) D was a woman in a civil partnership, in a case where D’s surviving adult is a surviving civil partner who is a man.”.
- (4) In Schedule 9(262)—
- (a) in paragraph 1—
 - (i) in the heading, after “Pensions for” insert “certain”;
 - (ii) in sub-paragraph (1)(a), after “(b),” insert “(ba),”;
 - (iii) in sub-paragraph (4)(a), for the words from “pensions” to “pre-1988 rights” substitute “pensions for surviving adults: general”;
 - (b) in paragraph 2—
 - (i) in the heading, after “Pensions for” insert “certain”;
 - (ii) in sub-paragraph (1)(a), after “(b),” insert “(ba),”;
 - (c) in paragraph 3—

(260) Paragraph 3 of Schedule 5 was substituted by [S.I. 2019/1194](#). There are other amendments to the Schedule not relevant to this instrument.

(261) Schedule 8 was amended by [S.I. 2019/1194](#).

(262) Paragraphs (1) to (3) of Schedule 9 were amended by [S.I. 2019/1194](#). There are other amendments to the Schedule not relevant to this instrument.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (i) in the heading, after “widowers”, in the first place it occurs, insert “or surviving male civil partners”;
- (ii) in sub-paragraph (1), for “a widower other than a widower with pre-1988 rights.” substitute—
 - “—
 - (a) a widower other than a widower with pre-1988 rights, or
 - (b) a surviving civil partner who is a man.”;
- (iii) in sub-paragraph (2)(a), for “of female members other than widowers with pre-1988 rights” substitute “other than widowers with pre-1988 rights, and surviving male civil partners, of female members”.

Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011

116.—(1) The Reserve Forces Non Regular Permanent Staff (Pension and Attributable Benefits Schemes) Regulations 2011(**263**) are amended as follows.

(2) In Schedule 1, in rule D.3—

(a) in paragraph (4)(b)(**264**)—

(i) in paragraph (i), omit “or”;

(ii) after paragraph (i) insert—

“(ia) a man and leaves a surviving civil partner who is a woman”;

(iii) in paragraph (ii), at the end insert “; or”;

(iv) after paragraph (ii) insert—

“(iii) a woman in a relevant gender change case who leaves a surviving civil partner who is a woman.”.

(b) in paragraph (8)(b)(**265**), for “married to a woman and that marriage” substitute “married to, or in a civil partnership with, a woman and that marriage or civil partnership”.

(3) Also in Schedule 1, in rule D.8(4)(**266**), for “married” substitute “a married couple or civil partners”.

(4) In Schedule 2, in rule C.2(**267**)—

(a) in paragraph (4)(c)—

(i) for the words before paragraph (i) substitute “was married to, or the civil partner of, a woman and that civil partnership— ”;

(ii) in paragraph (i), after “took place” insert “, or was formed,”;

(b) in paragraph (4)(d), after “widow” insert “or surviving civil partner”;

(c) in paragraph (5)(c)—

(**263**) Regulations of the Defence Council, 15 July 2011. The Regulations are not a statutory instrument. They are available at <https://www.gov.uk/government/publications/reserve-forces-pension-scheme-regulations>. Hard copies are available from CDP-Remuneration, Armed Forces Pensions, Level 6 Zone M, Ministry of Defence, Main Building, London SW1A 2HB.

(**264**) Rule D.3(4)(b) was substituted, in relation to England and Wales, by [S.I. 2014/3061](#), and in relation to Scotland, by [S.I. 2014/3061](#).

(**265**) Rule D.3(8) was inserted, in relation to England and Wales, by [S.I. 2014/3061](#), and in relation to Scotland, by [S.I. 2014/3061](#).

(**266**) Rule D.8(4) was substituted, in relation to England and Wales, by [S.I. 2014/107](#), and in relation to Scotland, by [S.I. 2014/3229](#).

(**267**) Rule C.2(4) and (5) was substituted, in relation to England and Wales, by [S.I. 2014/3061](#), and in relation to Scotland, by [S.I. 2014/3061](#).

- (i) in the words before paragraph (i), after “married” insert “, or formed a civil partnership with,”;
 - (ii) in paragraph (ii), after “marriage” insert “or civil partnership”;
 - (d) in paragraph (5)(d), after “widow” insert “or surviving civil partner”.
-

EXPLANATORY NOTE

(This note is not part of the Regulations)

The main purpose of these Regulations is to extend civil partnership to opposite-sex couples under the law of England and Wales.

Part 2 amends the Civil Partnership Act 2004 (“the 2004 Act”) to alter the basic definition of civil partnership, enable opposite-sex couples to form a civil partnership by registering as civil partners in England and Wales, and recognise as civil partnerships similar opposite-sex relationships formed in other countries.

Part 3 amends the 2004 Act, regulations made under that Act and the Equality Act 2010, so that religious organisations and those acting on their behalf do not have to be involved in the formation of civil partnerships if they do not wish to be (whether in relation to all civil partnerships or only same-sex or opposite-sex partnerships).

Part 4 amends various legislation to do with children and parenthood, so that opposite-sex civil partnership generally has the same effect as opposite-sex marriage in the law concerning legitimacy, parental responsibility, assisted reproduction, the registration of births, and the acquisition of nationality by descent. Part 4 also includes an amendment in relation to assisted reproduction under the Marriage (Same Sex Couples) Act 2013, where a provision has been identified that should refer to same-sex marriage as well as civil partnership.

Part 5 amends the Gender Recognition Act 2004 and regulations made under it, so that one party to a civil partnership can obtain a full change of gender without first having to dissolve the partnership if the other partner consents (as a party to a marriage can at present).

Part 6 contains miscellaneous amendments. It limits the existing right to convert a civil partnership into a marriage to same-sex couples; amends legislation about the registration of civil partnerships abroad to clarify when English and Welsh law is applicable and cater for opposite-sex civil partnership when it is; and makes minor amendments to do with the circumstances in which orders granted overseas will be recognised as bringing a civil partnership to an end, to deal with provisions that are currently worded on the assumption that civil partnership is a same-sex relationship.

Schedule 1 sets out a list of opposite-sex relationships under the law of other countries that are to be recognised within the 2004 Act as civil partnerships in England and Wales.

Schedule 2 contains transitional provision in relation to opposite-sex overseas relationships that will be recognised as civil partnerships in England and Wales as a result of these Regulations. This provision reflects similar provision made in relation to same-sex overseas relationships in the Civil Partnership (Treatment of Overseas Relationships) Order 2005 (S.I. 2005/3042), and the Civil Partnership (Treatment of Overseas Relationships No. 2) Order 2005 (S.I. 2005/3284).

Schedule 3 contains consequential and related amendments. Part 1 amends Acts, Part 2 amends secondary legislation, and Part 3 amends certain pension schemes in the public sector and in relation

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

to civilian war injuries. Some of the amendments in Schedule 3 are made under the Marriage (Same Sex Couples) Act 2013, for instance where provisions have been identified that have not yet been amended to reflect the introduction of same-sex marriage, or where it is convenient to align references to same-sex marriage with those to opposite-sex civil partnership. Part 2 also includes an amendment made under the Human Fertilisation and Embryology Act 2008 to correct an earlier amendment where the English language text of regulations was amended but the Welsh language text was inadvertently overlooked.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available here:https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/815743/Civil_Partnerships_Impact_Assessment.pdf