

**EXPLANATORY MEMORANDUM TO**  
**THE MARRIAGE AND CIVIL PARTNERSHIP (CONVERSION OF CIVIL PARTNERSHIP AND FEES) (AMENDMENT) REGULATIONS 2021**

**2021 No. 440**

**1. Introduction**

- 1.1 This explanatory memorandum has been prepared by the Home Office and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

- 2.1 This instrument amends the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014, which establish the procedures for couples wishing to convert their existing same sex civil partnership to a marriage. These amendments include changes to the information that must be provided by couples and registered in the conversion register, enabling details of both parents or step-parents of the couple to be recorded instead of just the father's name and occupation, and align with similar amendments made in respect of the registration of civil partnerships and marriages.
- 2.2 The instrument also amends the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016, as a consequence of amendments made to the Marriage Act 1949 by the Registration of Marriages Regulations 2021, to introduce a new electronic registration system for marriages. This instrument removes fees that will no longer be relevant and prescribes fees for entering notices of marriage in the new electronic marriage register, searching indexes of entries in that register and for the issue of certified copies. These are a transfer of the same fees already in place for their paper or manual equivalent, with no change in the amount charged.

**3. Matters of special interest to Parliament**

*Matters of special interest to the Joint Committee on Statutory Instruments*

- 3.1 None.

*Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)*

- 3.2 As the instrument is subject to the negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

**4. Extent and Territorial Application**

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England and Wales.

**5. European Convention on Human Rights**

- 5.1 As the instrument is subject to the negative resolution procedure and does not amend primary legislation, no statement is required.

## **6. Legislative Context**

- 6.1 This instrument amends the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 which establish the procedures for converting a same sex civil partnership into a marriage. It also amends the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 which set fees for services provided by the Registrar General and other civil registration officials.

## **7. Policy background**

### *What is being done and why?*

- 7.1 The Registration of Marriages Regulations 2021 amend the Marriage Act 1949 to introduce an electronic schedule based system for the registration of marriages. The basis of this new system is that the couple will sign a document at their marriage ceremony instead of signing a ‘paper’ marriage register book, which is returned to the register office and entered in the electronic marriage register. Modernising the current system of marriage registration from a hard-copy marriage register to an electronic system of registering marriages enables changes to be made to the marriage entry more easily. In addition, from 4 May 2021, couples getting married will be able to record the names of both of their parents in the marriage entry instead of just their father’s details as is currently the case. Couples will also have the option to include the details of their step-parents.
- 7.2 Couples who have entered into a civil partnership are able to convert their civil partnership to a marriage under the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 (2014 Regulations). This instrument amends the 2014 Regulations so that the information recorded in the register entry will align with the changes for marriages, described above. The instrument makes changes to the information that must be provided by the parties, wanting to convert their civil partnership to a marriage, and recorded by the superintendent registrar on the relevant conversion declaration. It also makes changes to the information that must be registered in the conversion register by the superintendent registrar when a civil partnership has been converted into a marriage, to keep in line with the above changes.
- 7.3 The instrument also includes transitional provisions. This means where the parties have already complied with the requirements in force at the time, prior to this instrument coming to force on 4 May 2021, to provide information to a superintendent registrar for their conversion, they will not need to provide the amended information requirements to convert their civil partnership to a marriage.
- 7.4 This instrument revokes regulation 4(7) of the 2014 Regulations which makes provision about the date on which a conversion application is made for the purposes of section 4A(3) of the Gender Recognition Act 2004. This regulation is no longer needed because section 4A(3) has been repealed by the Civil Partnership (Opposite-sex Couples) Regulations 2019.
- 7.5 The instrument also amends the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 which set fees for services in relation to the registration of births, deaths marriages and civil partnerships in England and Wales. The instrument prescribes fees for entering notices of marriage in the new electronic marriage register, searching indexes of entries in the register, the issue of certified copies from those entries or copies in electronic format, and for the correction of such

entries, all of which are the same as existing fees for the paper processes currently in place.

- 7.6 When civil partnerships were introduced in 2005, the provision to obtain a certified copy of the civil partnership register was included in regulations. The regulations also allowed the parties to obtain an extract of the civil partnership entry which excluded their usual address. The provision to obtain an extract of an entry will no longer be available now that civil partnerships are available to all couples and this aligns with marriages in which parties can obtain certified copies of marriage entries but not extracts of the marriage entry. This instrument removes all references to the fees for extracts in a civil partnership entry.

## **8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union**

- 8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

## **9. Consolidation**

- 9.1 This instrument does not consolidate other legislation. There are currently no plans to consolidate.

## **10. Consultation outcome**

- 10.1 No formal consultation has been conducted on this instrument as it does not alter the fundamental requirements for how couples get married or form a civil partnership.

## **11. Guidance**

- 11.1 Guidance for couples getting married or wanting to convert their civil partnership to a marriage is currently being developed and will be published on gov.uk prior to the introduction of amendments to the Marriage Act 1949 on 4 May 2021, which will introduce a new electronic schedule based system for marriages. The General Register Office is also developing guidance for registration officials and religious bodies in England and Wales and this will be made available prior to implementation.

## **12. Impact**

- 12.1 There is no, or no significant, impact on businesses, charities, or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because no, or no significant, impact on the private, voluntary or public sector is foreseen.

## **13. Regulating small business**

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

## **14. Monitoring & review**

- 14.1 Officials at the General Register Office will continue to engage regularly with key stakeholders, e.g. registration officials, to ensure the new procedures are embedded and running effectively.

## **15. Contact**

- 15.1 Deborah Twist at the Home Office, Telephone: 0300 104 1204 or email: Deborah.Twist@gro.gov.uk, can be contacted with any queries regarding the instrument.
- 15.2 Eric Powell, Deputy Director for Policy Team, at the Home Office can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 The Minister for Future Borders and Immigration , Kevin Foster MP, can confirm that this Explanatory Memorandum meets the required standard.