
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 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.

Status: This is the original version (as it was originally made).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

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