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STATUTORY INSTRUMENTS

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**2019 No. 1458**

**The Civil Partnership (Opposite-sex Couples) Regulations 2019**

**PART 3**

Religious protection

**Approval of religious premises for formation of civil partnership**

**8.**—(1) The Marriages and Civil Partnerships (Approved Premises) Regulations 2005<sup>(1)</sup> 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—

(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-

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<sup>(1)</sup> S.I. 2005/3168, amended by S.I. 2011/2661; there are other amending instruments but none is relevant.

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.”.