



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2 **U.K.**

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 1 **U.K.**

#### REGISTRATION

##### *The special procedure*

### 21 Notice of proposed civil partnership **E+W**

- (1) For two people to register as civil partners of each other under the special procedure, one of them must—
  - (a) give a notice of proposed civil partnership to the registration authority for the area in which it is proposed that the registration take place, and
  - (b) comply with any requirement made under section 22.
- (2) The notice must contain such information as may be prescribed by regulations.
- (3) Subsections (3) to (6) of section 8 (necessary declaration etc.), apart from paragraph (b) of subsection (4), apply for the purposes of this section as they apply for the purposes of that section.

#### **Commencement Information**

- II** S. 21 wholly in force at 5.12.2005; s. 21 not in force at Royal Assent see s. 263; s. 21(2) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1 and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1; s. 21(1)(3) in force at 5.12.2005 insofar as not already in force by S.I. 2005/3175, art. 2(1), Sch. 1

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Civil Partnership Act 2004, Cross Heading: The special procedure is up to date with all changes known to be in force on or before 27 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## 22 Evidence to be produced **E+W**

- (1) The person giving a notice of proposed civil partnership to a registration authority under the special procedure must produce to the authority such evidence as the Registrar General may require to satisfy him—
  - (a) that there is no lawful impediment to the formation of the civil partnership,
  - (b) that the conditions in subsection (2) are met, and
  - (c) that there is sufficient reason why a licence should be granted.
- [<sup>F1</sup>(2) The conditions are that one of the proposed civil partners—
  - (a) is seriously ill and not expected to recover,
  - (b) cannot be moved to a place where they could be registered as civil partners of each other under the standard procedure, and
  - (c) understands the nature and purport of signing a Registrar General's licence.]
- (3) The certificate of a registered medical practitioner is sufficient evidence of any or all of the matters referred to in subsection (2).

### Textual Amendments

- F1** S. 22(2) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, [Sch. para. 9](#) (subject to art. 1(3))

## 23 Application to be reported to Registrar General **E+W**

On receiving a notice of proposed civil partnership under section 21 and any evidence under section 22, the registration authority must—

- (a) inform the Registrar General, and
- (b) comply with any directions the Registrar General may give for verifying the evidence given.

## 24 Objection to issue of Registrar General's licence **E+W**

- (1) Any person may object to the Registrar General giving authority for the issue of his licence by giving the Registrar General or any registration authority notice of his objection.
- (2) A notice of objection must—
  - (a) state the objector's place of residence and the ground of objection, and
  - (b) be signed by or on behalf of the objector.
- (3) If a notice of objection is given to a registration authority, it must ensure that the fact that it has been given and the information in it are recorded in the register as soon as possible.

## 25 Issue of Registrar General's licence **E+W**

- (1) This section applies where a notice of proposed civil partnership is given to a registration authority under section 21.
- (2) The registration authority may issue a Registrar General's licence if, and only if, given authority to do so by the Registrar General.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Civil Partnership Act 2004, Cross Heading: The special procedure is up to date with all changes known to be in force on or before 27 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) The Registrar General—
  - (a) may not give his authority unless he is satisfied that one of the proposed civil partners is seriously ill and not expected to recover, but
  - (b) if so satisfied, must give his authority unless a lawful impediment to the issue of his licence has been shown to his satisfaction to exist.
- (4) A licence under this section must state that it is issued on the authority of the Registrar General.
- (5) Regulations may (subject to subsection (4)) make provision as to the contents of a licence under this section.
- (6) If an objection has been made to the Registrar General giving authority for the issue of his licence, he is not to give that authority until—
  - (a) he has investigated the objection and decided whether it ought to obstruct the issue of his licence, or
  - (b) the objection has been withdrawn by the person who made it.
- (7) Any decision of the Registrar General under subsection (6)(a) is final.

#### Commencement Information

- I2** S. 25 wholly in force at 5.12.2005; s. 25 not in force at Royal Assent see s. 263; s. 25(5) in force at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1; s. 25(1)-(4)(6)(7) in force at 5.12.2005 by S.I. 2005/3175, art. 2(1), Sch. 1

## 26 Frivolous objections: liability for costs **E+W**

- (1) This section applies if—
  - (a) a person objects to the Registrar General giving authority for the issue of his licence, but
  - (b) the Registrar General declares that the grounds on which the objection is made are frivolous and ought not to obstruct the issue of his licence.
- (2) The person who made the objection is liable for—
  - (a) the costs of the proceedings before the Registrar General, and
  - (b) damages recoverable by the proposed civil partner to whom the objection relates.
- (3) For the purpose of enabling any person to recover any such costs and damages, a copy of a declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has made the declaration.

## 27 Period during which registration may take place **E+W**

- (1) If a Registrar General's licence has been issued under section 25, the proposed civil partners may register as civil partners by signing it at any time within 1 month from the day on which the notice of proposed civil partnership was given.
- (2) If they do not register as civil partners by signing the licence within the 1 month period—

---

**Status:** Point in time view as at 05/12/2005.

**Changes to legislation:** Civil Partnership Act 2004, Cross Heading: The special procedure is up to date with all changes known to be in force on or before 27 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

---

- (a) the notice of proposed civil partnership and the licence are void, and
- (b) no civil partnership registrar may officiate at the signing of the licence by them.

**Status:**

Point in time view as at 05/12/2005.

**Changes to legislation:**

Civil Partnership Act 2004, Cross Heading: The special procedure is up to date with all changes known to be in force on or before 27 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.