



Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 1

REGISTRATION

Preliminaries to registration

139 Notice of proposed civil partnership

- (1) For two people to register as civil partners of each other under this Chapter, each of them must give the registrar a notice of proposed civil partnership (a “civil partnership notice”).
- (2) A civil partnership notice must be—
 - (a) in the prescribed form, and
 - (b) accompanied by the prescribed fee and such documents and other information as may be prescribed.
- (3) In prescribed cases a civil partnership notice must be given to the registrar by each party in person.

Commencement Information

- II** S. 139 wholly in force at 5.12.2005; s. 139 not in force at Royal Assent see s. 263; s. 139(2)(3) in force at 5.9.2005 for certain purposes by [S.I. 2005/2399](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#); s. 139(1) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#)

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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)

[^{F1}139A. Additional information if party not relevant national

- (1) This section applies to a civil partnership notice given to a registrar in accordance with section 139 if one, or each, of the parties to the proposed civil partnership is not a relevant national.
- (2) For each party to the proposed civil partnership who is not a relevant national, the notice must be accompanied by whichever of statements A, B or C is applicable to that person.
- (3) Statement A is a statement that the person has the appropriate immigration status.
- (4) Statement B is a statement that the person holds a relevant visa in respect of the proposed civil partnership.
- (5) Statement C is a statement that the person neither—
 - (a) has the appropriate immigration status, nor
 - (b) holds a relevant visa in respect of the proposed civil partnership.
- (6) If the notice is accompanied by the statement referred to in the first column of an entry in this table, the notice must also be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed civil partnership)—

<i>If the notice is accompanied by this statement....</i>	<i>...the notice must also be accompanied by....</i>
Statement A (in respect of one or both of the parties to the proposed civil partnership)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed civil partnership)	<ol style="list-style-type: none"> 1. For each party, a specified photograph of that party 2. For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed civil partnership)	<ol style="list-style-type: none"> 1. For each party, a specified photograph of that party 2. For each party, the usual address of that party 3. For each party who has previously used any name or names other than the person's name stated in the civil partnership notice, a statement of the other name or names 4. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases.

- (7) If the notice is accompanied by more than one of statements A, B and C, subsection (6) must be complied with in relation to each of those statements; but where the notice is accompanied by statements B and C, subsection (6) does not require the notice to be accompanied by more than one specified photograph of each party.
- (8) If the notice is accompanied by statement C for a party to the proposed civil partnership—

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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 may also be accompanied by a statement (“statement D”) of that person’s immigration position in the United Kingdom;
 - (b) if the notice is accompanied by statement D for a party to the proposed civil partnership, the person may provide the registrar with details of his or her immigration position in the United Kingdom; and
 - (c) if any such details are provided, the registrar must record them.
- (9) In this section and section 139B—
- (a) a reference—
 - (i) to a person having the appropriate immigration status, or
 - (ii) to a person holding a relevant visa,is to be construed in accordance with section 49 of the 2014 Act;
 - (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
 - (c) a reference to a person’s immigration position in the United Kingdom includes a reference to the person’s not being entitled to be in the United Kingdom.
- (10) In this section “specified photograph” means a photograph that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act (and for this purpose “photograph” includes other kinds of images).

Textual Amendments

- F1** Ss. 139A-139E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 3 para. 2](#) (with art. 1(3))

Modifications etc. (not altering text)

- C1** S. 139A(9) applied (2.3.2015) by [The Sham Marriage and Civil Partnership \(Scotland and Northern Ireland\) \(Administrative\) Regulations 2015 \(S.I. 2015/404\)](#), regs. 1(2), [18\(4\)\(b\)](#)

139B. Additional evidence if party not relevant national

- (1) If a civil partnership notice to which section 139A applies (“the notice”) is accompanied by statement A (referred to in section 139A(3)), and accordingly is also accompanied by details of the particular immigration status which a party to the proposed civil partnership has, the notice must also be accompanied by specified evidence of that status.
- (2) If the notice is accompanied by statement B (referred to in section 139A(4)), the notice must also be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed civil partnership.
- (3) If, in accordance with section 139A(6), the notice is accompanied by the usual address of a party to the proposed civil partnership, the notice must also be accompanied by specified evidence that it is that party’s usual address.
- (4) If the notice is accompanied by statement D (referred to in section 139A(8)), the notice may also be accompanied by evidence of the person’s immigration position in the United Kingdom.

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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)

- (5) If subsection (1) or (2) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
- (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 139A(6);
 - (b) as respects the usual address of each party that is provided in accordance with sub-paragraph (a), specified evidence that the address provided is that party’s usual address; and
 - (c) names and aliases of the kinds referred to in paragraphs 3 and 4 in the relevant entry in section 139A(6) (insofar as those paragraphs are applicable to the parties to the proposed civil partnership).

- (6) In this section—

“relevant entry in section 139A(6)” means the second column of the last entry in the table in section 139A(6);

“specified evidence” means evidence that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act.

Textual Amendments

- F1** Ss. 139A-139E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 3 para. 2](#) (with art. 1(3))

139C. Declaration to accompany information and evidence

Where information and evidence accompany the civil partnership notice in accordance with sections 139A and 139B that information and evidence must also be accompanied by a declaration in writing and signed by the party who makes it that the party believes all of the information and evidence accompanying the notice to be true.

Textual Amendments

- F1** Ss. 139A-139E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 3 para. 2](#) (with art. 1(3))

139D. Rejection of false information or evidence

- (1) A registrar may reject—
- (a) any information or photograph provided under section 139A or 139B,
 - (b) any evidence provided under section 139B, or
 - (c) any evidence relating to a party’s nationality provided in accordance with section 141,
- if (in particular) the registrar has reasonable grounds for suspecting that the information, photograph or evidence is false.

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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)

- (2) If the registrar rejects any information, photograph or evidence, the registrar may proceed under this Act as if the rejected information, photograph or evidence had not been provided.
- (3) This section does not limit the powers of the registrar to reject anything provided under any other statutory provision.

Textual Amendments

- F1** Ss. 139A-139E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 3 para. 2](#) (with art. 1(3))

139E. Referral of proposed civil partnership to the Secretary of State

- (1) On every occasion when a civil partnership notice is given under section 139, a registrar must decide whether or not each of the parties to the proposed civil partnership is an exempt person.
- (2) In making a decision under subsection (1) about a party to a proposed civil partnership, a registrar may rely on any advice given in relation to that decision by the Secretary of State.
- (3) In a case where—
 - (a) section 139A applies to the civil partnership notice, and
 - (b) specified evidence required by section 139B(1) or (2) in relation to a party to the proposed civil partnership is not produced in accordance with that section,the registrar must decide that that party to the proposed civil partnership is not an exempt person.
- (4) If the registrar decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the registrar must—
 - (a) refer the proposed civil partnership to the Secretary of State;
 - (b) notify the parties to the proposed civil partnership that the proposed civil partnership must be referred to the Secretary of State;
 - (c) give the parties to the proposed civil partnership prescribed information about—
 - (i) the effects of the referral;
 - (ii) the requirement under regulations to notify the Secretary of State of changes of address.
- (5) The registrar must act in accordance with regulations when complying with the duty in subsection (4)(a) to refer a proposed civil partnership to the Secretary of State.
- (6) If the registrar refers the proposed civil partnership to the Secretary of State, this Act has effect in relation to the proposed civil partnership subject to the modifications in Schedule 13A.
- (7) In this section—
 - (a) a reference to a person being an exempt person has the same meaning as in section 49 of the 2014 Act;
 - (b) “prescribed information” means information prescribed in regulations;

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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)

- (c) “regulations” means regulations made by the Secretary of State under section 54(2) of, and Schedule 5 to, the 2014 Act.]

Textual Amendments

- F1** Ss. 139A-139E inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 3 para. 2](#) (with art. 1(3))

140 Civil partnership notice book and list of intended civil partnerships

- (1) The registrar must keep a record of—
- (a) such particulars as may be prescribed, taken from each civil partnership notice received by him, and
 - (b) the date on which each civil partnership notice is received by him.
- (2) In this Chapter “civil partnership notice book” means the record kept under subsection (1).
- [^{F2}(2A) But the registrar must not enter the particulars relating to the civil partnership in the civil partnership notice book in a case where any of the requirements imposed by or under any of the following provisions of this Act is applicable but not complied with—
- (a) section 139A(2) to (7);
 - (b) section 139B(3) or (5);
 - (c) section 141 so far as that requirement relates to evidence of nationality;
 - (d) paragraph 13 of Schedule 23.
- (2B) Where the registrar may not enter the particulars relating to the civil partnership notice book as mentioned in subsection (2A) the parties are to be taken not to have given notice under section 139.]
- (3) The registrar must, in accordance with any guidance issued by the Registrar General, place on public display a list containing in relation to each proposed civil partnership in respect of which the registrar has received a civil partnership notice—
- (a) the names of the proposed civil partners, and
 - (b) the date on which it is intended to register them as civil partners of each other.
- (4) As soon as practicable after the date mentioned in subsection (3) the registrar must remove from the list the names and the date mentioned in that subsection.
- (5) Any person claiming that he may have reason to make an objection to a proposed civil partnership may inspect any entry relating to the civil partnership in the civil partnership notice book without charge.

Textual Amendments

- F2** S. 140(2A)(2B) inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), art. 1(2), [Sch. 3 para. 4](#) (with art. 1(3))

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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)

Commencement Information

- 12** S. 140 wholly in force at 5.12.2005; s. 140 not in force at Royal Assent see s. 263; s. 140(1)(a) in force at 5.9.2005 for certain purposes by S.I. 2005/2399, **art. 2, Sch.** and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, **art. 2(1), Sch.**; s. 140 in force at 5.12.2005 insofar as not already in force by S.I. 2005/3255, **art. 2(1), Sch.**

141 Power to require evidence of name etc.

- (1) A registrar to whom a civil partnership notice is given may require the person giving it to provide him with specified evidence relating to each proposed civil partner.
- (2) Such a requirement may be imposed at any time before the registrar issues the civil partnership schedule under section 143.
- (3) “Specified evidence”, in relation to a person, means such evidence as may be specified in guidance issued by the Registrar General—
 - (a) of the person’s name and surname,
 - (b) of the person’s age,
 - (c) as to whether the person is or has been a civil partner or lawfully married, and
 - (d) of the person’s nationality.

142 Objections

- (1) Any person may at any time before the formation of a civil partnership in Northern Ireland make an objection in writing to the registrar.
- (2) An objection on the ground that one of the proposed civil partners is incapable of understanding the nature of civil partnership must be accompanied by a supporting certificate signed by a medical practitioner.
- (3) If the registrar is satisfied that the objection relates to no more than a misdescription or inaccuracy in the civil partnership notice, he must—
 - (a) notify the proposed civil partners,
 - (b) make such inquiries as he thinks fit, and
 - (c) subject to the approval of the Registrar General, make any necessary correction to any document relating to the proposed civil partnership.
- (4) In any other case the registrar must notify the Registrar General of the objection.
- (5) If the Registrar General is satisfied that there is a legal impediment to the formation of the civil partnership, he must direct the registrar to—
 - (a) notify the parties, and
 - (b) take all reasonable steps to ensure that the formation of the civil partnership does not take place.
- (6) If subsection (5) does not apply, the Registrar General must direct the registrar to proceed under section 143.
- (7) For the purposes of this section and section 143 there is a legal impediment to the formation of a civil partnership where the proposed civil partners are not eligible to be registered as civil partners of each other.

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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)

- (8) A person who has submitted an objection may withdraw it at any time, but the Registrar General may have regard to an objection which has been withdrawn.

143 Civil partnership schedule

After the registrar receives a civil partnership notice from each of the proposed civil partners, he must complete a civil partnership schedule in the prescribed form, if—

- (a) he is satisfied that there is no legal impediment to the formation of the civil partnership, or
- (b) the Registrar General has directed him under section 142(6) to proceed under this section.

Commencement Information

- I3** S. 143 wholly in force at 5.12.2005; s. 143 not in force at Royal Assent see s. 263; s. 143 in force at 5.9.2005 for certain purposes by [S.I. 2005/2399](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#)

[^{F3}143A. Civil partnership notice: false information or evidence

- (1) A registrar may refuse to complete a civil partnership schedule under section 143 (or where one has already been completed, may cancel it) in a case where—
 - (a) notice of a proposed civil partnership has been given under section 139, and
 - (b) the registrar has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence in or accompanying that notice.
- (2) If the registrar refuses to complete (or cancels) a civil partnership schedule under subsection (1), the parties to the proposed civil partnership are to be taken not to have given notice under section 139; but that does not prevent criminal proceedings from being brought against either party, or any other person, in relation to the giving of the notice.
- (3) This section does not limit the powers of the registrar to refuse to complete (or, as the case may be, cancel) a civil partnership schedule.
- (4) In this section—
 - “evidence” includes a photograph or other image;
 - “exempt person” has the same meaning as in section 139E;
 - “relevant decision” means a decision of a registrar that a party to the proposed civil partnership is an exempt person.]

Textual Amendments

- F3** S. 143A inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Northern Ireland and Miscellaneous Provisions\) Order 2015 \(S.I. 2015/395\)](#), [art. 1\(2\)](#), [Sch. 3 para. 5](#) (with [art. 1\(3\)](#))

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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)

144 Place of registration

- (1) The place at which two people may register as civil partners of each other must be—
 - (a) a registration office, or
 - (b) a place approved under subsection (3).
- (2) Subsection (1) is subject to subsections (5) and (7).
- (3) A local registration authority may, in accordance with regulations under subsection (4), approve places where civil partnerships may be registered in its district.
- (4) Regulations under section 159 may make provision for or in connection with the approval of places under subsection (3), including provision as to—
 - (a) the kinds of place in respect of which approvals may be granted,
 - (b) the procedure to be followed in relation to applications for approval,
 - (c) the considerations to be taken into account in determining whether to approve any places,
 - (d) the duration and renewal of approvals (whether for one occasion or for a period),
 - (e) the conditions that must or may be imposed on granting or renewing an approval,
 - (f) the determination and charging of fees in respect of[en rule]
 - (i) applications for the approval of places,
 - (ii) the renewal of approvals, and
 - (iii) the attendance by registrars at places approved under the regulations,
 - (g) the circumstances in which a local registration authority must or may revoke or suspend an approval or vary any of the conditions imposed in relation to an approval,
 - (h) the renewal of decisions made by virtue of the regulations,
 - (i) appeals to a county court from decisions made by virtue of the regulations,
 - (j) the notification to the Registrar General of all approvals granted, renewed, revoked, suspended or varied,
 - (k) the notification to the registrar for the district in which a place approved under the regulations is situated of all approvals relating to such a place which are granted, renewed, revoked, suspended or varied,
 - (l) the keeping by the Registrar General, registrars and local registration authorities of registers of places approved under the regulations, and
 - (m) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (5) If either of the parties to a proposed civil partnership gives the registrar a medical statement, the civil partnership may, with the approval of the Registrar General, be registered at any place where that party is.
- (6) In subsection (5) “medical statement”, in relation to any person, means a statement made in the prescribed form by a registered medical practitioner that in his opinion at the time the statement is made—
 - (a) by reason of serious illness or serious bodily injury, that person ought not to move or be moved from the place where he is at that time, and

Status: Point in time view as at 27/09/2017.

Changes to legislation: Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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)

- (b) it is likely that it will be the case for at least the following 3 months that by reason of illness or disability the person ought not to move or be moved from that place.
- (7) If the Registrar General so directs, a registrar must register a civil partnership in a place specified in the direction.

Commencement Information

- I4** S. 144 wholly in force at 5.12.2005; s. 144 not in force at Royal Assent see s. 263; s. 144(4)(6) in force at 5.9.2005 for certain purposes by S.I. 2005/2399, **art. 2, Sch.** and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, **art. 2(1), Sch.**; s. 144(1)-(3)(5)(7) in force at 5.12.2005 insofar as not already in force by S.I. 2005/3255, **art. 2(1), Sch.**

Status:

Point in time view as at 27/09/2017.

Changes to legislation:

Civil Partnership Act 2004, Cross Heading: Preliminaries to registration is up to date with all changes known to be in force on or before 22 June 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.