
STATUTORY INSTRUMENTS

2019 No. 1458

The Civil Partnership (Opposite-sex Couples) Regulations 2019

PART 1

Introductory provision

Citation and commencement

1.—(1) These Regulations may be cited as the Civil Partnership (Opposite-sex Couples) Regulations 2019.

(2) These Regulations come into force on the later of 2nd December 2019 and the day after the day on which they are made.

Extent

2.—(1) Subject to the following provisions of this regulation, these Regulations extend to England and Wales only.

(2) The following provisions of these Regulations extend to England and Wales, Scotland and Northern Ireland—

- (a) this Part;
- (b) regulations 20, 21 and 22;
- (c) Part 5, except for regulations 25, 32, 33 and 36;
- (d) regulation 38;
- (e) regulation 41.

(3) The following provisions of these Regulations extend to England and Wales and Scotland—

- (a) regulations 10, 11 and 16;
- (b) regulation 25.

(4) Subject to paragraph (5), an amendment contained in Schedule 3 has the same extent as the provision amended (except insofar as the provision extends outside the United Kingdom).

(5) In Schedule 3—

- (a) paragraphs 1, 8, 108, 109, 111(3)(b), 112(3)(b), 113(3)(b) and 114 extend to England and Wales only;
- (b) paragraph 116 extends to England and Wales and Scotland only.

PART 2

Extension of civil partnership to opposite-sex couples in England and Wales

Amendment of definition of civil partnership

3. In section 1(1) of the Civil Partnership Act 2004⁽¹⁾, in the words before paragraph (a), omit “of the same sex”.

Formation of civil partnerships by opposite-sex couples in England and Wales

4. In section 3(1) of the Civil Partnership Act 2004, omit paragraph (a).

Treatment of opposite-sex overseas relationships as civil partnerships

5.—(1) Part 5 of the Civil Partnership Act 2004 is amended as follows.

(2) In section 212(1)(b), omit sub-paragraph (i) (including the “and”).

(3) In section 213⁽²⁾—

(a) in subsection (1), for “by Schedule 20.” substitute—

“—

(a) in the case of a relationship registered by two people who under the relevant law are of the same sex when the relationship is registered, by Part 1 of Schedule 20,

(b) in the case of a relationship registered by two people who under the relevant law are not of the same sex when the relationship is registered, by Part 2 of Schedule 20.”;

(b) in subsection (3), after “this section” insert “amending Part 1 of Schedule 20”.

(4) In section 215—

(a) in subsection (2), for “subsection (3)” substitute “subsections (3) and (5B)”;

(b) after subsection (5) insert—

“(5A) In the case of a relationship that is—

(a) an overseas relationship treated as a civil partnership for the purposes of this Act only as a result of the amendments made by the Civil Partnership (Opposite-sex Couples) Regulations 2019⁽³⁾ (“the 2019 Regulations”), and

(b) registered (under the relevant law) as having been entered into before the 2019 Regulations come into force,

subsection (5B) or (as the case may be) subsections (5C) and (5D) apply in place of subsections (3) to (5).

(5B) The time when the two people are treated as having formed a civil partnership is the time when the 2019 Regulations come into force.

(5C) But if—

(a) before the 2019 Regulations come into force, a dissolution or annulment of the overseas relationship was obtained outside the United Kingdom, and

(1) 2004 c. 33.

(2) Section 213 was amended by S.I. 2010/1839.

(3) S.I. 2019/1458.

- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (5B) does not apply and subsections (1) and (2) have effect subject to subsection (5D).

(5D) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provision except—

- (a) Schedules 7, 11 and 17 (financial relief in United Kingdom after dissolution or annulment obtained outside the United Kingdom);
- (b) such provisions as are specified (with or without modifications) in regulations under section 2 or 5 of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019;
- (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).”;

(c) in subsection (6), omit “216,”.

(5) Omit section 216(4).

(6) In Schedule 20(5)—

- (a) the existing text becomes Part 1;
- (b) as the heading of that Part insert “Same-sex relationships”;
- (c) in that Part, in the words before the table, for “section 213 (meaning of “overseas relationship”)” substitute “section 213(1)(a) (specified relationships between two people of the same sex)”;
- (d) after that Part insert as Part 2 the provision set out in Schedule 1.

Transitional provision in relation to opposite-sex overseas relationships

- 6. Schedule 2 contains transitional provision in connection with regulation 5.

PART 3

Religious protection

Approval of religious premises for formation of civil partnership

- 7. In section 6 of the Civil Partnership Act 2004(6), after subsection (3C) insert—

“(3D) Where, further to regulations under section 6A of this Act or section 2 of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019, an approval of premises for the purposes of subsection (3A)(a) has effect—

- (a) only in relation to civil partnerships formed by two people of the same sex, or
 - (b) only in relation to civil partnerships formed by two people of the opposite sex,
- the premises are “approved premises”, for the purposes of this Part, only in relation to civil partnerships of that sort.”.

(4) Section 216 was amended by [S.I. 2011/1043](#).

(5) Schedule 20 was amended by [S.I. 2005/3129](#), 3135, 2012/2976.

(6) Section 6 was amended by [S.I. 2005/2000](#) and by the Equality Act 2010 (c. 15), Schedule 27, paragraph 1.

8.—(1) The Marriages and Civil Partnerships (Approved Premises) Regulations 2005(7) 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-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

(7) [S.I. 2005/3168](#), amended by [S.I. 2011/2661](#); there are other amending instruments but none is relevant.

- (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.”.

Protection against compulsion in relation to religious involvement in civil partnership

9.—(1) The Civil Partnership Act 2004 is amended as follows.

(2) In section 6A(8), omit subsection (3A).

(3) After section 30 insert—

“Religious involvement: protection against compulsion

30ZA.—(1) A protected person may not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to—

- (a) seek or consent to the approval of religious premises for the purposes of section 6(3A)(a)(9),
- (b) allow religious premises to be used as the place at which two people register as civil partners of each other under this Part, or
- (c) provide, arrange, facilitate, participate in, or be present at—
 - (i) an occasion during which two people register as civil partners of each other on religious premises under this Part, or
 - (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

where the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(2) In this section—

“protected person” means—

- (a) a religious organisation,
- (b) a constituent body or part of a religious organisation, or
- (c) a person acting on behalf of, or under the auspices of, such an organisation, body or part,

but does not include a civil partnership registrar;

“religious premises” has the meaning given by section 6A(3C).”.

10.—(1) The Equality Act 2010(10) is amended as follows.

(2) In section 110(11), after subsection (5B) insert—

“(5BA) If A is a protected person, A does not contravene this section if A—

- (a) does not allow religious premises to be used as the place at which two people register as civil partners of each other under Part 2 of the Civil Partnership Act 2004 (“the 2004 Act”), or
- (b) does not provide, arrange, facilitate or participate in, or is not present at—
 - (i) an occasion during which two people register as civil partners of each other on religious premises under Part 2 of the 2004 Act, or
 - (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

(8) Section 6A was inserted by [S.I. 2005/2000](#) and amended by [S.I. 2008/678](#) and the Equality Act 2010, section 202(3) and 4.

(9) Section 6(3)-(3C) was substituted for section 6(3) by [S.I. 2005/2000](#).

(10) [2010 c. 15](#).

(11) Section 110 was amended by the Marriage (Same Sex Couples) Act 2013, section 2(5) and [S.I. 2014/3229](#).

for the reason that the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(5BB) In subsection (5BA)—

“protected person” has the meaning given by section 30ZA(2) of the 2004 Act;

“religious premises” has the meaning given by section 6A(3C) of the 2004 Act.”.

(3) In Part 6A of Schedule 3(12)—

(a) in the heading, after “Same Sex Couples” insert “and Civil Partnership”;

(b) after paragraph 25A insert—

“No compulsion for religious organisations or persons acting on their behalf to act in relation to civil partnerships

25AA.—(1) A protected person does not contravene section 29 only because the person—

(a) does not allow religious premises to be used as the place at which two people register as civil partners of each other under Part 2 of the Civil Partnership Act 2004 (“the 2004 Act”), or

(b) does not provide, arrange, facilitate or participate in, or is not present at—

(i) an occasion during which two people register as civil partners of each other on religious premises under Part 2 of the 2004 Act, or

(ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

for the reason that the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(2) An employer or principal does not contravene section 29 only because the employer or principal is treated under section 109 as doing something that does not, by virtue of sub-paragraph (1), amount to a contravention of section 29 by the employee or agent who in fact does it.

(3) In this paragraph—

“protected person” has the meaning given by section 30ZA(2) of the 2004 Act;

“religious premises” has the meaning given by section 6A(3C) of the 2004 Act(13).”.

Religious employment of persons in same-sex or opposite-sex civil partnerships

11. In Schedule 9 to the Equality Act 2010, in paragraph 2(4)—

(a) in paragraph (ca)(14), after “married to” insert “, or the civil partner of,”;

(b) after paragraph (ca) insert—

“(cb) a requirement not to be the civil partner of a person of the opposite sex;”.

(12) Part 6A was added by the Marriage (Same Sex Couples) Act 2013, section 2(6).

(13) Section 6A(3C) was added by S.I. 2005/2000.

(14) Paragraph (ca) was added by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 45.

PART 4

Parenthood

Legitimacy of children of civil partners

12.—(1) The Legitimacy Act 1976(**15**) is amended as follows.

(2) Before section 1(**16**) insert—

“Legitimacy of children of civil partners

A1.—(1) A child is legitimate by virtue of a civil partnership between the natural parents of the child if, had the civil partnership been a marriage (and all other circumstances were the same), the child would have been legitimate at common law by virtue of the marriage.

(2) The presumption of common law that a child born to a woman during her marriage to a man is also the natural child of her spouse applies equally in relation to a child born to a woman during her civil partnership with a man.”.

(3) In section 1—

(a) in the heading, “after “void marriages” insert “and civil partnerships”;

(b) in subsection (1)—

(i) after “void marriage” insert “or a void civil partnership”;

(ii) after “celebration of the marriage” insert “, or the formation of the civil partnership,”;

(iii) after “that the marriage” insert “or civil partnership”;

(c) in subsection (3), after “marriage” insert “or civil partnership”;

(d) in subsection (4)—

(i) after “a child” insert “of a void marriage”;

(ii) after “Family Law Reform Act 1987,” insert “or a child of a void civil partnership (whenever born),”;

(iii) after “void marriage” insert “or civil partnership”;

(iv) after “celebration of the marriage” insert “, or the formation of the civil partnership,”;

(v) after “that the marriage” insert “or civil partnership”.

(4) In section 2(**17**)—

(a) in the heading, after “marriage” insert “or civil partnership”;

(b) after “marry” insert “or become civil partners of”;

(c) after “marriage”, in the first place it occurs (after the heading), insert “or civil partnership”;

(d) after “date of marriage” insert “or the date of the formation of the civil partnership”;

(e) for “date of the marriage” substitute “that date”.

(5) In section 3(**18**), in subsection (1)—

(a) after “marry” insert “or become civil partners of”;

(b) after “marriage”, in each place it occurs, insert “or civil partnership”.

(15) 1976 c. 31.

(16) Section 1 was amended by the Family Law Reform Act 1987 (c. 42), sections 28 and 34; and S.I. 2014/560, 3168.

(17) Section 2 was amended by S.I. 2014/560.

(18) Section 3 was amended by the Human Fertilisation and Embryology Act 2008 (c. 22), Schedule 6, paragraph 17 and S.I. 2014/560.

(6) In Schedule 1—

(a) in paragraph 4, after sub-paragraph (3) insert—

“(4) Section 1 does not affect any matter referred to in sub-paragraph (2) or (3) so far as it applies to a child of a void civil partnership.”;

(b) after paragraph 5 insert—

“5A. Nothing in this Act, except for section 2A, legitimates a person born before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force by virtue of a civil partnership formed by the person’s parents before that date.”.

13.—(1) The Family Law Reform Act 1987(**19**) is amended as follows.

(2) In section 1(**20**)—

(a) in subsection (2), in paragraphs (a) and (b), after “married to” insert “, or civil partners of,”;

(b) after subsection (4) insert—

“(4A) Subsection (4B) applies to a person—

(a) who was born before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force;

(b) whose parents formed a civil partnership before that date; and

(c) who does not fall within subsection (3)(ba) or (bb).

(4B) A reference falling within subsection (2)(a) or (b) above does not include or (as the case may be) exclude the person by virtue of that civil partnership.”;

(c) omit subsections (5) to (8).

(3) In section 18, in subsection (2), after “married to” insert “, or civil partners of,”.

(4) In section 21, in subsection (1)(a), after “married to” insert “, or civil partners of,”.

14.—(1) In section 50 of the Human Fertilisation and Embryology Act 2008(**21**), omit subsection (2).

(2) The repeal of that subsection does not affect the status of any person born before the date on which these Regulations come into force who was treated as legitimate by virtue of that subsection (but is not so treated by virtue of section 1 of the Legitimacy Act 1976 as amended by these Regulations).

Parental responsibility of civil partners

15.—(1) The Children Act 1989(**22**) is amended as follows.

(2) In section 2(**23**), in subsections (1), (2) and (3), after “married to” insert “, or civil partners of,”.

(3) In section 4, in subsection (1), in the words before paragraph (a)(**24**), after “married to” insert “, or civil partners of,”.

(4) In section 105, in subsection (2), after “married to” insert “, or civil partners of,”.

(19) 1987 c. 42.

(20) Section 1 was amended by the Adoption and Children Act 2002 (c. 38), Schedule 3, paragraph 51; the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 24; and S.I. 2014/560.

(21) 2008 c. 22.

(22) 1989 c. 41.

(23) Section 2 was amended by the Adoption and Children Act 2002, section 111(5); and the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 26.

(24) Section 4(1)(a) was substituted by the Adoption and Children Act 2002, section 111(2).

Parental status of civil partners in cases of assisted reproduction

- 16.—(1) The Human Fertilisation and Embryology Act 2008 is amended as follows.
- (2) In section 35(25)—
- (a) in the heading, after “married to” insert “, or civil partner of,”;
 - (b) in subsection (1)—
 - (i) in paragraph (a), after “marriage with a man” insert “or a civil partnership with a man”;
 - (ii) in paragraph (b) and in the words after that paragraph, after “marriage” insert “or civil partnership”.
- (3) In section 38(2)—
- (a) after “common law” insert “or section A1(2) of the Legitimacy Act 1976(26)”;
 - (b) after “marriage” insert “or civil partnership”.
- (4) In section 40(27)—
- (a) in the heading, for “husband etc” substitute “male spouse, civil partner or intended parent”;
 - (b) in subsection (1)—
 - (i) in paragraph (b), after “marriage with a man” insert “or a civil partnership with a man”;
 - (ii) in paragraphs (c), (d) and (e), after “marriage” insert “or civil partnership”.
- (5) In section 42(1)(28), after “a civil partnership” insert “with another woman”.
- (6) In section 45(2)—
- (a) after “common law” insert “or section A1(2) of the Legitimacy Act 1976”;
 - (b) after “marriage” insert “or civil partnership”.
- (7) In section 46(29)—
- (a) in the heading, for “civil partner or wife or intended female parent” substitute “female spouse, civil partner or intended parent”;
 - (b) in subsection (1)(b), for “or marriage with another woman” substitute “with a woman or a marriage with a woman”.
- (8) In section 48(6)(b), after “party to a” insert “marriage or”.

Registration of birth of children of civil partners

- 17.—(1) The Births and Deaths Registration Act 1953(30) is amended as follows.
- (2) In section 10(31)—
- (a) in the heading, omit “where parents not married”, in the first place it occurs;
 - (b) in subsection (1), in the words before paragraph (a), after “married to” insert “, or civil partners of,”;

(25) Section 35 was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 38, and by [S.I. 2014/3229](#).

(26) [1976 c. 31](#). Section A1 is inserted by [S.I. 2019/1458](#).

(27) Section 40(1) was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 39 and by [S.I. 2014/3229](#).

(28) Section 42(1) was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 40 and by [S.I. 2014/3229](#).

(29) Section 46 was amended by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 41 and by [S.I. 2014/3229](#).

(30) [1953 c. 20](#).

(31) Section 10 was substituted by the Family Law Reform Act 1987, section 24; relevant amendments were made by the Children Act 1989, Schedule 12, paragraph 6(4); the Adoption and Children Act 2002, Schedule 3, paragraph 6(c); the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 (c. 24), Schedule 1, paragraph 2; the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 5(2); and [S.I. 2014/560](#).

- (c) in subsection (2), in the words before paragraph (a), after “married to” insert “, or civil partners of,”;
 - (d) in subsection (3), after “married to” insert “, or civil partners of,”.
- (3) In section 10A(32), in subsection (1), in the words before paragraph (a), after “married to” insert “, or civil partners of,”.

18.—(1) The Registration of Births and Deaths Regulations 1987(33) are amended as follows.

- (2) In regulation 9, in paragraph (7)(34)—
 - (a) omit sub-paragraph (a) (including the final “or”);
 - (b) in sub-paragraph (b), after “with, the” insert “father or”.
- (3) In the heading of Part 4, after “married to” insert “, or civil partners of,”.
- (4) In regulation 19, in paragraph (b)(ii)(35)—
 - (a) omit “her marriage to the father, or”;
 - (b) after “with, the” insert “father or”.

19.—(1) Schedule 6 to the Welfare Reform Act 2009(36) (which makes amendments in relation to the registration of births that are not yet in force) is amended as follows.

- (2) In paragraph 2(37)—
 - (a) in sub-paragraph (2), in the substituted paragraph (aa)—
 - (i) in sub-paragraph (i), after “married to” insert “, or civil partners of,”;
 - (ii) in sub-paragraph (ii), omit “where parents not married”;
 - (b) in sub-paragraph (4), in the inserted subsection (4), after “married to”, in both places it occurs, insert “, or civil partners of,”.
- (3) In paragraph 3—
 - (a) in sub-paragraph (2), after “married to” insert “, or civil partners of,”;
 - (b) in sub-paragraph (4), after “married” insert “or civil partners”.
- (4) In paragraph 4—
 - (a) in the inserted section 2A—
 - (i) in the heading, after “married” insert “or civil partners”;
 - (ii) in subsection (1), in the words before paragraph (a), after “married to” insert “, or civil partners of,”;
 - (b) in the inserted section 2B—
 - (i) in the heading, for “unmarried mother” substitute “mother not married or a civil partner”;
 - (ii) in subsection (1), after “married” insert “or civil partners”;
 - (c) in the inserted section 2D—
 - (i) in subsection (1), in the words before paragraph (a), after “married to” insert “, or civil partners of,”;

(32) Section 10A was substituted by the Family Law Reform Act 1987, section 25; subsection (1) was amended by the Human Fertilisation and Embryology Act 2008, Schedule 6, paragraph 7.

(33) [S.I. 1987/2088](#).

(34) Regulation 9(7) was amended by [S.I. 2014/107](#), 3061.

(35) Regulation 19(b)(ii) was amended by [S.I. 2014/107](#).

(36) [2009 c. 24](#).

(37) Schedule 6, paragraph 2 was amended by [S.I. 2014/560](#).

(ii) in subsection (3), after “married to” insert “, or civil partners of”.

(5) In paragraph 10, in sub-paragraph (2), in the inserted subsection (3A), for “unmarried mother” substitute “mother not married or a civil partner”.

(6) In paragraph 11—

(a) in sub-paragraph (1)—

(i) omit “where parents not married”;

(ii) after “parents not” (in the remaining place it occurs) insert “married or”;

(b) in sub-paragraph (2)(a), after “married to” insert “, or civil partners of”.

(7) In paragraph 13—

(a) in the inserted section 10B, in subsection (2)(a), after “married to” insert “, or civil partners of”;

(b) in the inserted section 10C, in subsection (2)(a), after “married to” insert “, or civil partners of”.

(8) In paragraph 19, in the inserted subsection (1A), for “unmarried mother” substitute “mother not married or a civil partner”.

20. In section 5 of the Registration of Births, Deaths and Marriages Act (Special Provisions) Act 1957(**38**)—

(a) in subsection (1), in the words after paragraph (b) (but before the proviso), after “subsequent marriage” insert “or civil partnership”;

(b) in subsection (2), after “marriage”, in both places it occurs, insert “or formation of the civil partnership”;

(c) omit subsection (3)(b).

21. In article 3A of the Service Departments Registers Order 1959(**39**)—

(a) in paragraph (1), in the words before sub-paragraph (a), after “married to” insert “, or civil partners of”;

(b) in paragraph (3), in the words before sub-paragraph (a), after “married to” insert “, or civil partners of”.

(c) in paragraph (4), after “married to” insert “, or civil partners of”;

Status of male civil partners as fathers for purposes of nationality law

22. In section 50(9A)(a) of the British Nationality Act 1981(**40**), after “husband” insert “or male civil partner”.

(38) 1957 c. 58. Section 5 was amended by the Armed Forces Act 2006 (c. 52), Schedule 16, paragraph 42; the Human Fertilisation and Embryology Act 2008, Schedule 6, para 12; and S.I. 2014/560.

(39) S.I. 1959/406. Article 3A was inserted by S.I. 2007/908, and amended by S.I. 2009/1736.

(40) 1981 c. 61. Section 50(9)-(9C) was substituted by the Nationality, Immigration and Asylum Act 2002 (c. 41), section 9(1).

PART 5

Gender recognition

Gender Recognition Act 2004 amended

23. The Gender Recognition Act 2004(41) is amended as set out in regulations 24 to 34.

Ordinary applications: evidence about civil partnership

24.—(1) Section 3 is amended as follows.

(2) After subsection (6A)(42) insert—

“(6AA) If the applicant is a civil partner, an application under section 1(1) must include a statutory declaration as to whether the civil partnership is a civil partnership under the law of England and Wales, of Scotland, or of Northern Ireland, or is an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004.”.

(3) In subsection (6B)—

(a) in the words before paragraph (a)—

- (i) after “married” insert “or a civil partner”;
- (ii) after “the marriage” insert “or civil partnership”;
- (iii) after “protected marriage” insert “or a protected civil partnership”;

(b) in paragraph (a)—

- (i) after “spouse”, where it first occurs, insert “or civil partner”;
- (ii) after “spouse”, in both remaining places it occurs, insert “or partner”;
- (iii) after “marriage” insert “or partnership”;

(c) in paragraph (b), after “spouse” insert “or civil partner”.

(4) In subsection (6C)—

- (a) after “spouse”, where it first occurs, insert “or civil partner”;
- (b) after “spouse”, in the remaining place it occurs, insert “or partner”.

Applications on alternative ground: evidence about civil partnership

25.—(1) Section 3B(43) is amended as follows.

(2) After subsection (7) insert—

“(7A) If the applicant is a civil partner, the application must include a statutory declaration as to whether the civil partnership is a civil partnership under the law of England and Wales, of Scotland, or of Northern Ireland, or is an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004.”.

(3) In subsection (8)—

(a) in the words before paragraph (a)—

- (i) after “married” insert “or a civil partner”;
- (ii) after “the marriage” insert “or civil partnership”;

(41) 2004 c. 7.

(42) Section 3(6A)-(6C) was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 2.

(43) Section 3B was added by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 19.

- (iii) after “protected marriage” insert “or a protected civil partnership”;
- (b) in paragraph (a)—
 - (i) after “spouse”, where it first occurs, insert “or civil partner”;
 - (ii) after “spouse”, in the remaining place it occurs, insert “or partner”;
- (c) in paragraph (b), after “spouse” insert “or civil partner”.
- (4) In subsection (9)—
 - (a) after “spouse”, where it first occurs, insert “or civil partner”;
 - (b) after “spouse”, in the remaining place it occurs, insert “or partner”.

Grant of full gender recognition certificate to one civil partner with consent of other partner

26.—(1) Section 4(44) is amended as follows.

(2) In subsection (2)(c), for the words from “the Panel” to the end substitute “the applicant’s civil partner consents to the civil partnership continuing after the issue of a full gender recognition certificate.”

- (3) In subsection (3)—
 - (a) in paragraph (c), for the words from “has not made” to the end substitute “does not consent to the civil partnership continuing after the issue of a full gender recognition certificate, or”;
 - (b) omit paragraph (d) (including the final “or”).
- (4) In subsection (3A)—
 - (a) after “protected marriage” insert “or a protected civil partnership”;
 - (b) after “spouse” insert “or civil partner”.
- (5) Omit subsection (3B).

Grant of full certificate where other civil partner consents after interim certificate issued

27. In the italic heading before section 4A, after “married” insert “or a civil partner”.

28.—(1) Section 4A(45) is amended as follows.

- (2) In the heading, after “Married person” insert “or civil partner”.
- (3) In subsection (1), for “in either of the following cases” substitute “if subsection (2) applies”.
- (4) In subsection (2)—
 - (a) in the words before paragraph (a), for “Case A is where” substitute “This subsection applies if”;
 - (b) in paragraph (b), after “protected marriage” insert “or a protected civil partnership”;
 - (c) in paragraph (c), after “protected marriage” insert “or a protected civil partnership”;
 - (d) in paragraph (d)—
 - (i) after “spouse” insert “or civil partner”;
 - (ii) after “marriage” insert “or civil partnership”.
- (5) Omit subsection (3).

(44) Section 4(2) to (3B) was substituted for section 4(2) and (3) by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 3.

(45) Section 4A was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 4.

- (6) In subsection (4), omit “or (3)”.
- (7) Omit subsection (6).
- (8) In subsection (7)—
 - (a) omit “or (3)”;
 - (b) after “spouse” insert “or civil partner”.
- (9) Omit subsection (8).
- (10) In subsection (9)—
 - (a) for “this section” substitute “subsection (2)”;
 - (b) after “spouse” insert “or civil partner”.
- (11) Omit subsection (10).

Grant of full gender recognition certificate after death of civil partner while section 4A application pending

- 29.**—(1) Section 4B(46) is amended as follows.
- (2) In the heading, after “spouse” insert “or civil partner”.
 - (3) In subsection (1)—
 - (a) in the words before paragraph (a)—
 - (i) omit “or (3)”;
 - (ii) after “spouse” insert “or civil partner”;
 - (b) in paragraph (a), after “has died” insert “or under section 5A(2) in a case where a civil partner has died”.
 - (4) In subsection (3)—
 - (a) in the definition of “new application”, after “section 5(2)” insert “or (as the case may be) section 5A(2)”;
 - (b) in the definition of “required evidence”, after “section 5(4)” insert “or (as the case may be) section 5A(4)”.

Removal of requirement for both civil partners to obtain full gender recognition certificate

- 30.** Omit section 5B(47).

Applications by civil partners to quash certificates secured by fraud

- 31.** In section 8(5A)(48), after “spouse” insert “or civil partner”.

Continuity of civil partnership on change of gender

- 32.** For section 11B(49) substitute—

(46) Section 4B was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 4.

(47) Section 5B was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 5.

(48) Section 8(5A) was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 8(c).

(49) Section 11B was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 11.

“Change in gender of civil partner

11B.—(1) This section applies in relation to a protected civil partnership if (by virtue of section 4(2)(c) or 4A) a full gender recognition certificate is issued to a party to the partnership.

(2) The continuity of the protected civil partnership is not affected by the relevant change in gender.

(3) If the protected civil partnership is a protected overseas relationship—

- (a) the continuity of the civil partnership continues by virtue of subsection (2) notwithstanding any impediment under the relevant law;
- (b) the relevant law is not affected by the continuation of the civil partnership by virtue of subsection (2).

(4) In this section—

“impediment” means anything which would affect the continuation of the overseas relationship merely by virtue of the relevant change in gender;

“relevant change in gender” means the change or changes in gender occurring by virtue of the issue of the full gender recognition certificate or certificates;

“relevant law”, in relation to the protected overseas relationship in question, has the same meaning as in Chapter 2 of Part 5 of the Civil Partnership Act 2004.”.

Amendment of definition relating to civil partnership to include overseas relationships

33. In section 25(50), in the definition of “protected civil partnership”, for the words from “means” to the end substitute—

“means—

- (a) a civil partnership under the law of England or Wales, or
- (b) an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004,

and “protected overseas relationship” means a protected civil partnership within paragraph (b).”.

Regulations about registration of civil partnership following a change of gender by either party

34. In Schedule 3, in paragraph 11A(3)(51), in the definition of “qualifying civil partnership”, for “each” substitute “one, or each,”.

Transitional provision about applications

35.—(1) This regulation applies where—

- (a) an application under section 1 or 4A(52) of the Gender Recognition Act 2004 (“the Act”) has been received by the Gender Recognition Panel (“the Panel”) before the date on which these Regulations come into force, and
- (b) the Panel has not, before that date, granted or rejected the application.

(50) The definition of “protected civil partnership” was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 14(a).

(51) Schedule 3, paragraph 11A was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 9(2).

(52) Section 4A was inserted by the Marriage (Same Sex Couples) Act 2013, Schedule 5, paragraph 4.

(2) Paragraphs (3) and (4) apply if it appears to the Panel that the outcome of the application may be different if the application were dealt with in accordance with the Act as amended by this Part.

(3) The Panel must—

- (a) inform the applicant of the difference of outcome that appears possible,
- (b) ask the applicant if he or she wishes for the application to be dealt with in accordance with the Act as amended by this Part, and
- (c) give the applicant a reasonable opportunity to provide any further information that would be required for the application to be so dealt with.

(4) If the applicant—

- (a) expresses a wish for the application to be dealt with in accordance with the Act as amended by this Part, and
- (b) duly provides any information required under paragraph (3)(c),

the Panel must deal with the application in accordance with the Act as amended by this Part.

(5) If paragraph (4) does not apply, the Panel must continue to deal with the application in accordance with the Act as it would have effect without the amendments made by this Part.

Registration of civil partnership following a change of gender by either party

36.—(1) The Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015⁽⁵³⁾ are amended as follows.

(2) In regulation 2, after the definition of “civil partnership register entry” insert—

““civil partnership registrar” has the same meaning as in section 29 of the Civil Partnership Act 2004⁽⁵⁴⁾”.

(3) In regulation 16—

- (a) in paragraph (1), after “paragraph (2)” insert “and regulations 16A to 16D”;
- (b) in paragraph (2), for “certificates granted to” substitute “certificate, or certificates, granted to one or”.
- (c) in paragraph (4), for “the parties’ civil partnership was” substitute “a civil partnership is registered in the Gender Recognition Civil Partnership Register as having been”;
- (d) after paragraph (4) insert—

“(5) In regulations 16A to 16C—

- (a) references to a register office mean the register office that is agreed between the Registrar General and the parties to the qualifying civil partnership;
- (b) references to a civil partnership registrar are to a civil partnership registrar in post on the applicable date for the area in which the register office is situated;
- (c) “applicable date” means the date on which the qualifying civil partnership is recorded in the Gender Recognition Civil Partnership Register as having been formed.”.

(4) After regulation 16 insert—

⁽⁵³⁾ S.I. 2015/50.

⁽⁵⁴⁾ Section 29 was amended by S.I. 2005/2000.

“Qualifying civil partnerships of opposite sex couples

16A.—(1) Unless the parties to the qualifying civil partnership specifically request the Registrar General to do so, the Registrar General must not register in the Gender Recognition Civil Partnership Register any of the particulars required by regulation 16(1) if to do so would indicate that a civil partnership was formed by two people of the opposite sex before the date on which the civil partnership could have been formed by virtue of the Civil Partnership (Opposite-sex Couples) Regulations 2019.

(2) If, by virtue of the prohibition in paragraph (1), the Registrar General is unable to register the date on which the qualifying civil partnership was formed, the civil partnership is to be registered as if it had been entered into on the date on which it is registered in the Gender Recognition Civil Partnership Register, and, except as mentioned in paragraphs (3) and (4), the particulars to be recorded (including particulars relating to the civil partnership registrar) must be those applicable on that date.

(3) Where paragraph (2) applies—

- (a) the condition of each of the parties is to be recorded in the Gender Recognition Civil Partnership Register as it was before they formed the civil partnership, in the manner prescribed under section 2(4) of the Civil Partnership Act 2004 on the applicable date (but see regulation 16(2));
- (b) the witnesses to the formation of the civil partnership are to be recorded in the Gender Recognition Civil Partnership Register as they were in the parties’ civil partnership register entry; and
- (c) subject to paragraph (4) and regulations 16B and 16C, the place at which the civil partnership was formed is to be registered in the Gender Recognition Civil Partnership Register as it was in the parties’ civil partnership register entry.

(4) If the place required to be registered under paragraph (3)(c) is a place at which, on the date of registration in the Gender Recognition Civil Partnership Register, the parties’ civil partnership could not be formed under the law of England and Wales, the civil partnership is to be registered as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

(5) Nothing in this regulation affects the continuity of any qualifying civil partnership.

Qualifying civil partnerships registered on religious premises

16B.—(1) The Registrar General must not register in the Gender Recognition Civil Partnership Register any particulars that would indicate that a qualifying civil partnership was formed on religious premises.

(2) Where paragraph (1) applies, the civil partnership is to be registered in the Gender Recognition Civil Partnership Register as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

Qualifying civil partnerships formed outside the United Kingdom

16C.—(1) Unless paragraph (2) applies, the Registrar General must not register in the Gender Recognition Civil Partnership Register any particulars that would indicate that a qualifying civil partnership was formed outside the United Kingdom according to the law of England and Wales.

(2) Paragraph (1) does not apply if the Registrar General is satisfied that the authorities of the country or territory in which the civil partnership was formed would not, on the applicable

date, have objected to the formation of a civil partnership in that country or territory between two parties of the respective genders that are to be registered in the Gender Recognition Civil Partnership Register under regulation 16(1) and (2).

(3) Where paragraph (1) applies, the civil partnership is to be registered in the Gender Recognition Civil Partnership Register as if it had been formed in a register office in the presence of a civil partnership registrar, in the manner prescribed on the applicable date under section 2(4) of the Civil Partnership Act 2004.

Power to amend particulars

16D.—(1) The Registrar General may, after consulting the parties to a qualifying civil partnership, amend the particulars required to be registered under these Regulations as the Registrar General considers necessary to ensure that the particulars registered in the Gender Recognition Civil Partnership Register do not disclose that one party has, or both parties have, obtained a gender recognition certificate.

(2) Under paragraph (1), the Registrar General may, in particular, substitute for the name or names of one or both witnesses to the formation of the civil partnership the name or names of one or two other persons who were present at the formation of the civil partnership.”.

PART 6

Miscellaneous amendments

Limitation of right to convert civil partnership into marriage to same-sex couples

37.—(1) In section 9 of the Marriage (Same Sex Couples) Act 2013(**55**), after subsection (2) insert—

“(2A) Subsections (1) and (2) apply only where both parties to the civil partnership are of the same sex.”.

(2) In regulation 2 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(**56**), in the definition of “civil partnership”, for the words from “is either” to the end substitute—

“—

- (a) is between two people who are of the same sex, and
- (b) is either an England and Wales civil partnership, or a civil partnership within section 9(3) of the 2013 Act;”.

Registration of civil partnerships abroad

38.—(1) The Civil Partnership (Registration Abroad and Certificates) Order 2005(**57**) is amended as follows.

(2) In article 2(**58**)—

- (a) in paragraph (1), omit the definition of “overseas relationship”;
- (b) omit paragraph (2).

(55) There are amendments to section 9, but none is relevant to this instrument.

(56) [S.I. 2014/3181](#).

(57) [S.I. 2005/2761](#).

(58) Articles 2 and 4 were amended by [S.I. 2012/3063](#).

- (3) In article 4—
- (a) in paragraph (4), after “Schedule 20 to the Act”(59) insert “(as it forms part of the law of the relevant part of the United Kingdom)”;
 - (b) after paragraph (4) insert—
 - “(4A) If the relevant part of the United Kingdom is England and Wales, a country or territory is treated by paragraph (4) as having sufficient facilities only if—
 - (a) in the case of proposed civil partners who are of the same sex under the law of that country or territory, the country or territory is listed in Part 1 of Schedule 20 to the Act (as it forms part of the law of England and Wales);
 - (b) in the case of proposed civil partners who are of the opposite sex under that law, the country or territory is listed in Part 2 of that Schedule.
 - (4B) For the purposes of paragraphs (2)(d) and (4), an “overseas relationship” is a relationship that would be an overseas relationship within the meaning given by section 212 of the Act(60) (as it forms part the law of the relevant part of the United Kingdom).”;
 - (c) in paragraph (5), for “purpose of paragraph (2)(b) and paragraph (3)” substitute “purposes of this article”.
- (4) In article 17(61)—
- (a) after paragraph (1) insert—
 - “(1A) Where the person making the application under paragraph (1) is resident outside the United Kingdom, the person must specify in the application the part of the United Kingdom to which the certificate is to relate.”;
 - (b) after paragraph (5) insert—
 - “(6) In this article—
 - “impediment” means an impediment under the law of the relevant part of the United Kingdom;
 - “overseas relationship” means a relationship that would be an overseas relationship within the meaning given by section 212 of the Act as it forms part of the law of the relevant part of the United Kingdom;
 - “relevant part of the United Kingdom” means—
 - (a) if the person making the application under paragraph (1) is resident within the United Kingdom, the part of the United Kingdom in which the person resides, or
 - (b) if the person making the application under paragraph (1) is resident outside the United Kingdom, the part of the United Kingdom specified under paragraph (1A).”.

Recognition of overseas dissolution etc. granted outside country of domicile

39. In section 237 of the Civil Partnership Act 2004(62), in subsection (2)(b)(ii), for “legal relationships between two people of the same sex” substitute “relationships of the sort that the civil partnership in question is (whether generally, between two persons of the same sex, or between two persons of the opposite sex)”.

(59) “The Act” is defined in article 2 as the Civil Partnership Act 2004.

(60) Section 212 of the Civil Partnership Act 2004 was amended by [S.I. 2014/560](#).

(61) Article 17 was amended by [S.I. 2012/3063](#), [2014/1107](#).

(62) Section 237 was amended by [S.I. 2010/976](#).

40.—(1) Regulation 3 of the Civil Partnership (Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Legal Separations) (England and Wales and Northern Ireland) Regulations 2005(**63**) is amended as follows.

(2) In the heading, for “between two people of the same sex” substitute “of the sort in question”.

(3) In paragraph (2), in the inserted subsection (1A)(c), for “legal relationships between people of the same sex” substitute “the relevant sort of relationship”.

(4) In paragraph (3), in the inserted subsection (2A)(b), for “legal relationships between people of the same sex” substitute “the relevant sort of relationship”.

(5) After paragraph (3) insert—

“(4) After subsection (3) insert—

“(3A) In this section references to “the relevant sort of relationship” are to the sort of relationship that the civil partnership in question is, and include—

- (a) in the case of a relationship between two persons who are of the same sex under the relevant law, reference to that sort of relationship whether generally or between two persons of the same sex;
- (b) in the case of a relationship between two persons who are of the opposite sex under the relevant law, reference to that sort of relationship whether generally or between two persons of the opposite sex.

(3B) In subsection (3A), “the relevant law” means the law in relation to which the question of recognition arises under subsection (1A)(c) or (as the case may be) (2A)(b).”.”.

Consequential and related amendments

41. In Schedule 3—

- (a) Part 1 contains consequential and related amendments of primary legislation;
- (b) Part 2 contains consequential and related amendments of secondary legislation;
- (c) Part 3 contains consequential and related amendments of legislation governing certain pension schemes.

5th November 2019

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Department for International Trade