



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 1

#### REGISTRATION

##### *The standard procedure*

## **8 Notice of proposed civil partnership and declaration**

[<sup>F1</sup>(1) For two people to register as civil partners of each other under the standard procedure a notice of proposed civil partnership must be given—

- (a) if the proposed civil partners have resided in the area of the same registration authority for the period of 7 days immediately before the giving of the notice, by each of them to that registration authority;
- (b) if the proposed civil partners have not resided in the area of the same registration authority for that period, by each of them to the registration authority in whose area he or she has resided for that period.]

(2) A notice of proposed civil partnership must contain such information as may be prescribed by regulations.

(3) A notice of proposed civil partnership must also include the necessary declaration, made and signed by the person giving the notice—

- (a) at the time when the notice is given, and
- (b) in the presence of an authorised person;

and the authorised person must attest the declaration by adding his name, description and place of residence.

(4) The necessary declaration is a solemn declaration in writing—

*Status: Point in time view as at 12/04/2010.*

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- (a) that the proposed civil partner believes that there is no impediment of kindred or affinity or other lawful hindrance to the formation of the civil partnership;
  - [<sup>F2</sup>(b) that the proposed civil partners have for the period of 7 days immediately before the giving of the notice had their usual places of residence in the area of the registration authority, or in the areas of the registration authorities, to which notice is given.]
- (5) Where a notice of proposed civil partnership is given to a registration authority in accordance with this section, the registration authority must ensure that the following information is recorded in the register as soon as possible—
- (a) the fact that the notice has been given and the information in it;
  - (b) the fact that the authorised person has attested the declaration.
- (6) “Authorised person” means an employee or officer or other person provided by a registration authority who is authorised by that authority to attest notices of proposed civil partnership.
- (7) For the purposes of this Chapter, a notice of proposed civil partnership is recorded when subsection (5) is complied with.

#### Textual Amendments

- F1** S. 8(1) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 4(2)** (subject to art. 1(3))
- F2** S. 8(4)(b) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 4(3)** (subject to art. 1(3))

#### Commencement Information

- I1** S. 8 partly in force; s. 8 not in force at Royal Assent see s. 263; s. 8(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. 8(3) - (7) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), art. 2(1), **Sch. 1**; s. 8(1) never in force;

## 9 Power to require evidence of name etc.

- (1) The registration authority to which a notice of proposed civil partnership is given may require the person giving the notice to provide it with specified evidence—
- (a) relating to that person, or
  - (b) if the registration authority considers that the circumstances are exceptional, relating not only to that person but also to that person’s proposed civil partner.
- (2) Such a requirement may be imposed at any time before the registration authority issues the civil partnership schedule under section 14.
- (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 has previously formed a civil partnership or a marriage and, if so, as to the ending of the civil partnership or marriage, [<sup>F3</sup>and]
  - (d) of the person’s nationality, <sup>F4</sup> . . .
  - (e) <sup>F4</sup> . . . . .

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#### Textual Amendments

- F3** Word in s. 9(3)(c) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 5(2)** (subject to art. 1(3))
- F4** S. 9(3)(e) and word omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 5(3)** (subject to art. 1(3))

### 10 Proposed civil partnership to be publicised

- (1) Where a notice of proposed civil partnership has been given to a registration authority, [<sup>F5</sup>the registration authority must keep the relevant information on public display during the waiting period.]
- (2) “The relevant information” means—
- (a) the name of the person giving the notice,
  - (b) the name of that person’s proposed civil partner, and
  - (c) such other information [<sup>F6</sup>included in the notice of proposed civil partnership] as may be prescribed by regulations.
- [<sup>F7</sup>(3) All information that a registration authority is required for the time being to keep on public display under subsection (1) must be kept on display by it at one register office provided for a district within its area.]

#### Textual Amendments

- F5** Words in s. 10(1) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 6(2)** (subject to art. 1(3))
- F6** Words in s. 10(2)(c) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 6(3)** (subject to art. 1(3))
- F7** S. 10(3) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 6(4)** (subject to art. 1(3))

#### Commencement Information

- I2** S. 10 wholly in force at 5.12.2005; s. 10 not in force at Royal Assent see s. 263; s. 10(2)(c) in force at 15.4.2005 for certain purposes by [S.I. 2005/1112](#), **art. 2**, **Sch. 1**; s. 10 in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), **art. 2(1)**, **Sch. 1**

### 11 Meaning of “the waiting period”

In this Chapter “the waiting period”, in relation to a notice of proposed civil partnership, means the period—

- (a) beginning the day after the notice is recorded, and
- (b) subject to section 12, ending at the end of the period of 15 days beginning with that day.

### 12 Power to shorten the waiting period

- (1) If the Registrar General, on an application being made to him, is satisfied that there are compelling reasons because of the exceptional circumstances of the case for

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shortening the period of 15 days mentioned in section 11(b), he may shorten it to such period as he considers appropriate.

- (2) Regulations may make provision with respect to the making, and granting, of applications under subsection (1).
- (3) Regulations under subsection (2) may provide for—
  - (a) the power conferred by subsection (1) to be exercised by a registration authority on behalf of the Registrar General in such classes of case as are prescribed by the regulations;
  - (b) the making of an appeal to the Registrar General against a decision taken by a registration authority in accordance with regulations made by virtue of paragraph (a).

#### Commencement Information

- I3** S. 12 wholly in force at 5.12.2005; s. 12 not in force at Royal Assent see s. 263; s. 12(2) in force at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#); s. 12(1)(3) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

### 13 Objection to proposed civil partnership

- (1) Any person may object to the issue of a civil partnership schedule under section 14 by giving 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.

### 14 Issue of civil partnership schedule

- (1) As soon as the waiting period in relation to each notice of proposed civil partnership has expired, the registration authority in whose area it is proposed that the registration take place is under a duty, at the request of one or both of the proposed civil partners, to issue a document to be known as a “civil partnership schedule”.
- (2) Regulations may make provision as to the contents of a civil partnership schedule.
- (3) The duty in subsection (1) does not apply if the registration authority is not satisfied that there is no lawful impediment to the formation of the civil partnership.
- (4) If an objection to the issue of the civil partnership schedule has been recorded in the register, no civil partnership schedule is to be issued until—
  - (a) the relevant registration authority has investigated the objection and is satisfied that the objection ought not to obstruct the issue of the civil partnership schedule, or
  - (b) the objection has been withdrawn by the person who made it.

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- (5) “The relevant registration authority” means the authority which first records that a notice of proposed civil partnership has been given by one of the proposed civil partners.

#### **Commencement Information**

- I4** S. 14 wholly in force at 5.12.2005; s. 14 not in force at Royal Assent see s. 263; s. 14(2) in force at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#); s. 14(1)(3)-(5) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

### **15 Appeal against refusal to issue civil partnership schedule**

- (1) If the registration authority refuses to issue a civil partnership schedule—
- (a) because an objection to its issue has been made under section 13, or
  - (b) in reliance on section 14(3),
- either of the proposed civil partners may appeal to the Registrar General.
- (2) On an appeal under this section the Registrar General must either confirm the refusal or direct that a civil partnership schedule be issued.

### **16 Frivolous objections and representations: liability for costs etc.**

- (1) Subsection (3) applies if—
- (a) a person objects to the issue of a civil partnership schedule, 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 the civil partnership schedule.
- (2) Subsection (3) also applies if—
- (a) in reliance on section 14(3), the registration authority refuses to issue a civil partnership schedule as a result of a representation made to it, and
  - (b) on an appeal under section 15 against the refusal, the Registrar General declares that the representation is frivolous and ought not to obstruct the issue of the civil partnership schedule.
- (3) The person who made the objection or representation 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 or representation relates.
- (4) 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.

### **17 Period during which registration may take place**

- (1) The proposed civil partners may not register as civil partners of each other on the production of the civil partnership schedule until the waiting period in relation to each notice of proposed civil partnership has expired.

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- (2) Subject to subsection (1), under the standard procedure, they may register as civil partners by signing the civil partnership schedule [<sup>F8</sup>on any day in the applicable period between 8 o'clock in the morning and 6 o'clock in the evening].
- (3) If they do not register as civil partners by signing the civil partnership schedule before the end of the applicable period—
  - (a) the notices of proposed civil partnership and the civil partnership schedule are void, and
  - (b) no civil partnership registrar may officiate at the signing of the civil partnership schedule by them.
- (4) The applicable period, in relation to two people registering as civil partners of each other, is the period of 12 months beginning with—
  - (a) the day on which the notices of proposed civil partnership are recorded, or
  - (b) if the notices are not recorded on the same day, the earlier of those days.

#### Textual Amendments

- F8** Words in s. 17(2) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 7** (subject to art. 1(3))

**Status:**

Point in time view as at 12/04/2010.

**Changes to legislation:**

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