

Status: Point in time view as at 02/12/2019. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 1 is up to date with all changes known to be in force on or before 11 July 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)

SCHEDULES

SCHEDULE 1

Sections 3(2) and 5(3)

PROHIBITED DEGREES OF RELATIONSHIP: ENGLAND AND WALES

Modifications etc. (not altering text)

- C1** Sch. 1 modified (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010 \(S.I. 2010/985\)](#), reg. 5, **Sch. 4**
- C2** Sch. 1 modified (21.12.2018) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2018 \(S.I. 2018/1412\)](#), reg. 1(2), **Sch. 4 para. 21**

PART 1

THE PROHIBITIONS

Absolute prohibitions

- 1 (1) Two people are within prohibited degrees of relationship if one falls within the list below in relation to the other.
- Adoptive child
 - Adoptive parent
 - Child
 - Former adoptive child
 - Former adoptive parent
 - Grandparent
 - Grandchild
 - Parent
 - Parent's sibling
 - Sibling
 - Sibling's child
- (2) In the list “sibling” means a brother, sister, half-brother or half-sister.

Qualified prohibitions

- 2 (1) Two people are within prohibited degrees of relationship if one of them falls within the list below in relation to the other, unless—
- (a) both of them have reached 21 at the time when they register as civil partners of each other, and
 - (b) the younger has not at any time before reaching 18 been a child of the family in relation to the other.
- Child of former civil partner

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Child of former spouse
Former civil partner of grandparent
Former civil partner of parent
Former spouse of grandparent
Former spouse of parent
Grandchild of former civil partner
Grandchild of former spouse

- (2) “Child of the family”, in relation to another person, means a person who—
- (a) has lived in the same household as that other person, and
 - (b) has been treated by that other person as a child of his family.

PROSPECTIVE

- 3 Two people are within prohibited degrees of relationship if one falls within column 1 of the table below in relation to the other, unless—
- (a) both of them have reached 21 at the time when they register as civil partners of each other, and
 - (b) the persons who fall within column 2 are dead.

<i>Relationship</i>	<i>Relevant deaths</i>
Former civil partner of child	The child The child’s other parent
Former spouse of child	The child The child’s other parent
Parent of former civil partner	The former civil partner The former civil partner’s other parent
Parent of former spouse	The former spouse The former spouse’s other parent

PART 2

SPECIAL PROVISIONS RELATING TO QUALIFIED PROHIBITIONS

Provisions relating to paragraph 2

- 4 Paragraphs 5 to 7 apply where two people are subject to paragraph 2 but intend to register as civil partners of each other by signing a civil partnership schedule.
- 5 (1) The fact that a notice of proposed civil partnership has been given must not be recorded in the register unless the registration authority—
- (a) is satisfied by the production of evidence that both the proposed civil partners have reached 21, and
 - (b) has received a declaration made by each of the proposed civil partners—
 - (i) specifying their affinal relationship, and

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(ii) declaring that the younger of them has not at any time before reaching 18 been a child of the family in relation to the other.

(2) Sub-paragraph (1) does not apply if a declaration is obtained under paragraph 7.

(3) A declaration under sub-paragraph (1)(b) must contain such information and must be signed and attested in such manner as may be prescribed by regulations.

(4) The fact that a registration authority has received a declaration under sub-paragraph (1)(b) must be recorded in the register.

(5) A declaration under sub-paragraph (1)(b) must be filed and kept by the registration authority.

Commencement Information

I1 Sch. 1 para. 5 wholly in force at 5.12.2005; Sch. 1 para. 5 not in force at Royal Assent see s. 263; Sch. 1 para. 5(3) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1 and Sch. 1 para. 5 in force otherwise at 5.12.2005 by S.I. 2005/3175, art. 2(1), Sch. 1

6 (1) Sub-paragraph (2) applies if—

(a) a registration authority receives from a person who is not one of the proposed civil partners a written statement signed by that person which alleges that a declaration made under paragraph 5 is false in a material particular, and

(b) the register shows that such a statement has been received.

(2) The registration authority in whose area it is proposed that the registration take place must not issue a civil partnership schedule unless a ^{F1}... declaration is obtained under paragraph 7.

Textual Amendments

F1 Words in Sch. 1 para. 6(2) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 para. 167(2); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

7 (1) Either of the proposed civil partners may apply to the High Court [^{F2}or the family court] for a declaration that, given that—

(a) both of them have reached 21, and

(b) the younger of those persons has not at any time before reaching 18 been a child of the family in relation to the other,

there is no impediment of affinity to the formation of the civil partnership.

(2) Such an application may be made whether or not any statement has been received by the registration authority under paragraph 6.

Textual Amendments

F2 Words in Sch. 1 para. 7 inserted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), Sch. 11 para. 167(3); S.I. 2014/954, art. 2(e) (with art. 3) (with transitional provisions and savings in S.I. 2014/956, arts. 3-11)

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- 8 Section 13 (objection to proposed civil partnership) does not apply in relation to a civil partnership to which paragraphs 5 to 7 apply, except so far as an objection to the issue of a civil partnership schedule is made under that section on a ground other than the affinity between the proposed civil partners.

PROSPECTIVE

Provisions relating to paragraph 3

- 9 (1) This paragraph applies where two people are subject to paragraph 3 but intend to register as civil partners of each other by signing a civil partnership schedule.
- (2) The fact that a notice of proposed civil partnership has been given must not be recorded in the register unless the registration authority is satisfied by the production of evidence—
- (a) that both the proposed civil partners have reached 21, and
 - (b) that the persons referred to in paragraph 3(b) are dead.

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