

SCHEDULES

SCHEDULE 1

Sections 3(2) and 5(3)

PROHIBITED DEGREES OF RELATIONSHIP: ENGLAND AND WALES

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
- 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

Status: This is the original version (as it was originally enacted).

- (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.
- 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
 - (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.

Status: This is the original version (as it was originally enacted).

- 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 High Court declaration is obtained under paragraph 7.
- 7 (1) Either of the proposed civil partners may apply to the High 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.
- 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.

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.