

*Status: Point in time view as at 27/09/2017. This version of this part contains provisions that are prospective.
Changes to legislation: Civil Partnership Act 2004, Part 2 is up to date with all changes known to be in force on or before 19 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

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**

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.

Commencement Information

- II** 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—

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- (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)

- 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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