

SCHEDULES

SCHEDULE 3

Section 5(2)

REGISTRATION BY FORMER SPOUSES ONE OF WHOM HAS CHANGED SEX

Application of Schedule

- 1 This Schedule applies if—
- (a) a court—
 - (i) makes absolute a decree of nullity granted on the ground that an interim gender recognition certificate has been issued to a party to the marriage, or
 - (ii) (in Scotland) grants a decree of divorce on that ground, and, on doing so, issues a full gender recognition certificate (under section 5(1) of the Gender Recognition Act 2004 (c. 7)) to that party, and
 - (b) the parties wish to register in England or Wales as civil partners of each other without being delayed by the waiting period.

The relevant period

- 2 For the purposes of this Schedule the relevant period is the period—
- (a) beginning with the issue of the full gender recognition certificate, and
 - (b) ending at the end of 1 month from the day on which it is issued.

Modifications of standard procedure and procedures for house-bound and detained persons

- 3 If—
- (a) each of the parties gives a notice of proposed civil partnership during the relevant period, and
 - (b) on doing so, each makes an election under this paragraph,
- Chapter 1 of Part 2 applies with the modifications given in paragraphs 4 to 6.
- 4 (1) Omit—
- (a) section 10 (proposed civil partnership to be publicised);
 - (b) section 11 (meaning of “the waiting period”);
 - (c) section 12 (power to shorten the waiting period).
- (2) In section 14 (issue of civil partnership schedule), for subsection (1) substitute—
- “(1) As soon as the notices of proposed civil partnership have been given, the registration authority in whose area it is proposed that the registration take place must, at the request of one or both of the proposed civil partners, issue a document to be known as a “civil partnership schedule”.”
- (3) For section 17 (period during which registration may take place) substitute—

Status: This is the original version (as it was originally enacted).

“Period during which registration may take place

- (1) The proposed civil partners may register as civil partners by signing the civil partnership schedule at any time during the applicable period.
- (2) 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.
- (3) The applicable period, in relation to two people registering as civil partners of each other, is the period of 1 month beginning with—
 - (a) the day on which the notices of proposed civil partnership are given, or
 - (b) if the notices are not given on the same day, the earlier of those days.”

- 5 In section 18 (house-bound persons), in subsection (3)—
 - (a) treat the reference to the standard procedure as a reference to the standard procedure as modified by this Schedule, and
 - (b) omit paragraph (c) (which provides for a 3 month registration period).
- 6 In section 19 (detained persons), in subsection (3)—
 - (a) treat the reference to the standard procedure as a reference to the standard procedure as modified by this Schedule, and
 - (b) omit paragraph (c) (which provides for a 3 month registration period).

Modified procedures for certain non-residents

- 7 (1) Sub-paragraphs (5) to (8) apply (in place of section 20) in the following three cases.
 - (2) The first is where—
 - (a) two people wish to register as civil partners of each other in England and Wales, and
 - (b) one of them (“A”) resides in Scotland and the other (“B”) resides in England or Wales.
 - (3) The second is where—
 - (a) two people wish to register as civil partners of each other in England and Wales, and
 - (b) one of them (“A”) resides in Northern Ireland and the other (“B”) resides in England or Wales.
 - (4) The third is where—
 - (a) two people wish to register as civil partners of each other in England and Wales, and
 - (b) one of them (“A”) is a member of Her Majesty’s forces who is serving outside the United Kingdom and the other (“B”) resides in England or Wales.

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

- (5) A is not required to give a notice of proposed civil partnership to a registration authority in England or Wales in order to register in England or Wales as B's civil partner.
- (6) B may give a notice of proposed civil partnership and make the necessary declaration without regard to the requirement that would otherwise apply that A must reside in England or Wales.
- (7) If, on giving such notice, B makes an election under this paragraph, Chapter 1 of Part 2 applies with the modifications given in paragraphs 4 to 6 and the further modifications in sub-paragraph (8).
- (8) The further modifications are that—
 - (a) the civil partnership schedule is not to be issued by a registration authority unless A or B produces to that registration authority a certificate of no impediment issued to A under the relevant provision;
 - (b) the applicable period is the period of one month beginning with the day on which B's notice is given;
 - (c) section 31 applies as if in subsections (1)(a) and (2)(c) for "each notice" there were substituted "B's notice".
- (9) "The relevant provision" means—
 - (a) if A resides in Scotland, section 97;
 - (b) if A resides in Northern Ireland, section 150;
 - (c) if A is a member of Her Majesty's forces who is serving outside the United Kingdom, section 239.
- (10) "Her Majesty's forces" has the same meaning as in the Army Act 1955 (3 & 4 Eliz. 2 c. 18).