

*These notes refer to the Civil Partnership Act 2004 (c.33)
which received Royal Assent on 18th November 2004*

CIVIL PARTNERSHIP ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 5 – Civil partnerships formed or dissolved abroad etc.

Introduction

Chapter 1 – Registration outside UK under Order in Council

Section 210: Registration at British consulates etc.

410. This section confers power to make subordinate legislation by Order in Council to make provision for two people to register as civil partners of each other in countries or territories outside the United Kingdom in the presence of an officer of Her Majesty's Diplomatic Service. The officers in whose presence the parties may register as civil partners, and the countries or territories where this may take place, will be set out in the Order in Council (see the definition of "prescribed" in section 244(5)). This power will be used to make provisions for civil partnership corresponding to the provisions of the [Foreign Marriage Act 1892 \(c.23\)](#). Under that Act it is possible for UK nationals to marry in accordance with UK law at a diplomatic post overseas in certain circumstances, so this power will enable civil partnerships likewise to be formed at diplomatic posts overseas.
411. *Subsection (2)* sets out the four conditions which the Diplomatic Service officer must be satisfied are met. These are that at least one of the proposed civil partners is a United Kingdom national, that the civil partners would have been eligible to register in the relevant part of the United Kingdom as determined according to the provisions of the Order in Council, that the authorities in the country or territory in question will not object to the registration, and that there are insufficient facilities for them to enter into an overseas relationship under that country's law. "Overseas relationship" is defined in sections 212 to 214. In addition, by *subsection (3)*, the officer is not required to allow the couple to register as civil partners if in his opinion to do so would be inconsistent with international law or the comity of nations, although the Order may include provision for an appeal against any such refusal. "United Kingdom national" is defined in section 245.