

EXPLANATORY MEMORANDUM TO
THE CIVIL PARTNERSHIP (ARMED FORCES) ORDER 2005

2005 No.3188

1. This explanatory memorandum has been prepared by the Ministry of Defence and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The Civil Partnership (Armed Forces) Order 2005 makes provision for the registration overseas by a Services' registering officer of civil partnerships formed either by members of Her Majesty's armed forces serving in prescribed countries or territories or by civilians accompanying the armed forces in a work capacity or by children of their respective families living with them. The power to make provision for civil partnerships corresponds to that made in respect of marriage under section 22 of the Foreign Marriage Act 1892 (C.23). Additionally provision is made for an officer, seaman or marine borne on the books of one of Her Majesty's ships at sea to obtain a certificate of no impediment from the ship's captain which will facilitate the registration of a civil partnership in England and Wales by using the modified procedure for civil partnership registration, provided by the Civil Partnership Act 2004, whereby residency rules are waived. This provision follows similar provision made for marriage under section 39 of the Marriage Act 1949.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Background

4.1 The Civil Partnership Act 2004 is to come into force on 5 December 2005. This Act provides a new legal framework that will enable recognition of same-sex relationships through the new status of civil partner and the new legal relationship of civil partnership. Same-sex couples who commit themselves to a registered civil partnership will obtain the same rights and obligations as a married couple.

4.2 This instrument brings into effect sections 211 and 239 of the Civil Partnership Act.

5. Extent

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy Background

7.1. None.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no significant impact on business, charities or voluntary bodies.

9. Contact

Mrs S J McIntosh at the Ministry of Defence Tel 020 7218 0564 can answer any queries regarding the instrument.