

**EXPLANATORY MEMORANDUM TO
THE CIVIL PARTNERSHIP (REGISTRATION ABROAD AND CERTIFICATES)
(AMENDMENT) ORDER 2012**

2012 No. 3063

1. 1.1 This explanatory memorandum has been prepared by the Foreign and Commonwealth Office and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 Following its amendment by the Legislative Reform (Civil Partnership) Order 2012, the Civil Partnership Act 2004 will include a definition for the term “registration officer”. This Order amends the Civil Partnership (Registration Abroad and Certificates) Order 2005 by replacing the term “civil partnership officer” with the new term “registration officer”, so as to achieve constancy of terminology with the Civil Partnership Act 2004 when amended.

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

3.1 None

4. Legislative Context

4.1 This Order amends the Civil Partnership (Registration Abroad and Certificates) Order 2005 so as to reflect the substitution of the term “registration officer” in section 210(1)(b) of the Civil Partnership Act 2004, when amended by the Legislative Reform (Civil Partnership) Order 2012.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

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

7. Policy background

- *What is being done and why*

7.1 Upon its entry into force, the Legislative Reform (Civil Partnership) Order 2012 will amend the Civil Partnership Act 2004 so as to enable registration of civil partnerships overseas by locally engaged staff and, in countries where the United

Kingdom has no consular representation, to enable registration of civil partnerships by an individual designated by the Secretary of State.

7.2 Prior to the changes being introduced by the Legislative Reform (Civil Partnership) Order 2012, registration of civil partnerships has been a function reserved to members of Her Majesty's Diplomatic Service. Consequently, consular sections overseas that are operated solely by locally engaged staff have been unable to carry out registration of civil partnerships as such staff are not members of Her Majesty's Diplomatic Service. Likewise registrations have not been able to be performed in countries in which the United Kingdom has no consular representation. The changes will enable the FCO to register the civil partnerships of British nationals who would previously not have had access to this service.

7.3 This Order which will come into force on the same date as the Legislative Reform (Civil Partnership) Order 2012 will amend the Civil Partnership (Registration Abroad and Certificates) Order 2005 to be consistent with the terminology in the amended Civil Partnership Act 2004.

8. Consultation outcome

8.1 No consultation has been carried out in relation to this Order. The only changes introduced by the Order are consequential to forthcoming amendments to the Civil Partnership Act 2004 by the Legislative Reform (Civil Partnership) Order 2012. A consultation was carried out in respect of the Legislative Reform (Civil Partnership) Order 2012, and details of this are given in that Order's impact assessment and explanatory document.

9. Guidance

9.1 This Order introduces only changes in terminology and there is no impact on stakeholders beyond that of the Legislative Reform (Civil Partnership) Order 2012. Accordingly, no guidance specific to the changes introduced by this Order is planned. Consular sections that will be able to start to register civil partnerships for the first time following the entry into force of the Legislative Reform (Civil Partnership) Order 2012 will publicise this service on their local FCO website and in their consular premises. Any officer requiring guidance or training in performing registration functions will receive this locally.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 There is no impact on the public sector.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 This Order introduces only changes in terminology and there is no impact beyond that introduced by the Legislative Reform (Civil Partnership) Order 2012. Accordingly, no monitoring and review specific to this Order is planned.

13. Contact

Sarah Ballett at the Consular Directorate, Foreign and Commonwealth Office, can answer any queries regarding the instrument.

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