

EXPLANATORY MEMORANDUM TO
THE CIVIL PARTNERSHIP (REGISTRATION ABROAD AND CERTIFICATES)
(AMENDMENT) ORDER 2013

2013 No. 2872

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

2. Purpose of the instrument

2.1 To amend the Civil Partnerships (Registration Abroad and Certificates) Order 2005 (“the 2005 Order”) to remove the requirement for registration officers to transmit certificates of overseas relationships to the Registrar General in England and Wales, Scotland or Northern Ireland. Registration officers remain under an obligation to transmit certificates of consular civil partnerships to the Registrar General.

2.3 To ensure that any person whose certificate was transmitted before this service is removed may still obtain a certified copy of that certificate from the Registrar General upon payment of a fee.

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

3.1 None.

4. Legislative Context

4.1 The 2005 Order, made under the Civil Partnership Act 2004, sets out the procedure whereby British Nationals may enter into a consular civil partnership. It also contains certain provisions in respect of British Nationals entering into a civil partnership overseas under local law.

5. Territorial Extent and Application

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

7. Policy background

- *What is being done and why*

7.1 The 2005 Order obliges the FCO to transmit certificates of overseas relationships of British Nationals to the Registrars General in England and Wales,

Scotland and Northern Ireland, when requested to do so by British Nationals overseas. The 2005 Order establishes the FCO's role in this transmission as verifying the authenticity of the foreign overseas relationship certificate and checking the accuracy of any translation. Since FCO are not specially trained in document verification, there is a risk that a foreign overseas relationship certificate could be certified as genuine when it is not, or a faulty translation as a true one.

7.2 Some British Nationals overseas like the service as, having deposited the certificate, they can obtain a copy from the relevant General Registrar's Office (GRO) in the UK at any stage in the future. Some British Nationals also erroneously believe that the deposit is a legal requirement or confers legal recognition of an overseas relationship, neither of which are the case. However this service is increasingly anachronistic and has a low customer take-up. Customers are able to send important documents such as marriage/civil partnership certificates, financial documents, wills etc. by secure courier to the UK for safe storage, for example, with banks and solicitors, or use local commercial safe storage companies.

7.3 At the same time, the FCO is seeking to amend the Foreign Marriage Order 1970 in similar terms to discontinue the service of transmitting foreign marriage certificates to the GRO when requested to do so by a British National overseas.

- ***Consolidation***

7.4 This is only the second Order which amends the 2005 Order and therefore it is not considered necessary to consolidate the legislation at this time.

8. Consultation outcome

8.1 The FCO has consulted with General Registrar Offices of England and Wales, Scotland and Northern Ireland, who have no objection to the FCO discontinuing this service.

9. Guidance

9.1 The FCO will issue guidance to customers through the Gov.UK website.

10. Impact

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

10.2 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 There is no requirement for a monitoring or review process. Once the Order comes into effect, the current service offered by the FCO will stop.

13. Contact

Margaret Purdasy at the Foreign and Commonwealth Office Tel: 0207 008 3124 or email: Margaret.Purdasy@fco.gov.uk can answer any queries regarding the instrument.