
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable civil partners to convert their civil partnership into a marriage where the civil partnership was formed under the law of Northern Ireland and the civil partners are of the same sex.

These Regulations enable spouses to convert their marriage into a civil partnership where the marriage was solemnised under the law of Northern Ireland and the spouses are not of the same sex.

The rights to convert given by these Regulations are set out in regulation 3. The civil partnership or marriage being converted can be one formed at any time before the conversion, but the right of conversion has to be exercised during the 3 years that begin when these Regulations come into force (see regulations 6, 21(4) and 28(4), and the amendments made by regulation 31(4) and (7)).

In Part 2 of these Regulations, regulation 4 sets out the effect of a conversion under or by virtue of any of Parts 3 to 6 of these Regulations.

Part 3 of these Regulations enables conversions to take place in Northern Ireland. Regulation 7 offers a choice of procedures. Regulation 7(3)(b) ensures that the basic conversion fee is not payable for conversions taking place during the first year of the 3-year period. Regulation 10(6) and (7) identify the point in time at which a conversion under Part 3 occurs. There are options for a conversion of a civil partnership into a marriage to take place before a religious officiant, and regulation 16 gives protections to religious bodies from being compelled to be involved with conversions or with events or ceremonies to mark conversions.

Part 4 of these Regulations enables conversion of a marriage into a civil partnership to take place outside the United Kingdom before a British consular official where at least one party is a UK national. Part 5 of these Regulations enables conversion of a marriage into a civil partnership to take place outside the United Kingdom before a person authorised by a commanding officer of armed forces serving abroad where at least one of the parties is a serving member of the armed forces, or is eligible as a civilian employed in certain functions in support of the armed forces, or is a child of and living with a serving member or eligible civilian employee.

Part 6 of these Regulations enables conversion of a civil partnership into a marriage to take place outside the United Kingdom in cases corresponding to those covered by Parts 4 and 5 of these Regulations. Part 6 does this by extending and amending Parts 3 and 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014, which currently enable conversions abroad only of civil partnerships formed under the law of England and Wales.

Part 7 of these Regulations contains amendments of legislation. The amendments made by regulations 35 (in part), 40 and 43 relate to the changes in the law of Northern Ireland extending civil partnership to opposite-sex couples that were made by the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019. The amendment made by regulation 42 relates to the changes in the law of Northern Ireland enabling religious marriage for same-sex couples that were made by the Marriage and Civil Partnership (Northern Ireland) Regulations 2020.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.