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STATUTORY INSTRUMENTS

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**2021 No. 440**

**CIVIL PARTNERSHIP, ENGLAND AND WALES**  
**REGISTRATION OF BIRTHS, DEATHS & MARRIAGES,**  
**ETC., ENGLAND AND WALES**

**The Marriage and Civil Partnership (Conversion of Civil Partnership and Fees) (Amendment) Regulations 2021**

<i>Made</i>	- - - -	<i>30th March 2021</i>
<i>Laid before Parliament</i>		<i>1st April 2021</i>
<i>Coming into force</i>	- -	<i>4th May 2021</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 71A(1)(g)(ii), (h), (ia), (j), (2)(a), (3), (4), (7)(b) and 74(3) of the Marriage Act 1949(a), section 34(1)(e) and (1A)(a) of the Civil Partnership Act 2004(b) and sections 9(1), (2), (2A), (3), (4)(b), (d) and (e) and (5)(a) and (ba) and 18(4)(a) and (b) of the Marriage (Same Sex Couples) Act 2013(c).

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Marriage and Civil Partnership (Conversion of Civil Partnership and Fees) (Amendment) Regulations 2021.

(2) These Regulations come into force on 4th May 2021.

(3) These Regulations extend to England and Wales.

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- (a) 1949 c. 76 (12 & 13 Geo 6). Section 71A was inserted by paragraph 1 of Schedule 15 to the Immigration Act 2016 (c. 19) and amended by paragraph 42 of Schedule 1 to the Registration of Marriages Regulations 2021 (S.I. 2021/411). See section 71A(9) for the definitions of “marriage services” and “prescribed”. Section 74(3) was inserted by paragraph 15 of Schedule 4 to the Immigration Act 2014 (c. 22).
- (b) 2004 c. 33; section 34(1) was amended by paragraph 4(2) of Schedule 15 to the Immigration Act 2016 and paragraph 14(b) of Schedule 2 to the Transfer of Functions (Registration) Order 2008 (S.I. 2008/678). Section 34(1A) was inserted by paragraph 4(3) of Schedule 15 to the Immigration Act 2016.
- (c) 2013 c. 30; in section 9 subsection (2A) was inserted by regulation 37(1) of the Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458) and subsection (5)(ba) was inserted by section 99(3) of the Deregulation Act 2015 (c. 20). See section 9(7) for the definitions of “England and Wales civil partnership” and “relevant official”.

## **Amendments to the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014**

2.—(1) The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(a) are amended as follows.

(2) In regulation 2 after the definition of “local authority” insert—

““occupation” includes rank or profession;”.

(3) In regulation 4—

(a) in paragraph (1)—

(i) for “and (3)” substitute “, (3) and (where relevant) (4B)”;

(ii) at the end insert “in accordance with this regulation (subject to paragraphs (4D) and (5))”;

(b) in paragraph (2)—

(i) for sub-paragraph (e) substitute—

“(e) current occupation or, if the party has no current occupation, former occupation (if any);”;

(ii) for sub-paragraph (g) substitute—

“(g) subject to paragraphs (4) to (4D), each parent’s—

(i) forenames and surname, and

(ii) current occupation or, if the parent has no current occupation or has died, former occupation (if any).”;

(c) for paragraph (4) substitute—

“(4) Paragraph (4A) applies where—

(a) a party wishes the conversion declaration to record details about one or more step-parents of that party (“the nominated step-parents”) in addition to or instead of details about any parent of that party (“the relevant parent”),

(b) the party provides the superintendent registrar with the details required by paragraph (4B),

(c) those details are provided together with instructions about whether the party wishes those details to be recorded in addition to or instead of details of the relevant parent, and

(d) the condition in paragraph (4C) is satisfied.

(4A) The superintendent registrar must—

(a) record on the conversion declaration the details provided under paragraph (4)(b) in respect of each of the nominated step-parents, in accordance with the instructions provided under paragraph (4)(c),

(b) record the word “step-parent” after the surname of each of the nominated step-parents on the conversion declaration,

(c) if informed that any of the nominated step-parents has died, record the word “deceased” after the word “step-parent” recorded after the step-parent’s name under sub-paragraph (b), and

(d) if provided with the former occupation of any of the nominated step-parents and informed that the step-parent has or had retired from that occupation, record the word “retired” after that occupation.

(4B) The details required by this paragraph, for the purposes of paragraph (4), are the following in respect of each of the nominated step-parents—

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(a) S.I. 2014/3181, amended by S.I. 2019/1458; there are other amending instruments but none is relevant.

- (a) the step-parent’s forenames and surname, and
- (b) the step-parent’s current occupation or, if the step-parent has no current occupation or has died, former occupation (if any).

(4C) The condition in this paragraph is that recording on the conversion declaration, in accordance with the party’s wishes, the details about every step-parent whose details the party wishes the conversion declaration to record would not result in the details of more than four individuals in total being recorded on the conversion declaration as parents or step-parents of that party.

(4D) Where the superintendent registrar is required by paragraph (4A) to record details about one or more step-parents of a party instead of details about a parent of the party, paragraph (2) does not require the party to provide any details about that parent.

(4E) Where the superintendent registrar records details on the conversion declaration about the parent of a party and is informed that the parent has died, the superintendent registrar must record the word “deceased” after that parent’s name.

(4F) Where the superintendent registrar records a party’s former occupation on the conversion declaration and is informed that the party has retired from that occupation, the superintendent registrar must record the word “retired” after that occupation.

(4G) Where the superintendent registrar records the former occupation of a party’s parent on the conversion declaration and is informed that the parent has or had retired from that occupation, the superintendent registrar must record the word “retired” after that occupation.”;

- (d) in paragraph (6) for “in paragraphs (2) and (3)” substitute “required by this regulation to be recorded on the conversion declaration”;
- (e) omit paragraph (7);
- (f) at the end insert—

“(8) In this regulation a “step-parent” of a party means a step-parent of that party who is or has been married to, or the civil partner of, a parent of that party.”

(4) In regulation 6(1)(a) for “and (3)” substitute “, (3) and (where relevant) (4B)”.

(5) In regulation 9(2)(a) for “and (3)” substitute “, (3) and (where relevant) (4B)”.

(6) In regulation 10(2)(a) for “and (3)” substitute “, (3) and (where relevant) (4B)”.

(7) In regulation 18—

- (a) in paragraph (1)(d)—
  - (i) at the beginning insert “subject to paragraph (3G),”;
  - (ii) for paragraphs (iii) and (iv) substitute—
    - “(iii) date of birth;
    - (iv) current occupation or, where the party has no current occupation, former occupation (if any);”;
  - (iii) for paragraph (vi) substitute—
    - “(vi) subject to paragraphs (3) to (3C), each parent’s—
      - (aa) forenames and surname, and
      - (bb) current occupation or, if the parent has no current occupation or has died, former occupation (if any).”;

(b) for paragraph (3) substitute—

“(3) Paragraph (3A) applies where—

- (a) a party wishes the conversion register to record details about one or more step-parents of that party (“the nominated step-parents”) in addition to or instead of details about any parent of that party (“the relevant parent”), and
- (b) the conditions in paragraphs (3B) and (3C) are satisfied.

(3A) The superintendent registrar must—

- (a) register in the conversion register the details provided under paragraph (3B)(a) in respect of each of the nominated step-parents, in accordance with the party's wishes communicated under paragraph (3B)(b),
- (b) enter the word "step-parent" after each step-parent's surname in the conversion register,
- (c) if informed that any of the nominated step-parents has died, enter the word "deceased" after the word "step-parent" entered after the step-parent's surname under sub-paragraph (b), and
- (d) if provided with the former occupation of any of the nominated step-parents and informed that the step-parent has or had retired from that occupation, enter the word "retired" after that occupation.

(3B) The condition in this paragraph is that the superintendent registrar—

- (a) is provided with the following details in respect of each of the nominated step-parents—
  - (i) forenames and surname, and
  - (ii) current occupation or, if the step-parent has no current occupation or has died, former occupation, and
- (b) is informed whether the party wishes those details to be recorded in addition to or instead of the details of the relevant parent.

(3C) The condition in this paragraph is that registering in the conversion register, in accordance with the party's wishes, the details about every step-parent whose details the party wishes the register to record would not result in the details of more than four individuals in total being registered in the conversion register as parents or step-parents of that party.

(3D) Where the superintendent registrar registers details in the conversion register about the parent of a party and is informed that the parent has died, the superintendent registrar must enter the word "deceased" after that parent's name.

(3E) Where the superintendent registrar registers a party's former occupation in the conversion register and is informed that the party has retired from that occupation, the superintendent registrar must enter the word "retired" after that occupation.

(3F) Where the superintendent registrar registers the former occupation of a party's parent in the conversion register and is informed that the parent has or had retired from that occupation, the superintendent registrar must enter the word "retired" after that occupation.

(3G) The superintendent registrar may omit any of the details required by paragraph (1)(d) from the conversion register where the details were not recorded on the conversion declaration and have not subsequently been provided by a party for the purposes of this regulation.”;

(c) after paragraph (5) insert—

“(6) In this regulation a “step-parent” of a party means a step-parent of that party who is or has been married to, or the civil partner of, a parent of that party.”

(8) In regulation 21—

(a) in paragraph (2)—

- (i) omit “or certified extracts”;
- (ii) omit “or extracts”;

(b) in paragraph (3)(a) and (b) omit “or certified extract”.

## Transitional provision in relation to amendments made by regulation 2

3. The amendments made by regulation 2(3)(a) to (d) and (f), (4), (5) and (6) apply only in relation to the provision on or after 4th May 2021 of the information required by regulation 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014.

## Amendments to the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016

4.—(1) The Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016(a) are amended as follows.

(2) In regulation 2 in the definition of “relevant information”—

- (a) in paragraph (d) for “section 63(1)” substitute “section 53D(10)(b)”(b);
- (b) in paragraphs (e) and (f) omit “or certified extract”.

(3) In regulation 3A(5) in the definition of “category A fee”—

- (a) in paragraph (a) for “row 12A” insert “row 16ZA”;
- (b) after that paragraph insert—
  - “(aa) the fee specified in column 3 of row 16ZB;”.

(4) In Schedule 1 (fees payable) in the table—

- (a) in row 2, in column 2 for “Entry in marriage notice book—” substitute “Recording a notice of marriage—”;
- (b) after row 11 insert—

“11A	Marriage Act 1949 section 53D(10)(b)	(a) Standard service for a certified copy of an entry in the marriage register obtained from a registrar	£11.00	The registrar
		(b) Priority service for a certified copy of an entry in the marriage register obtained from a registrar	£35.00	The registrar”

- (c) omit rows 12A and 13;
- (d) in row 14, in column 2 after “indexes of” insert “the entries in the marriage register and of the”;
- (e) in row 15, in column 2 in (a) and (b) for “from the register kept by the superintendent registrar” substitute “in the marriage register or a marriage register book, obtained from a superintendent registrar”;
- (f) in row 16, in column 2 in (a) and (b) for “certified copy of entry obtained from the Registrar General” substitute “a certified copy of an entry in the marriage register or in a certified copy of a marriage register book, obtained from the Registrar General”;
- (g) after row 16 insert—

“16ZA	Registration of Marriages Regulations 2015	Correction of an error in an entry in a marriage register book	£90.00	The superintendent registrar
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(a) S.I. 2016/911; relevant amending instruments are S.I. 2017/947, 2018/1268, 2020/1093.

(b) Section 53D of the Marriage Act 1949 was inserted by regulation 7 of the Registration of Marriages Regulations 2021.

	regulation 11K(a)	(other than an error caused by a registrar when entering particulars in that marriage register book) where an application is made to a superintendent registrar under regulation 11K(1) of the Registration of Marriages Regulations 2015		
16ZB	Registration of Marriages Regulations 2015 regulation 11L	Correction of an error in an entry in the marriage register (other than an error caused by a registrar when entering particulars in the register) where an application is made to a superintendent registrar under regulation 11L(2) of the Registration of Marriages Regulations 2015	£90.00	The superintendent registrar”

- (h) in row 36, in column 2 in (a) and (b) omit “or certified extract”;
- (i) in row 37, in column 2—
  - (i) in (a), omit “or a certified extract”;
  - (ii) in (b), for “or certified extract of an entry in the conversion register” substitute “of an entry in the civil partnership register”;
- (j) in row 51, in column 2—
  - (i) in (a)(i)—
    - (aa) for “the information” substitute “information”;
    - (bb) for “, the marriage register” substitute “and marriage register books”;
    - (cc) at the end insert “, or in the entries in the marriage register”;
  - (ii) in (a)(ii)—
    - (aa) for “the information” substitute “information”;
    - (bb) for “, the marriage register” substitute “and marriage register books”;
    - (cc) for “and the civil partnership register” substitute “, or in the entries in the marriage register”;
  - (iii) in (a)(iii)—
    - (aa) for “the information” substitute “information”;
    - (bb) for “and the marriage register” substitute “and marriage register books”;
  - (iv) in (b)(i)—
    - (aa) for “the information” substitute “information”;
    - (bb) for “, the marriage register” substitute “and marriage register books”;
    - (cc) at the end insert “, or in the entries in the marriage register”;

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(a) S.I. 2015/207, amended by S.I. 2021/412; there are other amending instruments but none is relevant.

- (v) in (b)(ii)—
  - (aa) for “the information” substitute “information”;
  - (bb) for “, the marriage register” substitute “and marriage register books”;
  - (cc) at the end insert “, or in the entries in the marriage register”.

#### **Transitional provision in relation to amendments made by regulation 4**

5.—(1) The power under regulation 3(2) of the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 to refund all or part of a fee continues to apply as it applied immediately before 4th May 2021 in relation to any fee mentioned in paragraph (3) which—

- (a) was paid before that date, or
- (b) had become payable but had not been paid before that date.

(2) The power under regulation 3(2) of the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 to reduce or waive all or part of a fee continues to apply as it applied immediately before 4th May 2021 in relation to any fee mentioned in paragraph (3) which had become payable but had not been paid before that date.

(3) The fees are—

- (a) the fee in respect of an entry in a marriage notice book specified before that date in row 2 of the table in Schedule 1 to the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016;
- (b) the fee for the correction of an entry in a marriage register book specified before that date in row 12A of that table;
- (c) the fees for the provision of a certified copy of an entry in a marriage register book specified before that date in row 13 of that table;
- (d) the fees for the provision of a certified extract of an entry in the civil partnership register specified before that date in rows 36 and 37 of that table.

(4) Regulation 3A(2), (3) and (4) of the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 continues to apply as it applied immediately before 4th May 2021 in relation to a fee specified before that date in row 12A of the table in Schedule 1 to those Regulations which—

- (a) was paid to a registrar before that date, or
- (b) had become payable to a registrar but had not been paid before that date.

30th March 2021

*Kevin Foster*  
Parliamentary Under Secretary of State  
Home Office

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 (“the 2014 Regulations”) and the Registration of Births, Deaths, Marriages and Civil Partnerships (Fees) Regulations 2016 (“the 2016 Regulations”).

Regulation 2 amends the 2014 Regulations, which establish the procedures for converting an England and Wales same-sex civil partnership (and certain other same-sex civil partnerships) into a marriage. These procedures include the signing of a conversion declaration and the registration of details in the conversion register. Regulation 2(2) and (3)(a) to (d) and (f) makes changes to the information that must be provided by the parties and recorded by the superintendent registrar on

the conversion declaration. Regulation 2(4) to (6) makes consequential amendments. Regulation 3 is a related transitional provision. Its effect is that where the parties have already complied, before 4th May 2021, with the requirements in force at that time to provide information to a superintendent registrar, they do not need to have complied with the amended information requirements before being able to convert their civil partnership to a marriage.

Regulation 2(3)(e) revokes regulation 4(7) of the 2014 Regulations which makes provision, for the purposes of section 4A(3) of the Gender Recognition Act 2004, about the date on which a conversion application is made. Regulation 4(7) is no longer needed because section 4A(3) has been repealed by the Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458).

Regulation 2(7) makes changes to the information that must be registered in the conversion register by the superintendent registrar when a civil partnership has been converted into a marriage.

Regulation 2(8) amends regulation 21 of the 2014 Regulations so that it no longer refers to certified extracts of entries in the civil partnership register. Regulation 21 currently provides, among other things, for certified extracts of entries in the civil partnership register relating to a civil partnership that has been converted into a marriage to be annotated before they are issued. However, the Civil Partnership (Registration Provisions) Regulations 2005 (S.I. 2005/3176) have been amended by the Civil Partnership (Registration and Records) (Amendment) Regulations 2021 (S.I. 2021/410) so that they no longer provide for the issuing of certified extracts.

Regulation 4 amends the 2016 Regulations, which set fees for applications and services in relation to the registration of births, deaths, marriages and civil partnerships in England and Wales. Regulation 4(2)(b) and (4)(h) and (i) removes references to the provision of certified extracts of entries in the civil partnership register, for the reason given above in relation to the amendments to the 2014 Regulations made by regulation 2(8). Regulation 4(4)(i)(ii) also corrects an erroneous reference to the conversion register so that it is a reference to the civil partnership register.

The remaining amendments to the 2016 Regulations are made (except in one respect) as a result of amendments to the Marriage Act 1949 made by the Registration of Marriages Regulations 2021 (S.I. 2021/411) and related provision made by the Registration of Marriages (Amendment) Regulations 2021 (S.I. 2021/412). The first of those instruments changes the way in which marriages are registered in England and Wales. The amendments to the 2016 Regulations remove fees that are no longer relevant and prescribe fees for entering notices of marriage in the new electronic marriage register, for searching indexes of entries in that register, for certified copies of such entries, for copies in electronic format of information contained in such entries and for the correction of such entries. In addition (and unrelated to the amendments made to the Marriage Act 1949) regulation 4(4)(j)(ii)(cc) removes an erroneous reference to the civil partnership register.

Regulation 5 makes transitional provision in connection with amendments made by regulation 4.

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

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