

CIVIL PARTNERSHIP

1. Forming a civil partnership in the UK

1.1 A Civil Partnership is a legal relationship which, from 21 December 2005 (15 days after commencement of the Civil Partnership Act 2004 on 5 December 2005), can be formed by two people of the same sex. They must both be at least 16 years of age and must not already be in a civil partnership or lawfully married. People under the age of 18 may be required to obtain written consent.

1.2 A civil partnership ceremony can take place in any register office in England or Wales, Scotland or Northern Ireland. From 5 December 2005, premises which are already registered to conduct marriages will automatically be registered for civil partnerships. These include stately homes and other prestigious buildings, hotels, restaurants and football stadiums. The civil partnership will be formed once the couple have signed the civil partnership document in the presence of a registrar and two witnesses.

2. Forming a civil partnership outside the UK

2.1 Section 210 of the Civil Partnership Act 2004 enables provision to be made for two people to register as civil partners of each other in prescribed countries or territories outside the UK in the presence of a prescribed officer of HM Diplomatic Service. The conditions under which registration may take place are set out in articles 3 to 10 of the Civil Partnership (Registration Abroad and Certificates) Order 2005/No.2761. Article 13 of the Order allows the Secretary of State, in special cases, to dispense with certain formal requirements.

3. Foreign same-sex relationships which are to be treated as civil partnerships

3.1 Some same-sex couples may have already secured legal recognition of their relationship outside the United Kingdom. A same-sex relationship which has been recognised in this way will in certain circumstances be treated as a civil partnership under the 2004 Act.

3.2 A list of overseas-recognised same-sex relationships which are to be treated as civil partnerships is given below:

| Country or Territory | Relationship known as | English translation |
|-------------------------------|--|------------------------------|
| Andorra | unió estable de parella | stable union of pairs |
| Australia: Tasmania | Significant relationship | n/a |
| Belgium | marriage | n/a |
| Belgium | The relationship referred to as cohabitation légale, wettelijke samenwoning, gesetzliches zusammenwohnen | statutory cohabitation |
| <i>Canada</i> | marriage | n/a |
| Canada: Nova Scotia | domestic partnership | n/a |
| Canada: Quebec | The relationship referred to as union civile or as civil union | civil union |
| Denmark (including Greenland) | registreret partnerskab | registered partnership |
| Finland | The relationship referred to as | registered |

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|--------------------|---|------------------------|
| | rekisteröity parisuhde or as registrerat partnerskap ¹ | partnership |
| France | pacte civil de solidarité | civil solidarity pact |
| Germany | Lebenspartnerschaft | Life partnership |
| Iceland | stadfesta samvist | confirmed cohabitation |
| Luxembourg | partenariat enregistré, eingetragene partnerschaft | registered partnership |
| Netherlands | marriage | n/a |
| Netherlands | geregistreerd partnerschap | registered partnership |
| New Zealand | civil union | n/a |
| Norway | registrert partnerskap | registered partnership |
| Spain | marriage | n/a |
| Sweden | registrerat partnerskap | registered partnership |
| USA: California | domestic partnership | n/a |
| USA: Connecticut | civil union | n/a |
| USA: Hawaii | reciprocal beneficiary relationship | n/a |
| USA: Maine | domestic partnership | n/a |
| USA: Massachusetts | marriage | n/a |
| USA: New Jersey | domestic partnership | n/a |
| USA: Vermont | civil union | n/a |

3.3 If an overseas relationship is not included in the list above it will still be recognised as a civil partnership if it meets certain conditions. Under the law of the country where the relationship was formed the relationship must:
 be exclusive in nature and
 be indeterminate in duration and
 result in the parties to the relationship being regarded as a couple or treated as married.

4. Dissolving a civil partnership

4.1 A civil partnership ends only on formal dissolution or annulment, or on the death of one of the parties. For more information on dissolution of a civil partnership please see Volume 2 Section 2 – **DISSOLUTION OF CIVIL PARTNERSHIPS.**

5. Glossary of terms

| TERM | EXPLANATION | TERM <u>NOT</u> TO BE USED |
|-------------------|---|----------------------------|
| Civil Partner | The legal status of the two people who have registered as each other's civil partner- in the same way that a spouse is used to describe both each member of the married couple. | Spouse |
| Civil Partnership | The legal relationship existing | |

¹ Please note that the Swedish used in Finland is slightly different than the language used in Sweden.

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|--|---|-----------------------------|
| | between two civil partners | Marriage |
| Same sex and opposite sex | Terms used to describe homosexual and heterosexual couples | Homosexual and heterosexual |
| To register as a civil partner of each other / to form a civil partnership | To carry out the requirements for forming a civil partnership by registration | Marry |
| Surviving civil partner | A person whose civil partnership has ended through the death of his / her civil partner | Widow, widower |
| Parties to a civil partnership agreement | A couple who have agreed to register as civil partners of each other (or had agreed to do so, where the agreement has since been terminated) | |
| Proposed civil partner | A person who is going through the process of forming a civil partnership. | Fiancé(e) |
| Dissolution | The equivalent procedure used to dissolve a civil partnership | Divorce |
| Former civil partner | A person whose partnership has been dissolved | Deregistered |
| Civil partnership home | A home shared by or intended to be shared by a same sex couple in a civil partnership | Matrimonial Home |

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