

## 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
<b>Andorra</b>	<b>unió estable de parella</b>	<b>stable union of pairs</b>
<b>Australia: Tasmania</b>	<b>Significant relationship</b>	<b>n/a</b>
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

	rekisteröity parisuhde or as registrerat partnerskap <sup>1</sup>	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	

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

	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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