



HM Government

Marriage and Civil Partnership - Conversion entitlements in Northern Ireland

Government consultation

20 January 2020

FOREWORD BY THE SECRETARY OF STATE FOR NORTHERN IRELAND

During the passage of the Northern Ireland (Executive Formation etc.) Act 2019, Parliament placed a legal duty on the UK government to legislate to allow same-sex couples to marry and opposite-sex couples to form a civil partnership in Northern Ireland, given the absence of a devolved administration to take forward such reform at that time. The powers under the Act also enable the government to make other related provisions and amendments to the law, including allowing couples to convert from a civil partnership to marriage and vice versa.

The first set of regulations, delivering on the legal duty under section 8(1) of the Act, that will enable same-sex couples in Northern Ireland to have a civil marriage and opposite-sex couples to register a civil partnership, came into force on 13 January 2020.

There are two key issues on which we need to seek the views of the people of Northern Ireland before we legislate further. The first is how we enable same-sex religious marriage, and protect those that do not wish to solemnise such marriages, in Northern Ireland. The second issue is the right to convert between a civil partnership and marriage and vice versa, which is covered by this consultation. We are also publishing today a consultation on same-sex religious marriage.

While we are not obliged by the Act to make regulations on conversion entitlements, we are keen to give same-sex couples in Northern Ireland the opportunity to convert their civil partnerships to marriage, in line with same-sex couples in the rest of the UK. We are also keen to hear views on whether opposite-sex couples in Northern Ireland should also have a right to convert their relationships.

Consulting on these issues – as we have recently done in England and Wales - will enable us to understand better the particular needs and concerns of the people of Northern Ireland and tailor the regulations accordingly. We will bring forward these regulations as soon as we are able to later this year.

I welcome the recent restoration of the Executive and Assembly in Northern Ireland. The New Decade, New Approach Agreement focuses on delivering what matters to citizens in Northern Ireland: better public services, a stronger economy and a fairer society. We will talk to Northern Ireland ministers and departments about the consultation proposals and the regulations that will follow, as we fulfil our commitment to deliver same-sex religious marriage and conversion in Northern Ireland in 2020. We would be grateful to hear views from anyone with an interest in the proposed conversion entitlements in Northern Ireland set out in this consultation.

The Rt Hon Julian Smith CBE MP

Secretary of State for Northern Ireland

CONTENTS

OVERVIEW	3
Introduction	3
About this consultation	3
Structure of the consultation	6
PART ONE - CONSULTATION ON CONVERSION ENTITLEMENTS	7
1.1 Background	7
1.2 Approach in England and Wales and Scotland	7
1.3 The future approach in England and Wales and Scotland	8
1.4 General principles	9
1.5 Conversion from civil partnership to marriage	10
1.6 Conversion from marriage to civil partnership	11
1.7 Effective date of conversion	13
1.8 Which couples should be able to convert their relationships?	15
1.9 Conversion of overseas relationships	15
1.10 Process for converting	16
1.11 Longer-term position in Northern Ireland	17
PART TWO - DEMOGRAPHIC QUESTIONS	19
PART THREE - SUPPLEMENTARY INFORMATION	25
Annex A: Section 8 of the Northern Ireland (Executive Formation etc) Act 2019	25
Annex B: Consultation questions	27

OVERVIEW

Introduction

While the law relating to marriage and civil partnership is devolved to Northern Ireland, the UK Parliament supported amendments to the Northern Ireland (Executive Formation etc.) Act 2019 (“the NI EF Act”) that meant that if a Northern Ireland Executive was not restored by 21 October 2019, the UK government would then be under a legal obligation to take on the responsibility of legislating to allow same-sex marriage and opposite-sex civil partnerships in Northern Ireland.

The NI EF Act therefore places a legal duty on the UK government, under section 8, to make regulations so that couples are eligible to form same-sex marriages and opposite-sex civil partnerships in Northern Ireland. The NI EF Act also confers power to make other related provisions including the right to convert from a civil partnership to marriage (and vice versa).

Section 8 of the NI EF Act came into force on 22 October, as the Northern Ireland Executive had not been restored by then. Ahead of this, on 21 October 2019, the Secretary of State for Northern Ireland made the following statement in Parliament:

“There are two key areas on which we will consult: how to allow for religious same-sex marriage ceremonies; and the issue of conversion from civil partnership to marriage and vice versa. So that we can tailor the regulations appropriately, there will be a short consultation on these two issues.”

This consultation fulfils that commitment in relation to conversion entitlements. There is an accompanying consultation that deals with same-sex religious marriage in Northern Ireland.

The first set of regulations made under the powers in section 8(1), the Marriage (Same-sex Couples) and Civil Partnerships (Opposite-sex Couples) (Northern Ireland) Regulations 2019, which allow same-sex couples in Northern Ireland to have a civil marriage and opposite-sex couples to form a civil partnership, came into force on 13 January. Further regulations will follow later in 2020, after we have analysed consultation responses.

About this consultation

Purpose

This consultation seeks views on conversion entitlements for same-sex and opposite-sex married couples and civil partners.

Consultation scope

This consultation covers conversion entitlements in Northern Ireland.

Timetable

This consultation will run for five weeks and opens on 20 January 2020 and closes at 11.45pm on 23 February 2020.

Responding to the consultation

The government would welcome feedback from anyone with an interest or view on the proposed shape of this reform, addressing the specific questions listed throughout the consultation document and set out in Annex B.

We would particularly welcome views from:

- Same-sex couples who wish to convert an existing civil partnership to marriage;
- Opposite-sex couples who may wish to convert their marriage to a civil partnership;
- LGBT organisations who may have views on conversion rights for same-sex couples.

Our preferred method of receiving your response is via our electronic consultation questionnaire which can be found via the following link:

<https://www.smartsurvey.co.uk/s/QMBH0/>

The email address for queries is:

conversionconsultation@nio.gov.uk

Postal responses can be sent to:

Conversion entitlements consultation
Northern Ireland Office
Stormont House
Stormont Estate
Belfast
BT4 3SH

When responding, please state whether you are doing so as an individual or representing the views of an organisation. If you are responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

A hard copy of this consultation document is available on request, using the email address provided above.

Consultation principles

This consultation is being conducted in line with the Cabinet Office consultation principles published in January 2016. A copy of the principles can be found at: <https://www.gov.uk/government/publications/consultation-principles-guidance>

It is also being conducted in line with the Northern Ireland Office Equality Scheme which can be found at: <https://www.gov.uk/government/publications/nio-equality-scheme>.

An Equality Screening of the impact of the proposals in this consultation is available on the consultation website at www.gov.uk/nio or can be obtained in hardcopy on request.

Confidentiality

The information you send us may need to be shared within the Northern Ireland Office (NIO), with other relevant government departments and relevant Northern Ireland Civil Service departments. The information might also be published in a summary of responses received and referred to in the published consultation report. The government summary of responses to this consultation and published consultation report will include a list of organisations that responded but not personal names without receiving permission from the individual. Other contact details will not be published.

All information contained in your response, including personal information, may be subject to publication or disclosure if requested under the Freedom of Information Act 2000. By providing personal information for the purposes of this public consultation exercise, it is understood that you consent to its possible disclosure and publication. If this is not the case, you should limit any personal information provided, or omit it entirely. If you want the information in your response to the consultation to be kept confidential, you should state so clearly in your response, although this cannot be guaranteed.

To find out more about the general principles of Freedom of Information and how it is applied in the NIO, please contact: foi@nio.gov.uk

The NIO is the data controller in respect of any personal data that you provide and NIO's Information Charter, which sets out the standards you can expect in respect of the handling of your personal data, can be found at: <https://www.gov.uk/government/organisations/northern-ireland-office/about/personal-information-charter>

Government response

A summary of responses to this consultation and details of the action that the government will take, or has taken, will be published on the government website at www.gov.uk/nio.

The government aims to publish the response within twelve weeks of the consultation closing date.

Structure of the consultation

Part One of this consultation seeks views on conversion entitlements in Northern Ireland. There are 9 questions in relation to these proposals which respondents may wish to answer.

Part Two asks a series of demographic questions.

Part Three provides supplementary information including the full list of consultation questions.

PART ONE - CONSULTATION ON CONVERSION ENTITLEMENTS

1.1 Background

1. The Civil Partnership Act 2004 (“the 2004 Act”) enabled same-sex couples throughout the United Kingdom to obtain legal recognition of their relationship by registering a civil partnership. These provisions came into force in Northern Ireland on 5 December 2005. As same-sex couples have not been able to marry in Northern Ireland until now, there is no right for such couples to convert a civil partnership to marriage in existing law.
2. Now that same-sex couples in Northern Ireland can marry and opposite-sex couples can form a civil partnership, through the regulations made under section 8(1) of the NI EF Act, we are consulting on the conversion rights which should be available to married couples and civil partners.

1.2 Approach in England and Wales and Scotland

3. The Marriage (Same Sex Couples) Act 2013 (“the 2013 Act”) allows same-sex couples in England and Wales to marry, or to convert their civil partnership into a marriage without first having to formally dissolve their current partnership. Couples can convert with or without a ceremony, provided the civil partnership was registered under the law of England and Wales. The civil partnership comes to an end on conversion and the resultant marriage is then treated as having existed from the date that the civil partnership was formed. Those couples who choose not to convert are able to remain in their civil partnership and suffer no legal detriment.
4. The intention behind the current conversion right in England and Wales is to allow same-sex couples to enter a type of relationship that had not previously been available to them. It is also to reflect the fact that same-sex couples were historically denied the ability to marry and some felt that the introduction of civil partnerships fell short of this right. The right to convert is still available to same-sex couples in England and Wales, even if they formed their civil partnership after the introduction of same-sex marriage. This was to allow for cases where one partner changes gender as, until the introduction of opposite-sex civil partnerships in December 2019, couples were not able to remain in a same-sex civil partnership and had to convert that relationship to a marriage instead. This is no longer the case and such couples are now able to remain in a civil partnership.
5. There is a similar right in Scotland enabling conversion from same-sex civil partnership to marriage. A key difference in Scotland is that couples that formed their civil partnership outside Scotland can convert to marriage, although they are required to have a ceremony should they choose to do so.

6. The first same-sex marriages took place in England and Wales on 29 March 2014 and in Scotland on 31 December 2014. The first conversions took place on 10 December 2014 in England and Wales and 16 December 2014 in Scotland.
7. The published statistics for conversion of same-sex civil partnerships to marriage show that there was a significant surge in demand when the right was first introduced, but this then tailed off significantly. This is summarised in the table below.

Number of civil partnerships converted to marriage

	2014	2015	2016	2017
England & Wales ¹	2,411 ²	9,156	1,663	Not yet available
Scotland ³	359 ⁴	936	173	127

1.3 The future approach in England and Wales and Scotland

8. The Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019 (“the CPMD Act”) enables the Secretary of State to make regulations amending the 2004 Act so that two people who are not of the same sex are eligible to form a civil partnership in England and Wales. It also enables the Secretary of State to make regulations allowing couples to convert from a marriage to a civil partnership and to restrict or bring to an end conversion rights, including the right for same-sex couples to convert a civil partnership to marriage. The CPMD Act requires the Secretary of State to consult before making regulations on conversion rights.
9. The UK government published a consultation on conversion rights in England and Wales on 8 July 2019⁵. The consultation closed on 20 August and we are considering the responses received. That consultation sought views on the government’s provisional, preferred option of allowing opposite-sex married couples in England and Wales the opportunity to convert to a civil partnership,

1

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecohabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2016#markedly-fewer-couples-converted-their-civil-partnerships-into-a-marriage-in-2016>

² From 10 December 2014 only

³ Taken from Scottish Government consultation on the future of civil partnerships (page 34)
<https://www2.gov.scot/Resource/0054/00540944.pdf>

⁴ From 16 December 2014 only

⁵ <https://www.gov.uk/government/consultations/civil-partnerships-next-steps-and-consultation-on-conversion>

before then bringing all conversion rights to an end after a fixed period of time.

10. The Scottish Government has proposed a different position on conversion rights in its legislation to implement opposite-sex civil partnerships in Scotland. The Civil Partnership (Scotland) Bill⁶, introduced in the Scottish Parliament on 1 October 2019, would extend the current conversion right in Scotland so that opposite-sex couples could convert their civil partnerships to marriage. Unlike the proposals for England and Wales, the Scottish Government does not intend to introduce a right to convert an opposite-sex marriage to a civil partnership or to bring conversion rights to an end.

Proposed conversion rights in Northern Ireland

1.4 General principles

11. Allowing couples the choice of whether to convert between civil partnership and marriage and marriage and civil partnership is an unusual concept and is not widely available in other jurisdictions. Some countries, such as the Republic of Ireland, decided instead to dispense with civil partnerships when introducing same-sex marriage.
12. Same-sex civil partnerships in Northern Ireland have been retained under the legislative changes that came into effect from 13 January 2020, and have also been extended to opposite-sex couples under these regulations. It is recognised that marriage and civil partnership are distinct but equal; and trends show that in recent years, there is increasing demand in England and Wales for same-sex civil partnerships, despite the introduction of same-sex marriage in 2014⁷. Opposite-sex civil partnerships have also recently been introduced in England and Wales.
13. Our reforms are not intended to blur the distinction between marriage and civil partnership or to cause confusion about the status of relationships and the associated rights attached to each type of relationship by allowing couples to move freely between them. Any proposals will also need to avoid creating unnecessary administrative complexity with conversion from one type of relationship to another.
14. As we have now introduced same-sex marriage and opposite-sex civil partnerships in Northern Ireland, couples will have the choice of which relationship to enter at the time of their union. These changes also mean that couples will be able to stay in a marriage or civil partnership if one of them changes gender, provided the other party consents. This is distinct from the position in England and Wales where, until the introduction of opposite-sex civil partnerships in December 2019, same-sex

⁶ <https://www.parliament.scot/parliamentarybusiness/Bills/112997.aspx>

⁷ There were 956 civil partnerships formed in England and Wales in 2018, an increase of 5.3% compared with 2017; this is the third annual increase following a large decrease between 2013 and 2015 after the introduction of same-sex marriage in 2014.

civil partners had to convert to marriage if one of them changed gender.

15. We appreciate that some couples that formalised their unions in the past may not have had access to their preferred relationship. The existing conversion right available in England and Wales, and the new right proposed in our July 2019 consultation, would allow couples to convert to a form of relationship that was historically denied to them.
16. The options set out below for conversion rights in Northern Ireland are assessed against these principles.

1.5 Conversion from civil partnership to marriage

17. The introduction of civil partnerships in Northern Ireland in 2005 allowed same-sex couples to obtain legal recognition of their relationship, and to gain equivalent rights, responsibilities and protections to those available to opposite-sex couples through marriage. However, some couples feel that the introduction of civil partnerships stopped short of marriage, and that they would have chosen the option of a marriage had this been available. This is supported by the statistics in England and Wales and Scotland which demonstrate that a significant proportion of same-sex civil partnerships have since been converted to marriage.
18. Given the history and provenance of marriage as an institution, we understand why some couples who formed civil partnerships in Northern Ireland before marriage was available to them may want the same opportunity as couples in England and Wales and Scotland to convert their relationships to marriage. We therefore propose to bring Northern Ireland in line with the rest of the UK by allowing conversion from same-sex civil partnership to marriage. We also believe that those who do not wish to convert their relationships should be able to remain in their civil partnerships and suffer no legal detriment.

Question 1: Do you agree that same-sex couples in Northern Ireland should be permitted to convert their civil partnership to marriage?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

19. We have also considered whether to extend the right to convert a civil partnership

to marriage to opposite-sex couples in Northern Ireland, as the Scottish Government is currently proposing. The proposal in Scotland is in keeping with the Scottish Government’s general policy of aligning opposite-sex and same-sex civil partnerships and in recognition of the fact that marriages are more likely to be recognised in other countries than civil partnerships, should a couple move abroad.

20. It is possible that some countries will not recognise civil partnerships at all, some might choose to treat an opposite-sex civil partnership as a marriage under their law and others might not recognise a marriage that has been converted from a civil partnership. Our principal concern is to address the situation in Northern Ireland, rather than account for the treatment of those relationships in other countries.

21. Opposite-sex couples in Northern Ireland wishing to formalise a long-term relationship are now able to choose either marriage or a civil partnership. They are not in the same position as same-sex couples who were historically unable to marry. Allowing opposite-sex couples to change their mind and opt for a different form of relationship, even though this was available to them at the time of their union does not, in the government’s view, justify the disadvantages of conversion, such as the potential for confusion about the status of their relationship and administrative complexity. Given the alternative position proposed by the Scottish Government, however, we are keen to hear views on how this should be taken forward for Northern Ireland.

Question 2: Do you agree that opposite-sex couples in Northern Ireland should <u>not</u> be permitted to convert their civil partnership to marriage?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

1.6 Conversion from marriage to civil partnership

22. In the July 2019 consultation on conversion rights in England and Wales, the government sought views on whether to allow opposite-sex married couples an opportunity to convert to a civil partnership. There is some precedent for this in other countries, including New Zealand and Austria. Allowing conversion out of marriage for opposite-sex couples would follow the same principle as the current conversion right in England and Wales, in that it would allow such couples to convert to a form of relationship that was not previously available to them. The

Scottish Government has, however, decided not to allow conversion from marriage to civil partnership in its Civil Partnership (Scotland) Bill.

23. It is worth noting that opposite-sex couples have always had the option of marriage, unlike same-sex couples. We recognise that some people might be concerned about allowing couples to convert their marriage to a civil partnership. We are therefore keen to hear views on whether opposite-sex couples in Northern Ireland should be allowed this opportunity.

Question 3: Do you think that opposite-sex couples should have the right to convert their marriage to a civil partnership?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

24. In the same way that we do not propose to allow opposite-sex couples the right to convert a civil partnership to marriage, we can see no case for allowing same-sex couples the right to convert a marriage to a civil partnership. We anticipate little or no demand for such a right. In response to the *Equal Marriage* consultation in England and Wales in 2012, the government said: “We do not propose to allow people to convert from a [same-sex] marriage into a civil partnership ... as there is no justification or requirement for introducing such a process”⁸.

25. Same-sex couples in Northern Ireland can now choose whether to marry or to enter a civil partnership at the time of their union. Allowing same-sex couples to convert their marriages to a civil partnership does not, therefore, allow such couples to convert to a form of relationship that was not previously available to them.

Question 4: Do you agree that same-sex couples in Northern Ireland should <u>not</u> be permitted to convert from marriage to a civil partnership?	Yes, I agree	No, I do not agree	Not sure

⁸

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/133262/consultation-response_1_.pdf

If you have answered no, please explain your reasons.			

1.7 Effective date of conversion

Civil partnership to marriage

26. In England and Wales and in Scotland the effect of converting a same-sex civil partnership is that the resultant marriage is treated as having existed from the date that the civil partnership was formed. Conversion is not therefore seen as the legal ending of one relationship and the starting of another. Any rights, responsibilities and benefits already accrued during a civil partnership are protected and continue from the date of the original civil partnership. For Northern Ireland we could treat civil partnerships that are converted to marriage as marriages from either the date the civil partnership was formed, or from the date of the conversion. In either case, we would wish to ensure that the relationship is treated as a single continuous relationship. We would be grateful for views on this.

Question 5: If we allow a civil partnership to be converted to a marriage, should the marriage be treated as existing from:	
The date the conversion takes place (i.e. the date the couple sign the conversion declaration); or	
The date the civil partnership was formed?	

Marriage to civil partnership

27. This issue is more complicated with conversion from marriage to civil partnership, given that opposite-sex couples have always had the right to marry. Married couples who wish to convert to a civil partnership may have married before civil partnerships existed in Northern Ireland. If we were to introduce conversion from marriage to civil partnership in Northern Ireland, there are three main options for determining the date on which a converted marriage could be treated as having been a civil partnership:

- Treat the civil partnership as having existed since the date the marriage was formed.
- If the marriage was formed before December 2005, when same-sex civil partnerships were introduced in Northern Ireland, allow a couple to have their marriage treated as a civil partnership from December 2005 onwards. Such a couple would be considered to have been married prior to December 2005 and then in a civil partnership from that date, with no break between the two. The relationship would still be treated as a single continuous relationship.
- Provide for all converted marriages to become civil partnerships from the date of the conversion only. Couples would be considered to have been married and then in a civil partnership with no break between the two. As above, the relationship would still be treated as a single continuous relationship.

28. We are keen to hear views on these options.

Question 6: If we allow a marriage to be converted to a civil partnership, should the civil partnership be treated as existing from:	
The date the conversion takes place (i.e. the date the couple sign the conversion declaration); or	
The date the marriage was formed?	

Question 6A: If you have answered ‘the date the marriage was formed’, should it be possible for couples who married <u>before</u> December 2005 (i.e. when same-sex civil partnerships were introduced in Northern Ireland) to have their civil partnerships treated as existing since the date of their marriage?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

1.8 Which couples should be able to convert their relationships?

29. The right to convert a same-sex civil partnership to marriage in England and Wales and Scotland was introduced to allow couples to access a form of relationship that was not previously available to them.
30. From 13 January 2020, couples in Northern Ireland can now access the relationship of their choice. This raises the question of whether conversion rights in Northern Ireland should only be available to those couples who did not have such a choice at the time of their union. This would mean that conversion rights would only be available to those who formalised their relationships before 13 January 2020.
31. While the right to convert a civil partnership in England and Wales extends to couples who registered their partnerships after the introduction of same-sex marriage, this was (at the time) to allow couples to stay in a relationship if one of them obtained a gender recognition certificate. As noted in paragraph 14 above, this does not apply to Northern Ireland as we have now introduced same-sex marriage and opposite-sex civil partnerships.

Question 7: Do you agree that only those couples that formalised their relationships before 13 January 2020 should be able to convert?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

1.9 Conversion of overseas relationships

32. As noted in paragraph 5 above, the approach taken in Scotland means that couples who formed their civil partnership outside Scotland are able to convert their relationship to marriage, provided they have a ceremony in Scotland. This will extend to opposite-sex civil partners under provisions in the Civil Partnership (Scotland) Bill.
33. By contrast, in England and Wales civil partnerships can be converted to marriage only if the civil partnership was registered in England and Wales. The position in England and Wales was adopted to ensure that the conversion would be recognised in the jurisdiction where the relationship was originally formed, and so

that registration records could be updated to reflect the conversion. In view of this, and to avoid administrative complexity, we intend to adopt the England and Wales model so that only relationships that were formed in Northern Ireland could be converted in Northern Ireland.

1.10 Process for converting

34. Couples in England and Wales can convert their civil partnership at a local register office or religious or secular approved premises where same-sex marriages are allowed, but only in the presence of the superintendent registrar. Couples need to sign a 'conversion declaration' and can convert with or without a ceremony. In Scotland, a civil partnership can also be converted to marriage. This can either be through an administrative route, involving an application to the local registrar, or by having a civil or religious or belief ceremony.

35. In Northern Ireland, the exact nature of the process would be determined by the nature of the conversion right. There are two possibilities:

- If we allow couples to convert from marriage to civil partnership, we expect the conversion would only be conducted by a civil partnership registrar, in the same way that only such persons can register civil partnerships.
- If we allow couples to convert from a civil partnership to marriage, we would expect the conversion to be conducted by the same people as are empowered to solemnise marriages, which can be either a person appointed under article 31 of the Marriage (Northern Ireland) Order 2003 (such as a registrar) or a religious officiant. Unlike in England and Wales, civil registrars in Northern Ireland do not attend religious ceremonies and so would have no role in a religious conversion ceremony. Religious officiants would only be able to officiate at the conversion of a same-sex couple if the governing authority of the religious body had given its consent to same-sex marriage.

36. Religious bodies and officiants would be able to choose whether to perform conversions from civil partnership to marriage. We propose to include appropriate religious protections (similar to those we are proposing for same-sex marriage) so that religious bodies and officiants could not be compelled to perform conversions if they do not wish to do so. We will ensure that religious ceremonies to mark a conversion (such as a blessing) would be similarly protected (see the accompanying consultation on same-sex religious marriage and religious protections).

37. In England and Wales, a fee is payable where couples choose to convert a civil partnership to marriage. We will determine the appropriate fee regime for Northern Ireland in due course.

1.11 Longer-term position in Northern Ireland

38. We also need to consider whether conversion rights in Northern Ireland should be open-ended (as is proposed in Scotland) or whether there are grounds for bringing all such rights to an end after an appropriate period of time, as we proposed in our consultation on conversion rights in England and Wales.

39. As noted above, conversion rights can potentially lead to confusion about the status of relationships and create additional complexity about a couple's rights. The original justification for an open-ended conversion right from same-sex civil partnership to marriage was to allow couples to stay in a relationship if one of them obtained a Gender Recognition Certificate. As we have now introduced opposite-sex civil partnerships and same-sex marriage in Northern Ireland, couples will be able to stay in a marriage or civil partnership if one of them changes gender, provided the other party consents. We would not, therefore, need to keep conversion rights in Northern Ireland open-ended for those instances where one partner in the relationship changes gender.

40. We also know from the available data that introducing a new conversion right is likely to result in an initial surge in the first year of operation, followed by a significant tailing off in demand. Bringing conversion rights to an end after a suitable period of time should give those couples that wish to convert an opportunity to do so.

41. For England and Wales, our consultation proposed that all couples should be given adequate time to convert to the relationship that was previously denied them, after which conversion rights should be brought to an end. Similarly, we propose to time-limit conversion rights in Northern Ireland. We are keen to hear views on this and on how long we should allow couples to convert their relationships.

Question 8: Do you agree that all conversion rights should be brought to an end after a fixed period of time?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

Question 9: If you have answered yes to question 8, how long should couples (same-sex civil partners and opposite-sex married couples) have to convert their relationships from the date the conversion rights come into effect?

One year

Two years

Three years

Other period of time

If you have answered a different period of time, please state how long you think this period should be.

PART TWO - DEMOGRAPHIC QUESTIONS

Question 10: Are you responding as an individual or are you representing the views of an organisation?	Individual	On behalf of an organisation
If an organisation, what is the name of the organisation you are responding on behalf of?		
Who does the organisation represent?		
What is the approximate size of the organisation?		
How were the views of members sought? (if known)		

Question 11: As per the introductory text, we are required to publish organisational responses in full. Are you happy for us to publish your organisation's response to this consultation in full?	Yes, I agree	No, I do not agree
If no, please explain why not, referring to specific sections where relevant (please note, this does not guarantee that we won't publish your response.)		

Question 12: what region are you from?	Please put a cross next to the region that applies
<p>Northern Ireland</p> <p>Scotland</p> <p>England</p> <p>Wales</p> <p>Republic of Ireland</p> <p>Other</p>	

Question 13: How old are you?	Please put a cross next to the age range that applies
<p>0-15</p> <p>16-24</p> <p>25-34</p> <p>35-44</p> <p>45-54</p> <p>55-64</p> <p>65-74</p>	

75-84	
85+	

Question 14: What is your sex?	Please put a cross next to the sex that applies
Female	
Male	

Question 15: Is your gender identity the same as the sex you were registered at birth?	Please put a cross next to the answer that applies
Yes	
No (please write in your gender if you wish)	

Question 16: Sexual orientation. This question is about your sexual orientation. Do you identify as:	Yes	No
Heterosexual or straight		
Gay or Lesbian		
Bisexual		

Other		
Prefer not to say		

Question 17: What is your relationship status?	Yes	No	Prefer not to say
Single- that is, never married and never in a civil partnership			
Married			
In a civil partnership			
Separated, but still legally married or in a civil partnership			
Divorced or civil partnership dissolved			
Widowed			

Question 18: What is your religion?	Please put a cross next to the religion that applies
<p>No religion</p> <p>Catholic</p> <p>Presbyterian</p> <p>Church of Ireland</p> <p>Methodist</p> <p>Baptist</p> <p>Free Presbyterian</p> <p>Brethren</p> <p>Protestant – Other, including not specified</p> <p>Christian – Other, including not specified</p> <p>Buddhist</p> <p>Hindu</p> <p>Jewish</p> <p>Muslim</p> <p>Sikh</p> <p>Any other religion</p>	

Question 19: What is your ethnicity?	Please put a cross next to the option that best describes your ethnic group or background.
<p>White</p> <p>Irish Traveller</p> <p>White and Black Caribbean</p> <p>White and Black African</p> <p>White and Asian</p> <p>Any other Mixed / Multiple ethnic background</p> <p>Indian</p> <p>Pakistani</p> <p>Bangladeshi</p> <p>Chinese</p> <p>Any other Asian background</p> <p>African</p> <p>Caribbean</p> <p>Any other Black / African / Caribbean background</p> <p>Arab</p> <p>Any other ethnic group</p>	

Question 20: Do you have any dependent children (aged under 16 years, or aged	Yes	No	Prefer not to say
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between 16-18 years in full-time education or training) living with you?			
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PART THREE - SUPPLEMENTARY INFORMATION

Annex A: Section 8 of the Northern Ireland (Executive Formation etc) Act 2019

(1) The Secretary of State must, by regulations, make provision so that—

- (a) two persons who are of the same sex are eligible to marry in Northern Ireland, and
- (b) two persons who are not of the same sex are eligible to form a civil partnership in Northern Ireland,

provided that, apart from the question of sex, they would be eligible to marry or form a civil partnership (as the case may be).

(2) Regulations under subsection (1) must be made so as to come into force on or before 13 January 2020 (but this does not in any way limit the re-exercise of the power).

(3) The Secretary of State may, by regulations, make any other provision that appears to the Secretary of State to be appropriate in view of—

- (a) the extension of eligibility to marry in Northern Ireland to persons of the same sex, and
- (b) the extension of eligibility to form civil partnerships in Northern Ireland to persons who are not of the same sex.

(4) Regulations under subsection (3) may, in particular, make provision about—

- (a) parenthood and parental responsibility of parties to a marriage or civil partnership;
- (b) the application by a party to a marriage or civil partnership for a gender recognition certificate under the Gender Recognition Act 2004, or the issuing of such a certificate, and the consequences of that application or issuing for the marriage or civil partnership;
- (c) the financial consequences of marriage or civil partnership (for example, in relation to pensions or social security);
- (d) the treatment under the law of Northern Ireland of marriages, civil partnerships or relationships similar to civil partnerships formed outside of Northern Ireland.

(5) The Secretary of State may, by regulations, make provision for and in connection with a right to—

- (a) convert a marriage into a civil partnership;
- (b) convert a civil partnership into a marriage.

Such regulations may, in particular, make provision equivalent or similar to that contained in or authorised by section 9 of the Marriage (Same Sex Couples) Act 2013.

(6) The Secretary of State may, by regulations, make any provision that the Secretary of State considers appropriate in order to protect the ability to act in accordance with religious or other belief or opinion in relation to marriage or civil partnership (including the conversion of marriage into civil partnership and vice versa).

(7) Regulations under this section—

- (a) may make provision for fees to be payable;
- (b) may make provision conferring a discretion on a person;
- (c) may make provision enabling a person to make regulations (and such regulations may make provision for fees to be payable);
- (d) may include provision amending, repealing or revoking any provision made by an Act of Parliament or Northern Ireland legislation;
- (e) may, in so far as made in reliance on section 11 (2) , include provision amending or repealing provision made by an Act or Measure of the National Assembly for Wales or an Act of the Scottish Parliament.

(8) In this section—

- (a) references to marriage in Northern Ireland (however expressed) include references to marriage outside of the United Kingdom by virtue of eligibility to marry in Northern Ireland (in accordance with Part 1 or Part 3 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013);
- (b) references to forming a civil partnership in Northern Ireland include references to registering as civil partners outside the United Kingdom by virtue of eligibility to do so in Northern Ireland (in accordance with section 210(2)(b) or 211(2)(b) of the Civil Partnership Act 2004).

Annex B: Consultation questions

Question 1: Do you agree that same-sex couples in Northern Ireland should be permitted to convert their civil partnership to marriage?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

Question 2: Do you agree that opposite-sex couples in Northern Ireland should <u>not</u> be permitted to convert their civil partnership to marriage?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

Question 3: Do you think that opposite-sex couples should have the right to convert their marriage to a civil partnership?	Yes, I agree	No, I do not agree	Not sure
If you have answered no, please explain your reasons.			

Question 4: Do you agree that same-sex couples in Northern Ireland should <u>not</u> be permitted to convert from marriage to a civil partnership?	Yes, I agree	No, I do not agree	Not sure
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<p>If you have answered no, please explain your reasons.</p>			

<p>Question 5: If we allow a civil partnership to be converted to a marriage, should the marriage be treated as existing from:</p>	
<p>The date the conversion takes place (i.e. the date the couple sign the conversion declaration); or</p>	
<p>The date the civil partnership was formed?</p>	

<p>Question 6: If we allow a marriage to be converted to a civil partnership, should the civil partnership be treated as existing from:</p>	
<p>The date the conversion takes place (i.e. the date the couple sign the conversion declaration); or</p>	
<p>The date the marriage was formed?</p>	

<p>Question 6A: If you have answered ‘the date the marriage was formed’, should it be possible for couples who married <u>before</u> December 2005 (i.e. when same-sex civil partnerships were introduced in Northern Ireland) to have their civil partnerships treated as existing since the date of their marriage?</p>	<p>Yes, I agree</p>	<p>No, I do not agree</p>	<p>Not sure</p>

If you have answered no, please explain your reasons.

Question 7: Do you agree that only those couples that formalised their relationships before 13 January 2020 should be able to convert?

Yes, I agree	No, I do not agree	Not sure
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If you have answered no, please explain your reasons.

Question 8: Do you agree that all conversion rights should be brought to an end after a fixed period of time?

Yes, I agree	No, I do not agree	Not sure
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If you have answered no, please explain your reasons.

Question 9: If you have answered yes to question 8, how long should couples (same-sex civil partners and opposite-sex married couples) have to convert their relationships from the date the conversion rights come into effect?

One year	Two years	Three years	Other period of time
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If you have answered a different period of time, please state how long you think this period should be.