

Marriage and Civil Partnership - Conversion entitlements in Northern Ireland

UK Government consultation response

22 October 2020

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Foreword by the Minister of State for Northern Ireland

The government has been a strong supporter of same-sex marriage in England and Wales from its introduction in 2014. I am pleased that couples in Northern Ireland have now been able to enter into same-sex civil marriages, and more recently same-sex religious marriages, as well as opposite-sex civil partnerships, following legislation we made earlier this year.

We are now delivering conversion rights for both same-sex and opposite-sex couples in Northern Ireland, having consulted on this issue earlier this year. The government appreciates the range of views expressed in the consultation responses received and we are extremely thankful to all individuals and organisations who took the time to respond.

This government response sets out the consultation feedback on each of the questions relating to our proposed policy on conversion entitlements for Northern Ireland, and the government's position, which we have now implemented in regulations. Alongside this response, The Marriage and Civil Partnership (Northern Ireland) (No.2) Regulations 2020 have been made. They have been laid in Parliament and come into force on Monday 7 December 2020.

The Regulations allow for a three-year period in which couples in a same-sex civil partnership formed in Northern Ireland may convert to a marriage, and couples in an opposite-sex marriage formed in Northern Ireland may convert to a civil partnership. The fee for conversion will be waived for the first year. The policy as set out aims to be fair to both same-sex and opposite-sex couples in Northern Ireland who have historically not had access to certain legal relationships.

It is right that all couples in Northern Ireland now have access to the equivalent legal relationships and associated rights, protections and entitlements, as couples living in the rest of the UK, and I am pleased that we have been able to bring forward the necessary regulations to make this possible.

Now that we have fulfilled all of our commitments relating to the provision of same-sex marriage and opposite-sex civil partnerships in Northern Ireland under the NIEF Act, any further changes to marriage and civil partnership law will be a matter for the Northern Ireland Executive and Assembly to take forward.

Robin Walker MP
Minister of State for Northern Ireland

SECTION ONE: BACKGROUND

1.1 Introduction

On 20 January 2020, the then Secretary of State for Northern Ireland, the Rt Hon Julian Smith MP, launched a public consultation on conversion rights between marriage and civil partnership and vice versa. This was with the intention of legislating on this issue, following the earlier exercise of his powers under section 8 of the Northern Ireland (Executive Formation etc) Act 2019 to enable same-sex civil marriage and opposite-sex civil partnerships in Northern Ireland from 13 January 2020, and the commitment to deliver associated rights and entitlements flowing from this. The government has also now made The Marriage and Civil Partnership (Northern Ireland) Regulations 2020 to provide for same-sex religious marriage in Northern Ireland, and appropriate protections for religious bodies and officiants who do not wish to solemnise same-sex marriages, from 1 September 2020.

This consultation on conversion entitlements provided an opportunity for anyone with an interest to comment on a proposed scheme for providing conversion rights. This was in the context of a clear commitment to deliver conversion rights for couples in Northern Ireland. The consultation ran for five weeks and closed on 23 February 2020.

We received **2,284** responses to the consultation: **2,202** from individuals and **82** from organisations. The consultation team made itself available to meet a range of interested groups and parties to discuss the proposals and the issues arising from them.

Regulations have been made in parallel to the publication of this document to implement the policy choices that we have decided upon following the consultation - they will provide same-sex couples the opportunity to convert their existing civil partnership to marriage, and opposite-sex couples the opportunity to convert their marriage into a civil partnership. In this way both same-sex and opposite-sex couples will have the opportunity, should they wish, to convert their existing relationship into the one which was previously unavailable. All conversion rights will then be brought to an end after three years.

1.1 Structure of the response

- **Section 1** above provides the background to the consultation.
- **Section 2** sets out a summary of responses received, question by question, and the Government's intended next steps.

SECTION TWO: CONSULTATION FEEDBACK AND NEXT STEPS

2.1 Overview of consultation feedback

The Government committed to legislating on conversion rights following the introduction of same-sex marriage and opposite-sex civil partnership in Northern Ireland earlier this year. The aim of the proposed policy was to give same-sex couples in Northern Ireland the opportunity to convert their civil partnership to marriage, in line with same-sex couples in the rest of the UK. We also used the consultation to seek views on the introduction of conversion rights for opposite-sex couples in Northern Ireland.

Following that consultation, today we have made regulations, The Marriage and Civil Partnership (Northern Ireland) (No.2) Regulations 2020, and laid the Regulations in Parliament, which will allow same-sex couples in Northern Ireland to convert their civil partnership into a marriage, and also to allow conversion for opposite-sex couples who wish to convert their marriage to a civil partnership. All conversion rights will then end after three years.

In this document, we have set out where changes have been made to the proposals in our consultation document to take into account information received through our consultation process.

There were a number of consultation responses that included comments that, while relevant to the topics of same-sex marriage and civil partnership, did not provide relevant answers to the questions posed. These topics are addressed below, rather than as part of the detailed feedback for the numbered consultation questions.

We recognise that there are strongly held views on the issues of same-sex marriage and opposite-sex civil partnership. However, we have been clear in our commitment to delivering rights and entitlements for same-sex civil partners in Northern Ireland on the equivalent basis to couples in the rest of the UK, following the legalisation of same-sex marriage from January 2020. This viewpoint was demonstrated in many responses to this consultation.

Our analysis showed that a large volume of respondents disagreed with many proposals relating to conversion based on their opposition to marriage between two people of the same sex. However, same-sex civil marriage has now been available since 13 January 2020 in Northern Ireland, and more recently same-sex religious marriage, as a result of regulations we have made.¹ Therefore conversion entitlements are the last set of regulations we are delivering to ensure that couples can enjoy access to a legal relationship that was not previously available to them.

¹ Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019; and The Marriage and Civil Partnership (Northern Ireland) Regulations 2020.

Similarly, some respondents to the consultation stated that they thought opposite-sex couples should not be able to enter into a civil partnership. However, opposite-sex civil partnerships can already take place in Northern Ireland following the 2019 regulations², which came into force on 13 January 2020. The consultation was not intended to amend or repeal regulations allowing civil or religious marriage between same-sex couples, or civil partnerships for opposite-sex couples, but to inform regulations for conversion entitlements between civil partnerships and marriages, as set out in Section One.

A significant number of respondents who have said that they disagree with our proposals, have done so for the reasons outlined above. The government recognises the importance of these views, and similar views were taken into account in the regulations which introduced same-sex civil and religious marriage and opposite-sex civil partnership in Northern Ireland. The subsequent regulations and policy decisions taken here have been developed wholly in the context of both same-sex and opposite-sex couples being able to form either a marriage or a civil partnership.

² The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.

Consultation questions and government response

3.1 Conversion from civil partnership to marriage

Consultation proposal

Questions 1 and 2 were about conversion from civil partnership to marriage.

For same-sex couples, we proposed bringing Northern Ireland in line with the rest of the UK by allowing conversion from same-sex civil partnership to marriage. We did not propose to match this right for opposite-sex couples, as opposite-sex couples in Northern Ireland opting to form a newly-available civil partnership have always been able to marry.

Question 1: Do you agree that same-sex couples in Northern Ireland should be permitted to convert their civil partnership to marriage?

Consultation feedback

A total of 2,175 individuals and 78 organisations responded to this question. **Of those, 18% of individuals and 28% of organisations agreed with our proposals. 81% of individuals and 72% of organisations disagreed** that same-sex couples should be permitted to convert their civil partnership to marriage, with the most frequently given reason being that these respondents disagreed with same-sex marriage being available at all.

The next most frequently cited reason from these respondents who opposed the proposals was that introducing this conversion right would encourage same-sex marriage. The next most frequent response was that allowing this form of conversion would be harmful as marriage promotes stability for families and/or society. Other reasons cited included the belief that civil partnership and marriage represent two different types of commitments which are not interchangeable and/or the same level of commitment, it would undermine marriage, and couples already have full legal rights in a civil partnership.

Government response

The government has made clear it would be delivering conversion rights in Northern Ireland, and believes that same-sex couples who have formed civil partnerships in Northern Ireland should have the same opportunity as couples elsewhere in the UK to convert their civil partnership to a marriage. Therefore, the Regulations provide for same-sex couples in a civil partnership to convert their civil partnership to marriage,

through either a civil or religious ceremony, where possible matching the process in England and Wales. Those who do not wish to convert their relationships will of course be able to remain in their civil partnerships and suffer no legal detriment.

Although civil partnership does provide the same legal recognition and protections as marriage, we are aware that there are couples who 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. The government has been petitioned on this issue and we know that there is demand for the right to convert out of civil partnership in Northern Ireland. Following the introduction of same-sex marriage, we have consistently committed to bring forward this legislation as soon as possible before the end of 2020.

Some respondents noted concern that, in their view, civil partnership represents a lower level of commitment compared to marriage. While a civil partnership does not require the parties to indicate an intention to remain civil partners “for life”, it requires the same legal process as divorce to end a civil partnership, making it no less a commitment in legal terms. It is our view that it is fair and right to introduce this conversion right, for a limited period of time, in order to allow couples to enter a new type of relationship which was not available to them when they formed their civil partnership.

Only civil partnerships formed under the law of Northern Ireland will be able to be converted under these Regulations.

Consultation proposal

We also sought views on introducing a right to convert from a civil partnership to marriage for opposite-sex couples. This question was asked on the basis that opposite-sex couples in Northern Ireland wishing to formalise a long-term relationship are now able to choose either marriage or a civil partnership following the changes to the law from 13 January 2020. Therefore, opposite-sex couples are in a similar position to same-sex couples who were historically unable to marry.

Question 2: Do you agree that opposite-sex couples in Northern Ireland should not be permitted to convert their civil partnership to marriage?

Consultation feedback

A total of 908 individuals and 34 organisations responded to this question. **Of those, 27% of individuals and 18% of organisations agreed with our proposals, while 65% of individuals and 82% of organisations disagreed.** Of the individuals who disagreed, meaning they did want to see conversion rights for opposite-sex couples

from civil partnership to a marriage, the most cited reason was the belief that opposite-sex couples should be in a marriage, including because they are supportive of marriage between a man and a woman, or stating the importance of marriage as a 'building block' in society. The most cited reason given by organisations, and the second most from individuals, was that there should be equality i.e. both same-sex and opposite-sex couples should be able to convert from a civil partnership to a marriage. The next most cited reason was that individuals should be allowed freedom of choice in the context of converting their relationship. Other cited reasons included the belief that marriage is a more stable relationship than civil partnership, and because people's views or circumstances can change over time.

Government response

After taking all responses into account, the government believes that conversion rights in Northern Ireland should only be introduced for the purpose of allowing couples to convert to a relationship that was historically unavailable to them. Opposite-sex couples in Northern Ireland wishing to formalise a long-term relationship are now able to choose either marriage or a civil partnership, following the changes to the law in January 2020, and they are not in the same position as same-sex couples who were historically unable to marry. Individuals making what they subsequently regard as the wrong choice between different relationships is a fundamentally different situation to individuals who only had one choice open to them. We will therefore not be introducing regulations to allow opposite-sex couples to convert from a civil partnership to a marriage.

We understand the importance of ensuring equality between same-sex and opposite-sex couples with regard to conversion entitlements. The law of Northern Ireland allows both same-sex and opposite-sex couples the opportunity to enter into either a marriage or a civil partnership, and these new Regulations will allow couples to convert to a relationship that was historically unavailable.

We consider the purpose of conversion rights is to allow couples to convert to a relationship that was historically unavailable to them, which was the intended purpose of conversion for same-sex couples in the rest of the UK when it was introduced in 2014. All couples in Northern Ireland wishing to formalise a long-term relationship are now able to choose either marriage or a civil partnership, following the introduction of marriage for same-sex couples and civil partnership for opposite-sex couples in January 2020. Introducing a new right for opposite-sex civil partners to subsequently change their mind and opt for a different form of relationship, even though this was historically available to them, would risk undermining the seriousness of the decision taken to enter a particular form of relationship. The benefits of allowing couples to convert freely between marriage and civil partnership does not, in the government's view, justify the possible disadvantages, such as the potential for confusion about the status of their relationship, particularly where the relationship is later dissolved, and administrative complexity, for example in dealing

with inheritance or spousal and civil partnership pension entitlements. In addition to this, our consultation did not provide evidence of demand for conversion out of civil partnership for opposite-sex couples.

We realise that this means opposite-sex couples will not be able to enter into a civil partnership and then later convert to a marriage if they are moving to a country where civil partnership is not recognised. However, while there are countries where civil partnership is not recognised, there can be no certainty that another jurisdiction would recognise a marriage that had been converted from a civil partnership.

3.2 Conversion from marriage to civil partnership

Consultation proposal

Questions 3 and 4 asked about conversion from marriage to civil partnership.

We proposed introducing conversion for opposite-sex couples who would like to convert their marriage to a civil partnership. This would mirror the principle of same-sex conversion in England and Wales in that it would allow such couples to convert to a form of relationship that was not historically available to them. We did not propose to match this right for same-sex couples, who have been historically able to enter into a civil partnership.

Question 3: Do you think that opposite-sex couples should have the right to convert their marriage to a civil partnership?

Consultation feedback

A total of 1,900 individuals and 74 organisations responded to this question. **Of those, 16% of individuals and 24% of organisations agreed, while 81% of individuals and 74% of organisations did not agree.** Of those who disagreed, the most cited reason was that opposite-sex couples should be married as this is the most suitable or stable form of relationship, including because marriage is seen as a building block of society. The second most cited reason for disagreeing with our proposal was that, according to respondents' religious beliefs and quoted scripture, marriage should be a lifelong commitment and marriage vows should be upheld. Other cited reasons included that respondents could not see the reason for or benefit in introducing this conversion right; that marriage should only be ended through divorce; that civil partnerships shouldn't exist; and that opposite-sex couples had a choice of entering a civil partnership.

Government response

Taking into consideration the issues raised during consultation, the government continues to believe that opposite-sex married couples should have the opportunity, for a time-limited period, to convert their relationship to a form of legal relationship which was historically unavailable. Our Regulations therefore introduce conversion from marriage to civil partnership for opposite-sex couples.

We understand that many respondents were concerned with introducing this conversion right because they see civil partnership as being a less suitable or less stable form of relationship. As already noted, civil partnership requires the same legal process as divorce to end the relationship, making it no less a commitment in legal terms, and it is an individual couple's choice to make. The government believes it is necessary to introduce this conversion right in order to ensure that opposite-sex couples have the same rights as same-sex couples, to convert their relationship to one that was previously unavailable.

Some respondents disagreed with this proposal as they stated that opposite-sex couples had the choice of marriage or civil partnership when formalising their relationship. Civil partnership became available to opposite-sex couples on 13 January 2020, as the result of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019. Our conversion regulations ensure that opposite-sex couples, including those who married prior to this date, have the opportunity to convert to a civil partnership.

Only marriages formed in Northern Ireland will be able to be converted under these Regulations.

Consultation proposal

We also sought views on conversion rights for same-sex couples who want to convert their marriage to a civil partnership. In the same way that we did not propose to allow opposite-sex couples the right to convert a civil partnership to marriage, we did not see any case for allowing same-sex couples the right to convert a marriage to a civil partnership, as same-sex couples in Northern Ireland can now choose whether to marry or to enter a civil partnership at the time of their union.

Question 4: Do you agree that same-sex couples in Northern Ireland should not be permitted to convert from marriage to a civil partnership?

Consultation feedback

A total of 753 individuals and 24 organisations responded to this question. Of those, **29% of individuals and 29% of organisations agreed, while 58% of individuals and 71% of organisations disagreed.** Of those who disagreed, meaning they did not want to see a new conversion right for same-sex couples from marriage to civil partnership, the most frequently cited reason from individuals was that they disagreed with same-sex marriage. The second most frequently-cited reason by individuals, and the most frequent reason cited by organisations, was on the basis of equality i.e. that this type of conversion should be available to everyone regardless of whether they are in a same-sex or opposite-sex relationship. The next most frequently-cited reason was that individuals should be allowed freedom of choice to define or change their relationship.

Government response

We have considered these responses and, as with conversion from civil partnership to marriage, the government believes that conversion rights should be introduced only to allow couples to convert to a relationship that was previously unavailable to them. We will therefore not be introducing provisions to allow for married same-sex couples to convert to a civil partnership.

One issue raised by respondents was the need to ensure equality between same-sex and opposite-sex couples in relation to conversion entitlements. Our Regulations provide for equality between same-sex and opposite-sex couples by ensuring that all couples will have access to a relationship that was historically unavailable.

Another reason given by respondents who disagreed with our proposal was that individuals should have freedom of choice to change their relationship over time. As addressed in our response to Question 2, introducing a new right for same-sex married couples to subsequently change their mind and opt for a different form of relationship does not, in the government's view, justify the possible disadvantages of conversion. Allowing couples to convert freely between relationships could create potential confusion about the status of their relationship and administrative complexity. In addition to this, our consultation did not provide evidence of demand for this type of conversion.

We realise that this means same-sex couples will not be able to enter into a civil marriage and then later convert to a civil partnership if they are moving to a country where same-sex marriage is not recognised. However, while there are countries where same-sex marriage is not recognised, there can be no certainty that another jurisdiction would recognise a civil partnership that had been converted from a marriage.

3.3 Effective date of conversion

Consultation proposal

In Questions 5 and 6, we sought views on whether converted marriages and civil partnerships should be treated as existing from the date the original relationship was formed, or treated as existing from the date of the conversion.

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?***

Consultation feedback

A total of 511 individuals and 23 organisations responded to this question. **Of those, 63% of individuals and 83% of organisations said that a converted marriage should be treated as existing from the date the civil partnership was formed.** 37% of individuals and 17% of organisations said that it should be treated as existing from the date the conversion takes place.

Government response

Following consultation, the Regulations provide that marriages converted from a civil partnership will be treated as existing from the date the civil partnership was formed. The majority of respondents were in favour of this and it reflects the current system in England and Wales, where the effect of converting a same-sex civil partnership is that the resulting marriage is treated as having existed from the date that the civil partnership was formed.

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?***

Consultation feedback

A total of 487 individuals and 21 organisations responded to this question. **Of these, 56% individuals and 86% organisations said that a converted civil partnership should be treated as existing from the date the marriage was formed**, while 44% of individuals and 14% of organisations said that it should be treated as existing from the date the conversion takes place.

Government response

Like conversion from civil partnership to marriage for same-sex couples, opposite-sex civil partnerships converted from a marriage will be treated as existing from the date the original marriage was formed. We believe this offers clarity and fairness in relation to the position available to same-sex couples, and is the most straightforward approach to ensure continuity of associated factors like spousal and civil partner pension entitlements.

Question 6A: If you have answered ‘the date the marriage was formed’, should it be possible for couples who married before 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?

Consultation feedback

A total of **273** individuals and **18** organisations responded to this question. **Of those, 82% of individuals and 100% of organisations agreed with converted civil partnerships being treated as existing from the date the marriage was formed.** 8% of individuals disagreed. Of those who disagreed, the most cited reason was that they disagreed with same-sex marriage or civil partnerships.

Government response

All civil partnerships will be treated as existing from the date the original marriage was formed, including those converted from marriages which were formed prior to December 2005 (when same-sex civil partnerships came into force), even though civil partnerships did not legally exist prior to this date. We have matched the approach in England and Wales, where converted same-sex marriages are treated as existing from the date the civil partnership was formed, and applied it here to opposite-sex couples who are converting their relationship. This is the most straightforward way for ensuring the legal continuity of the relationship, and enabling the relationship to be recognised as a single continuous one by the courts if it is later dissolved.

3.4 Which couples should be able to convert their relationships?

Consultation proposal

We asked respondents whether conversion rights should be available to all couples or only those who formalised their relationship before the introduction of opposite-sex civil partnership and same-sex marriage.

Since 13 January 2020, all couples in Northern Ireland, regardless of their sexual orientation, can access the relationship of their choice - a marriage or a civil partnership. Our consultation sought views on 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.

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

Consultation feedback

A total of 522 individuals and 21 organisations responded to this question. **Of those, 32% of individuals agreed with the proposal. 50% of individuals and 100% of organisations did not agree.** Of those who disagreed, the most cited reason was that it should be a personal choice to convert between relationships at any given time. The second most cited reason was that this would exclude couples who had already given notice to form a same-sex civil partnership or opposite-sex marriage ahead of the changes to the law coming into effect, such as those who formed their relationship before the 10 February 2020 the date from which the first same-sex marriage ceremonies could take place in Northern Ireland. Other cited reasons included that respondents disagreed with same-sex marriage or conversion overall; and for equality reasons, meaning that everyone should have the same rights; or that people may change their mind or have a change in circumstances.

Government response

Our Regulations provide for conversion from civil partnership to marriage for all same-sex couples in a qualifying relationship formed under the law of Northern Ireland; and from marriage to civil partnership for all opposite-sex couples in a qualifying relationship formed under the law of Northern Ireland, including those who formalised their relationship after 13 January 2020; for a three-year period.

As raised in the feedback to our consultation, only allowing couples who formed their relationship before this date to convert would mean that couples who had given notice but not formed their relationship by the 13 January 2020, and would have

changed their notice if they were able, would be unable to convert. This cut-off date would similarly impact couples who have planned in advance a wedding or civil partnership ceremony for after this date, and who would have preferred to enter into another relationship.

In addition to this, religious marriage for same-sex couples was introduced after 13 January 2020 in Northern Ireland, with the regulations coming into force on 1 September 2020³. Same-sex couples who formed a civil partnership because the option of a religious marriage was not open to them at the time, should now have the opportunity to convert their relationship to a marriage through a religious ceremony if they wish to do so.

We are not limiting conversions for qualifying relationships by the date the existing relationship was formed, even where this date is after 1 September 2020, as we are also aware that couples may have had their ceremony postponed or circumstances change as a result of COVID-19. In order to ensure these couples do not miss the opportunity to convert to their preferred relationship, and for the reasons outlined above, our Regulations do not place any restrictions on conversion rights based on the date the existing relationship was formed.

We do not believe conversion rights are necessary for couples who had the choice between either a civil partnership or marriage at the time when they formed their relationship. Our intention in allowing all qualifying couples to convert is to ensure all couples have a genuine choice of which relationship to enter into, even in the circumstances outlined above.

3.5 Longer-term conversion rights in Northern Ireland

Consultation proposal

Questions 8 and 9 looked at the future of conversion rights in Northern Ireland, asking if conversion rights should be brought to an end after a fixed period of time.

We proposed that conversion rights should be brought to an end after a fixed period of time as same-sex and opposite-sex couples now have the choice to enter into a civil partnership or marriage.

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

³ The Marriage and Civil Partnership (Northern Ireland) Regulations 2020.

Consultation feedback

A total of 495 individuals and 21 organisations responded to this question. **Of those, 33% of individuals agreed. 49% of individuals and 95% of organisations disagreed with our proposal.** Of those who disagreed, the most cited reason was that people should have freedom of choice and the ability to switch between relationships. The second most cited reason was that people's circumstances or views can change. The next most cited reason was that they could not see any reason for, or benefit to, bringing conversion rights to an end. Other reasons cited included couples having waited a long time for the introduction of same-sex marriage and opposite-sex civil partnerships in Northern Ireland, and therefore they should be able to convert at a time which suits them; that there may be reasons people are unable to convert within the fixed-time window; and that couples should be able to 'upgrade' their civil partnership to a marriage.

Government response

As outlined in the government response to Question 2, the government takes the view that the purpose of conversion is to allow couples the opportunity to convert to a new legal relationship that was not historically available to them. We think couples should be given sufficient time to do this, but as all couples in Northern Ireland now have access to both civil partnership and marriage following the changes to the law earlier this year, we do not consider it necessary to maintain conversion rights indefinitely.

We also do not want to encourage concepts of "trading up" over time, as the two relationships are legally very similar. We are keen to minimise administrative complexity and the scope for confusion about the status of relationships or the rights of couples created by not extending conversion rights beyond those necessary to allow couples to enter into a relationship which was historically denied to them. This includes not leaving conversion rights open indefinitely. Couples can now decide which relationship they want to enter at the time of forming it, and therefore do not need ongoing access to conversion rights.

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?

Consultation feedback

A total of 98 individuals responded to this question. **Of those, the most given answer (56%) said that couples should have one year to convert their relationship. 42% of individuals said it should be three years and 30% said two**

years. 29% of individuals suggested another period of time. Of those, the most frequently given answers were zero and five years.

Government response

Our Regulations provide that conversion rights will be brought to an end after three years. The preferred option from respondents was to have a one year conversion period. However, we have made the window three years to ensure that all couples who wish to convert their relationship have sufficient time to do so, particularly in light of the current COVID-19 circumstances, and so that the General Register Office for Northern Ireland is able to manage demand. The consultation responses, and our engagement with stakeholder groups, have made clear that demand for conversion from same-sex civil partners who have anticipated the introduction of same-sex marriage in Northern Ireland is likely to be high, and a reasonable period of time will be needed to enable the system to accommodate all those who want to convert and make necessary arrangements to be able to do so.

3.6 Practical next steps and arrangements

The Marriage and Civil Partnership (Northern Ireland) (No.2) Regulations 2020 have been made. They have been laid in Parliament in parallel with the publication of this response and come into force on 7 December 2020. The Regulations enable same-sex couples to convert a qualifying civil partnership into a marriage and opposite-sex couples to convert a qualifying marriage into a civil partnership, before bringing all conversion rights to an end after three years, on 6 December 2023.

Conversion options and procedure

The Regulations provide for the procedures by which conversion takes place. The procedures, broadly, mirror those that are currently in place for conversion of a civil partnership into a marriage in England and Wales.

Each procedure has two parts. In the first part, the parties provide required information to the registrar, and pay a fee. In the second part, the parties sign the conversion declaration.

For relationships converted via the standard procedure, the couple attend before a registrar at a registrar's office and both parts of the procedure take place on that occasion. This matches the process currently in place for same-sex couples in England and Wales.

Couples also have the option of a two-stage procedure where, after attending the registrar at a registrar's office to provide the required information and evidence, they can separately attend approved premises to sign a conversion declaration. The premises can either be a registration office, or another approved place before a registrar, or any place in Northern Ireland before an officiant. The conversion can

take place before an officiant only for conversion from civil partnership to marriage, and only where the officiant is approved to solemnise marriages between two people of the same sex.

There is a separate special procedure for couples where a person cannot attend the registry office because they are seriously ill or injured, and should not be moved. There is another procedure for couples where a party is detained in hospital or prison.

Fees

Fees for converting relationships will be set by Order made by the Department of Finance in Northern Ireland. As was the case when conversion rights were introduced in England and Wales, for the first year, the conversion fee will be waived. This waiver covers the conversion fees only. It does not cover all costs associated with conversion, and couples will be charged for certificates, and any relevant costs for ceremonies if they choose to have one.

Further information about fees applicable in the second and third years during which conversion rights are available in Northern Ireland, beginning on 7 December 2021, will be provided by the General Register Office Northern Ireland.

For further information on converting a relationship in Northern Ireland, see: <https://www.nidirect.gov.uk/information-and-services/government-citizens-and-rights/births-deaths-marriages-and-civil-partnerships>