



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 1

#### REGISTRATION

#### *Supplementary*

#### **28 Registration authorities**

In this Chapter “registration authority” means—

- (a) in relation to England, a county council, the council of any district comprised in an area for which there is no county council, a London borough council, the Common Council of the City of London or the Council of the Isles of Scilly;
- (b) in relation to Wales, a county council or a county borough council.

#### **29 Civil partnership registrars**

- (1) A civil partnership registrar is an individual who is designated by a registration authority as a civil partnership registrar for its area.
- (2) It is the duty of each registration authority to ensure that there is a sufficient number of civil partnership registrars for its area to carry out in that area the functions of civil partnership registrars.
- (3) Each registration authority must inform the Registrar General as soon as is practicable—
  - (a) of any designation it has made of a person as a civil partnership registrar, and
  - (b) of the ending of any such designation.

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(4) <sup>F1</sup> .....

#### Textual Amendments

**F1** S. 29(4) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 10** (subject to art. 1(3))

### 30 The Registrar General and the register

- (1) In this Chapter “the Registrar General” means the Registrar General for England and Wales.
- (2) The Registrar General must provide a system for keeping any records that relate to civil partnerships and are required by this Chapter to be made.
- (3) The system may, in particular, enable those records to be kept together with other records kept by the Registrar General.
- (4) In this Chapter “the register” means the system for keeping records provided under subsection (2).

#### [<sup>F2</sup>30ZA Religious involvement: protection against compulsion

- (1) A protected person may not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to—
  - (a) seek or consent to the approval of religious premises for the purposes of section 6(3A)(a),
  - (b) allow religious premises to be used as the place at which two people register as civil partners of each other under this Part, or
  - (c) provide, arrange, facilitate, participate in, or be present at—
    - (i) an occasion during which two people register as civil partners of each other on religious premises under this Part, or
    - (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

where the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

- (2) In this section—
 

“protected person” means—

  - (a) a religious organisation,
  - (b) a constituent body or part of a religious organisation, or
  - (c) a person acting on behalf of, or under the auspices of, such an organisation, body or part,

but does not include a civil partnership registrar;

“religious premises” has the meaning given by section 6A(3C).]

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**Textual Amendments**

**F2** S. 30ZA inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **9(3)**

**[<sup>F3</sup>30A Relevant nationals**

In this Chapter “relevant national” means—

- (a) a British citizen,
  - [ an Irish citizen, or
- <sup>F4</sup>(aa)
- (ab) a person who is not an Irish citizen and who—
  - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020, or
  - (ii) is an applicant for the purposes of regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired.]

<sup>F5</sup>(b) .....  
<sup>F5</sup>(c) .....]

**Textual Amendments**

**F3** S. 30A inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 27** (with Sch. 9 para. 66); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)

**F4** S. 30A(aa)(ab) inserted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **16(3)(a)** (with Sch. 5 para. 9(1))

**F5** S. 30A(b)(c) omitted (1.7.2021) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **16(3)(b)** (with Sch. 5 para. 9(1))

**31 Offences relating to civil partnership schedule**

- (1) A person commits an offence if he issues a civil partnership schedule knowing that he does so—
  - (a) before the waiting period in relation to each notice of proposed civil partnership has expired, [<sup>F6</sup>or]
  - (b) after the end of the applicable period, <sup>F7</sup>...
  - <sup>F8</sup>(c) .....
- (2) A person commits an offence if, in his actual or purported capacity as a civil partnership registrar, he officiates at the signing of a civil partnership schedule by proposed civil partners knowing that he does so—

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- (a) at a place other than the place specified in the notices of proposed civil partnership and the civil partnership schedule,  
 [F9(aa) on premises that are not approved premises although the signing is purportedly in accordance with section 6(3A)(a),  
 F10(ab) . . . . .]  
 (b) in the absence of a civil partnership registrar,  
 (c) before the waiting period in relation to each notice of proposed civil partnership has expired, or  
 (d) even though the civil partnership is void under section 49(b) F11 ....
- (3) A person guilty of an offence under subsection (1) or [F12(2)(a), (aa), (b), (c) or (d)] is liable on conviction on indictment to imprisonment for a term not exceeding 5 years or to a fine (or both).
- [F13(3A) A person guilty of an offence under subsection (2)(ab) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or to a fine or both.]
- (4) A prosecution under this section may not be commenced more than 3 years after the commission of the offence.

#### Textual Amendments

- F6** Word in s. 31(1)(a) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 4(3)(a)(i)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F7** Word in s. 31(1)(b) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 4(3)(a)(ii)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F8** S. 31(1)(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 4(3)(a)(iii)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F9** S. 31(2)(aa)(ab) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 11(2)** (subject to art. 1(3))
- F10** S. 31(2)(ab) repealed (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 114(4), 120, **Sch. 10 Pt. 11** (with s. 97); S.I. 2012/2234, art. 3(m)
- F11** Words in s. 31(2)(d) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 4(3)(b)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F12** Words in s. 31(3) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 11(3)** (subject to art. 1(3))
- F13** S. 31(3A) inserted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 11(4)** (subject to art. 1(3))

## 32 Offences relating to Registrar General's licence

- (1) A person commits an offence if—
- (a) he gives information by way of evidence in response to a requirement under section 22(1), knowing that the information is false;
  - (b) he gives a certificate as provided for by section 22(3), knowing that the certificate is false.
- (2) A person commits an offence if, in his actual or purported capacity as a civil partnership registrar, he officiates at the signing of a Registrar General's licence by proposed civil partners knowing that he does so—
- (a) at a place other than the place specified in the licence,

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- (b) in the absence of a civil partnership registrar,
  - (c) after the end of 1 month from the day on which the notice of proposed civil partnership was given, or
  - (d) even though the civil partnership is void under section 49(b) <sup>F14</sup>....
- (3) A person guilty of an offence under subsection (1) or (2) is liable—
- (a) on conviction on indictment, to imprisonment not exceeding 3 years or to a fine (or both);
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.
- (4) A prosecution under this section may not be commenced more than 3 years after the commission of the offence.

#### Textual Amendments

**F14** Words in s. 32(2)(d) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), [Sch. para. 4\(4\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

### 33 Offences relating to the recording of civil partnerships

- (1) A civil partnership registrar commits an offence if he refuses or fails to comply with the provisions of this Chapter or of any regulations made under section 36.
- (2) A civil partnership registrar guilty of an offence under subsection (1) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both);
  - (b) on summary conviction, to a fine not exceeding the statutory maximum;
- and on conviction shall cease to be a civil partnership registrar.
- (3) A person commits an offence if—
- (a) under arrangements made by a registration authority for the purposes of section 2(4), he is under a duty to record information required to be recorded under section 2(4), but
  - (b) he refuses or without reasonable cause omits to do so.
- (4) A person guilty of an offence under subsection (3) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (5) A person commits an offence if he records in the register information relating to the formation of a civil partnership by the signing of a civil partnership schedule, knowing that the civil partnership is void under section 49(b) <sup>F15</sup>....
- (6) A person guilty of an offence under subsection (5) is liable on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both).
- (7) A person commits an offence if he records in the register information relating to the formation of a civil partnership by the signing of a Registrar General's licence, knowing that the civil partnership is void under section 49(b) <sup>F16</sup>....
- (8) A person guilty of an offence under subsection (7) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 3 years or to a fine (or both);
  - (b) on summary conviction, to a fine not exceeding the statutory maximum.

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- (9) A prosecution under subsection (5) or (7) may not be commenced more than 3 years after the commission of the offence.

#### Textual Amendments

- F15** Words in s. 33(5) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), [Sch. para. 4\(5\)\(a\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F16** Words in s. 33(7) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), [Sch. para. 4\(5\)\(b\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

### 34 Fees

- (1) The [<sup>F17</sup>Secretary of State] may by order provide for fees <sup>F18</sup>... to be payable to such persons as may be prescribed by the order in respect of—
- (a) the giving of a notice of proposed civil partnership and the attestation of the necessary declaration;
  - (b) the making of an application under section 12(1) (application to reduce waiting period);
  - (c) the issue of a Registrar General's licence;
  - (d) the attendance of the civil partnership registrar when two people sign the civil partnership document;
  - (e) such other services provided in connection with civil partnerships either by registration authorities or by or on behalf of the Registrar General as may be prescribed by the order.

[<sup>F19</sup>(1A) An order under this section may—

- (a) specify the amount of any fee payable under the order, or
- (b) set out how such a fee is to be determined.

(1B) Subsection (1C) applies where the order provides for a fee to be payable to a registration authority.

(1C) The order may provide for such part of the fee as may be specified by or determined in accordance with the order to be payable by the registration authority to the Registrar General in such circumstances as may be prescribed by the order.]

[<sup>F20</sup>(2) The order may provide for the reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.]

[<sup>F21</sup>(3) Where a civil partnership registrar for any area attends when two people sign the civil partnership schedule on approved premises, in accordance with section 6(3A)(a)—

- (a) subsection (1)(d) does not apply, but
- (b) the registration authority for that area is entitled from those people a fee of an amount determined by the authority in accordance with regulations under section 6A.]

#### Textual Amendments

- F17** Words in s. 34(1) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 5(1), [Sch. 2 para. 14\(b\)](#) (with art. 4)

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- F18** Words in s. 34(1) omitted (12.7.2016) by virtue of Immigration Act 2016 (c. 19), s. 94(1), **Sch. 15 para. 4(2)**; S.I. 2016/603, reg. 3(w)
- F19** S. 34(1A)-(1C) inserted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 15 para. 4(3)**; S.I. 2016/603, reg. 3(w)
- F20** S. 34(2) substituted (12.7.2016) by Immigration Act 2016 (c. 19), s. 94(1), **Sch. 15 para. 4(4)**; S.I. 2016/603, reg. 3(w)
- F21** S. 34(3) inserted (21.7.2005) by The Civil Partnership (Amendments to Registration Provisions) Order 2005 (S.I. 2005/2000), arts. 1(c), 3, **Sch. para. 12**

#### Modifications etc. (not altering text)

- C1** S. 34(1): transfer of functions (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 3(1), **Sch. 1 para. 14(b)** (with art. 4)

#### Commencement Information

- II** S. 34 wholly in force at 5.12.2005; s. 34 not in force at Royal Assent see s. 263; s. 34(1) in force at 15.4.2005 by S.I. 2005/1112, **art. 2, Sch. 1**; s. 34(2) in force at 5.12.2005 by S.I. 2005/3175, **art. 2(1), Sch. 1**

## 35 Power to assimilate provisions relating to civil registration

- (1) The [<sup>F22</sup>Secretary of State] may by order make—
- such amendments of this Act as appear to him appropriate for the purpose of assimilating any provision connected with the formation or recording of civil partnerships in England and Wales to any provision made <sup>F23</sup>. . . in relation to civil marriage in England and Wales, and
  - such amendments of other enactments and of subordinate legislation as appear to him appropriate in consequence of any amendments made under paragraph (a).
- (2) “Civil marriage” means marriage solemnised otherwise than according to the rites of the Church of England or any other religious usages.
- (3) “Amendment” includes repeal or revocation.
- (4) “Subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30).

#### Textual Amendments

- F22** Words in s. 35(1) substituted (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 5(1), **Sch. 2 para. 14(c)** (with art. 4)
- F23** Words in s. 35(1)(a) repealed (8.1.2007) by Legislative and Regulatory Reform Act 2006 (c. 51), ss. 30, 33, **Sch.** (with s. 30(2)-(5))

#### Modifications etc. (not altering text)

- C2** S. 35(1): transfer of functions (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 3(1), **Sch. 1 para. 14(c)** (with art. 4)

## 36 Regulations and orders

- (1) Regulations may make provision supplementing the provisions of this Chapter.

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- (2) Regulations may in particular make provision—
- (a) relating to the use of Welsh in documents and records relating to civil partnerships;
  - (b) with respect to the retention of documents relating to civil partnerships;
  - (c) prescribing the duties of civil partnership registrars;
  - (d) prescribing the duties of persons in whose presence any declaration is made for the purposes of this Chapter;
  - (e) for the issue by the Registrar General of guidance supplementing any provision made by the regulations.
  - (f) for the issue by registration authorities or the Registrar General of certified copies of entries in the register and for such copies to be received in evidence.
  - [<sup>F24</sup>(g) for the carrying out by the Registrar General, on request, of searches of entries in the register and the provision, on request, of information contained in the entries (otherwise than in the form of certified copies).]
- (3) In this Chapter [<sup>F25</sup>, except in section 6A [<sup>F26</sup>9B, 9E(2), 12(7) or 12A] ], “regulations” means regulations made by the Registrar General with the approval of the [<sup>F27</sup>Secretary of State].
- (4) Any power to make regulations or an order under this Chapter is exercisable by statutory instrument.
- (5) A statutory instrument containing [<sup>F28</sup>regulations under section 6A [<sup>F29</sup>9B, 9E(2) or 12A] or] an order under section 34 is subject to annulment in pursuance of a resolution of either House of Parliament.
- (6) No order may be made under section [<sup>F30</sup>9D or] 35 unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament.

#### Textual Amendments

- F24** S. 36(2)(g) inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 99(2)**, 115(3)(k)
- F25** Words in s. 36(3) inserted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, **Sch. para. 13(2)**
- F26** Words in s. 36(3) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 28(2)** (with [Sch. 9 para. 66](#)); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)
- F27** Words in s. 36(3) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 5(1), **Sch. 2 para. 14(d)** (with art. 4)
- F28** Words in s. 36(5) inserted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, **Sch. para. 13(3)**
- F29** Words in s. 36(5) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 28(3)** (with [Sch. 9 para. 66](#)); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)
- F30** Words in s. 36(6) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 28(4)** (with [Sch. 9 para. 66](#)); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)



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**Modifications etc. (not altering text)**

- C3** S. 36(3): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 3(1), **Sch. 1 para. 14(d)** (with art. 4)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)