



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 1

#### REGISTRATION

##### *The special procedure*

## 21 Notice of proposed civil partnership

- (1) For two people to register as civil partners of each other under the special procedure, one of them must—
  - (a) give a notice of proposed civil partnership to the registration authority for the area in which it is proposed that the registration take place, and
  - (b) comply with any requirement made under section 22.
- (2) The notice must contain such information as may be prescribed by regulations.
- (3) Subsections (3) to (6) of section 8 (necessary declaration etc.), apart from paragraph (b) of subsection (4), apply for the purposes of this section as they apply for the purposes of that section.

### Commencement Information

- II** S. 21 wholly in force at 5.12.2005; s. 21 not in force at Royal Assent see s. 263; s. 21(2) in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and otherwise 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#); s. 21(1)(3) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

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## 22 Evidence to be produced

- (1) The person giving a notice of proposed civil partnership to a registration authority under the special procedure must produce to the authority such evidence as the Registrar General may require to satisfy him—
  - (a) that there is no lawful impediment to the formation of the civil partnership,
  - (b) that the conditions in subsection (2) are met, and
  - (c) that there is sufficient reason why a licence should be granted.
- [<sup>F1</sup>(2) The conditions are that one of the proposed civil partners—
  - (a) is seriously ill and not expected to recover,
  - (b) cannot be moved to a place where they could be registered as civil partners of each other under the standard procedure, and
  - (c) understands the nature and purport of signing a Registrar General's licence.]
- (3) The certificate of a registered medical practitioner is sufficient evidence of any or all of the matters referred to in subsection (2).

### Textual Amendments

- F1** S. 22(2) substituted (5.12.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, [Sch. para. 9](#) (subject to art. 1(3))

## 23 Application to be reported to Registrar General

On receiving a notice of proposed civil partnership under section 21 and any evidence under section 22, the registration authority must—

- (a) inform the Registrar General, and
- (b) comply with any directions the Registrar General may give for verifying the evidence given.

## 24 Objection to issue of Registrar General's licence

- (1) Any person may object to the Registrar General giving authority for the issue of his licence by giving the Registrar General or any registration authority notice of his objection.
- (2) A notice of objection must—
  - (a) state the objector's place of residence and the ground of objection, and
  - (b) be signed by or on behalf of the objector.
- (3) If a notice of objection is given to a registration authority, it must ensure that the fact that it has been given and the information in it are recorded in the register as soon as possible.

## 25 Issue of Registrar General's licence

- (1) This section applies where a notice of proposed civil partnership is given to a registration authority under section 21.
- (2) The registration authority may issue a Registrar General's licence if, and only if, given authority to do so by the Registrar General.

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- (3) The Registrar General—
  - (a) may not give his authority unless he is satisfied that one of the proposed civil partners is seriously ill and not expected to recover, but
  - (b) if so satisfied, must give his authority unless a lawful impediment to the issue of his licence has been shown to his satisfaction to exist.
- (4) A licence under this section must state that it is issued on the authority of the Registrar General.
- (5) Regulations may (subject to subsection (4)) make provision as to the contents of a licence under this section.
- (6) If an objection has been made to the Registrar General giving authority for the issue of his licence, he is not to give that authority until—
  - (a) he has investigated the objection and decided whether it ought to obstruct the issue of his licence, or
  - (b) the objection has been withdrawn by the person who made it.
- (7) Any decision of the Registrar General under subsection (6)(a) is final.

#### Commencement Information

- I2** S. 25 wholly in force at 5.12.2005; s. 25 not in force at Royal Assent see s. 263; s. 25(5) in force at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#); s. 25(1)-(4)(6)(7) in force at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)](#), [Sch. 1](#)

## 26 Frivolous objections: liability for costs

- (1) This section applies if—
  - (a) a person objects to the Registrar General giving authority for the issue of his licence, but
  - (b) the Registrar General declares that the grounds on which the objection is made are frivolous and ought not to obstruct the issue of his licence.
- (2) The person who made the objection is liable for—
  - (a) the costs of the proceedings before the Registrar General, and
  - (b) damages recoverable by the proposed civil partner to whom the objection relates.
- (3) For the purpose of enabling any person to recover any such costs and damages, a copy of a declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has made the declaration.

## 27 Period during which registration may take place

- (1) If a Registrar General's licence has been issued under section 25, the proposed civil partners may register as civil partners by signing it at any time within 1 month from the day on which the notice of proposed civil partnership was given.
- (2) If they do not register as civil partners by signing the licence within the 1 month period—

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- (a) the notice of proposed civil partnership and the licence are void, and
- (b) no civil partnership registrar may officiate at the signing of the licence by them.

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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\(2\)](#)