



Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 1

REGISTRATION

Formation and eligibility

137 Formation of civil partnership by registration

- (1) For the purposes of section 1, two people are to be regarded as having registered as civil partners of each other once each of them has signed the civil partnership schedule in the presence of—
 - (a) each other,
 - (b) two witnesses both of whom profess to be 16 or over, and
 - (c) the registrar.
- (2) Subsection (1) applies regardless of whether subsections (3) and (4) are complied with.
- (3) After the civil partnership schedule has been signed under subsection (1), it must also be signed, in the presence of the civil partners and each other, by—
 - (a) each of the two witnesses, and
 - (b) the registrar.
- (4) After the witnesses and the registrar have signed the civil partnership schedule, the registrar must cause the registration of the civil partnership to be recorded as soon as practicable.
- (5) No religious service is to be used while the registrar is officiating at the signing of a civil partnership schedule.

138 Eligibility

- (1) Two people are not eligible to register as civil partners of each other if—
 - (a) they are not of the same sex,
 - (b) either of them is already a civil partner or lawfully married,
 - (c) either of them is under 16,
 - (d) they are within prohibited degrees of relationship, or
 - (e) either of them is incapable of understanding the nature of civil partnership.
- (2) Schedule 12 contains provisions for determining when two people are within prohibited degrees of relationship.

Preliminaries to registration

139 Notice of proposed civil partnership

- (1) For two people to register as civil partners of each other under this Chapter, each of them must give the registrar a notice of proposed civil partnership (a “civil partnership notice”).
- (2) A civil partnership notice must be—
 - (a) in the prescribed form, and
 - (b) accompanied by the prescribed fee and such documents and other information as may be prescribed.
- (3) In prescribed cases a civil partnership notice must be given to the registrar by each party in person.

140 Civil partnership notice book and list of intended civil partnerships

- (1) The registrar must keep a record of—
 - (a) such particulars as may be prescribed, taken from each civil partnership notice received by him, and
 - (b) the date on which each civil partnership notice is received by him.
- (2) In this Chapter “civil partnership notice book” means the record kept under subsection (1).
- (3) The registrar must, in accordance with any guidance issued by the Registrar General, place on public display a list containing in relation to each proposed civil partnership in respect of which the registrar has received a civil partnership notice—
 - (a) the names of the proposed civil partners, and
 - (b) the date on which it is intended to register them as civil partners of each other.
- (4) As soon as practicable after the date mentioned in subsection (3) the registrar must remove from the list the names and the date mentioned in that subsection.
- (5) Any person claiming that he may have reason to make an objection to a proposed civil partnership may inspect any entry relating to the civil partnership in the civil partnership notice book without charge.

141 Power to require evidence of name etc.

- (1) A registrar to whom a civil partnership notice is given may require the person giving it to provide him with specified evidence relating to each proposed civil partner.
- (2) Such a requirement may be imposed at any time before the registrar issues the civil partnership schedule under section 143.
- (3) “Specified evidence”, in relation to a person, means such evidence as may be specified in guidance issued by the Registrar General—
 - (a) of the person’s name and surname,
 - (b) of the person’s age,
 - (c) as to whether the person is or has been a civil partner or lawfully married, and
 - (d) of the person’s nationality.

142 Objections

- (1) Any person may at any time before the formation of a civil partnership in Northern Ireland make an objection in writing to the registrar.
- (2) An objection on the ground that one of the proposed civil partners is incapable of understanding the nature of civil partnership must be accompanied by a supporting certificate signed by a medical practitioner.
- (3) If the registrar is satisfied that the objection relates to no more than a misdescription or inaccuracy in the civil partnership notice, he must—
 - (a) notify the proposed civil partners,
 - (b) make such inquiries as he thinks fit, and
 - (c) subject to the approval of the Registrar General, make any necessary correction to any document relating to the proposed civil partnership.
- (4) In any other case the registrar must notify the Registrar General of the objection.
- (5) If the Registrar General is satisfied that there is a legal impediment to the formation of the civil partnership, he must direct the registrar to—
 - (a) notify the parties, and
 - (b) take all reasonable steps to ensure that the formation of the civil partnership does not take place.
- (6) If subsection (5) does not apply, the Registrar General must direct the registrar to proceed under section 143.
- (7) For the purposes of this section and section 143 there is a legal impediment to the formation of a civil partnership where the proposed civil partners are not eligible to be registered as civil partners of each other.
- (8) A person who has submitted an objection may withdraw it at any time, but the Registrar General may have regard to an objection which has been withdrawn.

143 Civil partnership schedule

After the registrar receives a civil partnership notice from each of the proposed civil partners, he must complete a civil partnership schedule in the prescribed form, if—

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- (a) he is satisfied that there is no legal impediment to the formation of the civil partnership, or
- (b) the Registrar General has directed him under section 142(6) to proceed under this section.

144 Place of registration

- (1) The place at which two people may register as civil partners of each other must be—
 - (a) a registration office, or
 - (b) a place approved under subsection (3).
- (2) Subsection (1) is subject to subsections (5) and (7).
- (3) A local registration authority may, in accordance with regulations under subsection (4), approve places where civil partnerships may be registered in its district.
- (4) Regulations under section 159 may make provision for or in connection with the approval of places under subsection (3), including provision as to—
 - (a) the kinds of place in respect of which approvals may be granted,
 - (b) the procedure to be followed in relation to applications for approval,
 - (c) the considerations to be taken into account in determining whether to approve any places,
 - (d) the duration and renewal of approvals (whether for one occasion or for a period),
 - (e) the conditions that must or may be imposed on granting or renewing an approval,
 - (f) the determination and charging of fees in respect of[en rule]
 - (i) applications for the approval of places,
 - (ii) the renewal of approvals, and
 - (iii) the attendance by registrars at places approved under the regulations,
 - (g) the circumstances in which a local registration authority must or may revoke or suspend an approval or vary any of the conditions imposed in relation to an approval,
 - (h) the renewal of decisions made by virtue of the regulations,
 - (i) appeals to a county court from decisions made by virtue of the regulations,
 - (j) the notification to the Registrar General of all approvals granted, renewed, revoked, suspended or varied,
 - (k) the notification to the registrar for the district in which a place approved under the regulations is situated of all approvals relating to such a place which are granted, renewed, revoked, suspended or varied,
 - (l) the keeping by the Registrar General, registrars and local registration authorities of registers of places approved under the regulations, and
 - (m) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (5) If either of the parties to a proposed civil partnership gives the registrar a medical statement, the civil partnership may, with the approval of the Registrar General, be registered at any place where that party is.

- (6) In subsection (5) “medical statement”, in relation to any person, means a statement made in the prescribed form by a registered medical practitioner that in his opinion at the time the statement is made—
- (a) by reason of serious illness or serious bodily injury, that person ought not to move or be moved from the place where he is at that time, and
 - (b) it is likely that it will be the case for at least the following 3 months that by reason of illness or disability the person ought not to move or be moved from that place.
- (7) If the Registrar General so directs, a registrar must register a civil partnership in a place specified in the direction.

Young persons

145 Parental etc. consent where proposed civil partner under 18

- (1) The consent of the appropriate persons is required before a young person and another person may register as civil partners of each other.
- (2) Schedule 13 contains provisions—
- (a) for determining who are the appropriate persons for the purposes of this section (see Part 1 of the Schedule);
 - (b) for orders dispensing with consent and for recording consents and orders (see Parts 2 and 3 of the Schedule).
- (3) Each consent required by subsection (1) must be—
- (a) in the prescribed form; and
 - (b) produced to the registrar before the issue of the civil partnership schedule.
- (4) Nothing in this section affects any need to obtain the consent of the High Court before a ward of court and another person may register as civil partners of each other.
- (5) In this section and Schedule 13 “young person” means a person who is under 18.

Supplementary

146 Validity of registration

- (1) This section applies to any legal proceedings commenced at any time after the registration of a civil partnership is recorded under section 137.
- (2) The validity of the civil partnership must not be questioned in any such proceedings on the ground of any contravention of a provision of, or made under, this Act.

147 Corrections and cancellations

- (1) Regulations under section 159 may make provision for the making of corrections by the Registrar General or any registrar.
- (2) The Registrar General must cancel the registration of a void civil partnership or direct the registrar to do so.

148 Interpreters

- (1) If the registrar considers it necessary or desirable, he may use the services of an interpreter (not being one of the civil partners or a witness).
- (2) The interpreter must—
 - (a) before the registration of the civil partnership, sign a statement in English that he understands, and is able to converse in, any language in respect of which he is to act as an interpreter, and
 - (b) immediately after the registration of the civil partnership, give the registrar a certificate written in English and signed by the interpreter that he has faithfully acted as the interpreter.

149 Detained persons

- (1) If—
 - (a) one of the parties to a proposed civil partnership is detained in a prison or as a patient in a hospital, and
 - (b) the civil partnership is to be registered in that prison or hospital,the civil partnership notice given by that party must be accompanied by a statement to which subsection (2) applies.
- (2) This subsection applies to a statement which—
 - (a) is made in the prescribed form by the responsible authority not more than 21 days before the date on which the civil partnership notice is given,
 - (b) identifies the establishment where the person is detained, and
 - (c) states that the responsible authority has no objection to that establishment being the place of registration for that civil partnership.
- (3) In subsection (2) “responsible authority” means—
 - (a) if the person named in the statement is detained in a prison, the governor or other officer in charge of that prison;
 - (b) if the person named in the statement is detained in a hospital or special accommodation, the Health and Social Services Board administering that hospital or the Department of Health, Social Services and Public Safety, respectively;
 - (c) if the person named in the statement is detained in a private hospital, the person in charge of that hospital.
- (4) After the registrar receives a civil partnership notice accompanied by a statement to which subsection (2) applies, he must notify the Registrar General and not complete a civil partnership schedule unless the Registrar General directs him to proceed under section 143.
- (5) In this section—
 - (a) “prison” includes a remand centre and a young offenders centre, and
 - (b) “hospital”, “patient”, “private hospital” and “special accommodation” have the same meaning as in the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).

150 Certificates of no impediment for Part 2 purposes

- (1) This section applies where—
 - (a) two people propose to register as civil partners of each other under Chapter 1 of Part 2, and
 - (b) one of them (“A”) resides in Northern Ireland but the other (“B”) resides in England or Wales.
- (2) A may give a civil partnership notice under section 139 as if A and B intended to register as civil partners under this Chapter.
- (3) If the registrar is satisfied that there is no legal impediment (in the sense given in section 142(7)) to A registering as B’s civil partner, he must issue a certificate in the prescribed form that there is not known to be any such impediment.
- (4) But the certificate may not be issued before the expiration of such period from the date recorded under section 140(3)(b) as may be prescribed.
- (5) Any person may, at any time before a certificate is issued under subsection (3), submit to the registrar an objection in writing to its issue.
- (6) Any objection made under subsection (5) must be taken into account by the registrar in deciding whether he is satisfied that there is no legal impediment to A registering as B’s civil partner.

151 Registration districts and registration authorities

- (1) Each local government district shall be a registration district and the district council shall be the local registration authority for the purposes of this Part.
- (2) A district council shall, in the exercise of functions conferred on it as a local registration authority—
 - (a) act as agent for the Department of Finance and Personnel, and
 - (b) act in accordance with such directions as that Department may give to the council.
- (3) Any expenditure to be incurred by the district council in the exercise of functions conferred on it as a local registration authority shall be subject to the approval of the Registrar General.
- (4) The Department of Finance and Personnel shall retain or, as the case may be, defray in respect of each financial year the amount of the difference between—
 - (a) the aggregate of the amounts of salaries, pension provision and other expenses payable by virtue of this Part in respect of any registration district, and
 - (b) the aggregate of the amounts received in that registration district under any statutory provision or otherwise by way of fees or other expenses.

152 Registrars and other staff

- (1) A local registration authority shall, with the approval of the Registrar General, appoint—
 - (a) a registrar of civil partnerships, and
 - (b) one or more deputy registrars of civil partnerships.

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- (2) A person holding an appointment under subsection (1) may with the approval of, and shall at the direction of, the Registrar General be removed from his office of registrar or deputy registrar by the local registration authority.
- (3) A local registration authority shall, at the direction of the Registrar General, appoint additional persons to register civil partnerships and carry out other functions for the purposes of this Part.
- (4) A person shall not be appointed under subsection (1) or (3) if he is under the age of 21.
- (5) Regulations under section 159 may confer additional functions on a person holding an appointment under subsection (1).
- (6) A person holding an appointment under subsection (1) shall, in exercising his functions under this Part or any other statutory provision, be subject to such instructions or directions as the Registrar General may give.

153 Records and documents to be sent to Registrar General

If the Registrar General directs him to do so, a person must send to the Registrar General any record or document relating to civil partnerships in accordance with the Registrar General's directions.

154 Annual report

- (1) The Registrar General must send to the Department of Finance and Personnel an annual report of the number of civil partnerships registered during each year, together with such other information as he considers it appropriate to include.
- (2) The Department of Finance and Personnel must lay the report before the Northern Ireland Assembly.

155 Searches

- (1) The Registrar General must provide indexes to civil partnership registration records in his custody for inspection by the public.
- (2) A registrar must provide indexes to civil partnership registration records in his custody for inspection by the public.
- (3) Any person may, on payment of the prescribed fee—
 - (a) search any index mentioned in subsection (1) or (2), and
 - (b) require the Registrar General or, as the case may be, the registrar to give him a document in the prescribed form relating to the registration of a civil partnership.
- (4) The Registrar General must cause any document given by him under this section or section 156 to be stamped with the seal of the General Register Office.
- (5) Judicial notice shall be taken of any document so stamped.

156 Proof of civil partnership for purposes of certain statutory provisions

- (1) Where the civil partnership of a person is required to be proved for the purposes of any prescribed statutory provision, any person—
 - (a) on application to the Registrar General, and
 - (b) on payment of the prescribed fee,is entitled to a document in the prescribed form relating to the registration of the civil partnership of that person.
- (2) An application under subsection (1) must be in such form and accompanied by such particulars as the Registrar General may require.
- (3) The Registrar General or any registrar may, on payment of the prescribed fee, issue such information (including a document as mentioned in subsection (1)) as may be required for the purposes of any prescribed statutory provision.

157 Fees

- (1) The Department of Finance and Personnel may by order prescribe—
 - (a) any fee which is required to be prescribed for the purposes of this Chapter;
 - (b) fees for such other matters as that Department considers necessary or expedient for the purposes of this Chapter.
- (2) The power to make an order under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ([S.I. 1979/1573 \(N.I. 12\)](#)).
- (3) An order under subsection (1) may only be made if a draft has been laid before and approved by resolution of the Northern Ireland Assembly.

158 Offences

- (1) Any registrar who signs a civil partnership schedule in the absence of the civil partners is guilty of an offence.
- (2) Any person who is not a registrar but officiates at the signing of a civil partnership schedule in such a way as to lead the civil partners to believe that he is a registrar is guilty of an offence.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.
- (4) Notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 ([S.I. 1981/1675 \(N.I. 26\)](#)) (limitation of time for taking proceedings), proceedings for an offence under this section may be instituted at any time within 3 years after the commission of the offence.

159 Regulations

- (1) The Department of Finance and Personnel may by regulations make such provision as appears to it necessary or expedient for the registration of civil partnerships in Northern Ireland.

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- (2) The power to make regulations under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ([S.I. 1979/1573 \(N.I. 12\)](#)).
- (3) Regulations under subsection (1) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 ([1954 c. 33 \(N.I.\)](#))).

160 Interpretation

In this Chapter—

“civil partnership notice” means a notice of proposed civil partnership under section 139;

“civil partnership notice book” has the meaning given by section 140;

“prescribed”, except in relation to a fee, means prescribed by regulations under section 159 and, in relation to a fee, means prescribed by order under section 157;

“registrar” means such person appointed under section 152(1)(a) or (b) or (3) as may be prescribed;

“Registrar General” means the Registrar General for Northern Ireland;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 ([1954 c. 33 \(N.I.\)](#)).