



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 5

#### CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

### CHAPTER 2

#### OVERSEAS RELATIONSHIPS TREATED AS CIVIL PARTNERSHIPS

#### 212 Meaning of “overseas relationship”

- (1) For the purposes of this Act an overseas relationship is a relationship which—
- (a) is either a specified relationship or a relationship which meets the general conditions, and
  - (b) is registered (whether before or after the passing of this Act) with a responsible authority in a country or territory outside the United Kingdom, by two people—
    - <sup>F1</sup>(i) .....
    - (ii) neither of whom is already a civil partner or lawfully married.

[<sup>F2</sup>(1A) But, for the purposes of the application of this Act to England and Wales [<sup>F3</sup>or to Northern Ireland], marriage is not an overseas relationship.]

- (2) In this Chapter, “the relevant law” means the law of the country or territory where the relationship is registered (including its rules of private international law).

#### Textual Amendments

- F1** S. 212(1)(b)(i) omitted (E.W.) (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **5(2)**; (N.I.) (13.1.2020) by virtue of [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **17(2)(a)** (with regs. 6-9); and (S.) (1.2.2021 for specified purposes,

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- 1.6.2021 in so far as not already in force) by Civil Partnership (Scotland) Act 2020 (asp 15), **ss. 2(2)**, 16; S.S.I. 2020/414, **reg. 2(1)(a)(2)**; S.S.I. 2021/23, **reg. 2, sch.** (with reg. 3)
- F2** S. 212(1A) inserted (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 29(2)**
- F3** Words in s. 212(1A) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **17(2)(b)** (with regs. 6-9)

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

- C1** S. 212 applied (with modifications) (E.W.) (5.12.2005) by The Civil Partnership (Treatment of Overseas Relationships) Order 2005 (S.I. 2005/3042), **art. 5**  
 S. 212 applied (with modifications) (N.I.) (5.12.2005) by The Civil Partnership (Treatment of Overseas Relationships) Order (Northern Ireland) 2005 (S.R. 2005/531), **art. 5(1)**  
 S. 212 applied (with modifications) (S.) (5.12.2005) by The Civil Partnership (Overseas Relationships) (Scotland) Order 2005 (S.S.I. 2005/573), **art. 3**
- C2** S. 212(1)(b) modified (N.I.) (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **173(2)** (with regs. 6-9)
- C3** S. 212 modified (S.) (1.2.2021) by The Civil Partnership (Scotland) Act 2020 (Commencement No. 3, Saving and Transitional Provision) Regulations 2021 (S.S.I. 2021/23), regs. 1(2), **4**

## 213 Specified relationships

- (1) A specified relationship is a relationship which is specified for the purposes of section 212 <sup>[F4]</sup>—
- (a) in the case of a relationship registered by two people who under the relevant law are of the same sex when the relationship is registered, by Part 1 of Schedule 20,
  - (b) in the case of a relationship registered by two people who under the relevant law are not of the same sex when the relationship is registered, by Part 2 of Schedule 20.]
- (2) The <sup>[F5]</sup>Secretary of State may by order amend <sup>[F6]</sup>Part 1 of Schedule 20 by—
- (a) adding a relationship,
  - (b) amending the description of a relationship, or
  - (c) omitting a relationship.
- (3) No order may be made under this section <sup>[F7]</sup>amending Part 1 of Schedule 20 without the consent of the Scottish Ministers and the Department of Finance and Personnel.
- <sup>[F8]</sup>(3A) No order may be made under this section amending Part 2 of Schedule 20 without the consent of the Department of Finance.]
- (4) The power to make an order under this section is exercisable by statutory instrument.
- (5) An order which contains any provision (whether alone or with other provisions) amending <sup>[F9]</sup>Part 1 of Schedule 20 by—
- (a) amending the description of a relationship, or
  - (b) omitting a relationship,
- may not be made unless a draft of the statutory instrument containing the order is laid before, and approved by a resolution of, each House of Parliament.

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(6) A statutory instrument containing any other order under this section [<sup>F10</sup>amending Part 1 of Schedule 20] is subject to annulment in pursuance of a resolution of either House of Parliament.

[<sup>F11</sup>(7) The Scottish Ministers may by regulations amend Part 2 of Schedule 20 by—

- (a) adding a relationship,
- (b) amending the description of a relationship,
- (c) omitting a relationship.

(8) Regulations under subsection (7)—

- (a) amending the description of a relationship or omitting a relationship, are subject to the affirmative procedure,
- (b) adding a relationship, are subject to the negative procedure.]

#### Textual Amendments

- F4** Words in s. 213(1) substituted (E.W.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **5(3)(a)**; (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **17(3)(a)** (with regs. 6-9); and (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), ss. **2(3)(a)**, 16; S.S.I. 2020/414, reg. 2(1)(a)(2); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F5** Words in s. 213(2) substituted (18.8.2010) by [The Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. 7, **Sch. para. 6**
- F6** Words in s. 213(2) inserted (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), ss. **2(3)(b)**, 16; S.S.I. 2020/414, reg. 2(1)(a)(2); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F7** Words in s. 213(3) inserted (E.W.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **5(3)(b)**; (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **17(3)(b)** (with regs. 6-9); and (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), ss. **2(3)(c)**, 16; S.S.I. 2020/414, reg. 2(1)(a)(2); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F8** S. 213(3A) inserted (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **17(3)(c)** (with regs. 6-9)
- F9** Words in s. 213(5) inserted (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), ss. **2(3)(d)**, 16; S.S.I. 2020/414, reg. 2(1)(a)(2); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F10** Words in s. 213(6) inserted (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), ss. **2(3)(e)**, 16; S.S.I. 2020/414, reg. 2(1)(a)(2); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F11** S. 213(7)(8) inserted (18.1.2021 for specified purposes, 1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), ss. **2(3)(f)**, 16; S.S.I. 2020/414, reg. 2(1)(a)(2); S.S.I. 2020/457, reg. 2(a); S.S.I. 2021/23, reg. 2, sch. (with reg. 3)

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

- C4** S. 213: functions transferred (12.10.2007) by [The Transfer of Functions \(Equality\) Order 2007 \(S.I. 2007/2914\)](#), art. **3(2)(e)**
- C5** S. 213: functions transferred (18.8.2010) by [The Transfer of Functions \(Equality\) Order 2010 \(S.I. 2010/1839\)](#), art. **3(1)(e)**

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### Commencement Information

- II** S. 213 wholly in force at 5.12.2005; s. 213(2)-(6) in force at Royal Assent, see s. 263(5)(6); s. 213(1) in force at 5.12.2005 by [S.I. 2005/3175](#), [art. 3](#), [Sch. 2](#)

## 214 The general conditions

The general conditions are that, under the relevant law—

- (a) the relationship may not be entered into if either of the parties is already a party to a relationship of that kind or lawfully married,
- (b) the relationship is of indeterminate duration, and
- [<sup>F12</sup>(ba) the relationship is not one of marriage,]
- (c) the effect of entering into it is that the parties are—
  - (i) treated as a couple either generally or for specified purposes, [<sup>F13</sup>but are not treated as married][<sup>F13</sup>or

### Textual Amendments

- F12** S. 214(ba) inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 26\(2\)\(a\)](#), 36; [S.S.I. 2014/287](#), [art. 3](#), [sch.](#) (with [art. 5](#))
- F13** Words in s. 214(c) substituted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 26\(2\)\(b\)](#), 36; [S.S.I. 2014/287](#), [art. 3](#), [sch.](#) (with [art. 5](#))

## 215 Overseas relationships treated as civil partnerships: the general rule

- (1) Two people are to be treated as having formed a civil partnership as a result of having registered an overseas relationship if, under the relevant law, they—
  - (a) had capacity to enter into the relationship, and
  - (b) met all requirements necessary to ensure the formal validity of the relationship.
- (2) Subject to [<sup>F14</sup>subsections (3) and (5F)][<sup>F15</sup>subsections (3) and (5B)][<sup>F16</sup>subsections (3) and (3A)], the time when they are to be treated as having formed the civil partnership is the time when the overseas relationship is registered (under the relevant law) as having been entered into.
- (3) If the overseas relationship is registered (under the relevant law) as having been entered into before this section comes into force, the time when they are to be treated as having formed a civil partnership is the time when this section comes into force.
- [<sup>F17</sup>(3A) In its application to an overseas relationship between persons of different sexes entered into before this subsection comes into force, subsection (2) is subject to—
  - (a) any provision to the contrary made by or under any enactment,
  - (b) regulations under subsection (3B).
- (3B) The Scottish Ministers may by regulations provide for subsection (2)—
  - (a) to have effect subject to provision made by the regulations, or
  - (b) not to apply in cases specified in the regulations.
- (3C) Regulations under subsection (3B)—

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- (a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
- (b) are subject to the negative procedure.]

(4) But if—

- (a) before this section comes into force, a dissolution or annulment of the overseas relationship was obtained outside the United Kingdom, and
- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (3) does not apply and subsections (1) and (2) have effect subject to subsection (5).

(5) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provisions except—

- (a) Schedules 7, 11 and 17 (financial relief in United Kingdom after dissolution or annulment obtained outside the United Kingdom);
- (b) such provisions as are specified (with or without modifications) in an order under section 259;
- (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).

[<sup>F18</sup>(5A) In the case of a relationship that is—

- (a) an overseas relationship treated as a civil partnership for the purposes of this Act only as a result of the amendments made by the Civil Partnership (Opposite-sex Couples) Regulations 2019 (“the 2019 Regulations”), and
- (b) registered (under the relevant law) as having been entered into before the 2019 Regulations come into force,

subsection (5B) or (as the case may be) subsections (5C) and (5D) apply in place of subsections (3) to (5).

(5B) The time when the two people are treated as having formed a civil partnership is the time when the 2019 Regulations come into force.

(5C) But if—

- (a) before the 2019 Regulations come into force, a dissolution or annulment of the overseas relationship was obtained outside the United Kingdom, and
- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (5B) does not apply and subsections (1) and (2) have effect subject to subsection (5D).

(5D) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provision except—

- (a) Schedules 7, 11 and 17 (financial relief in United Kingdom after dissolution or annulment obtained outside the United Kingdom);
- (b) such provisions as are specified (with or without modifications) in regulations under section 2 or 5 of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019;
- (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).]

[<sup>F19</sup>(5E) In the case of a relationship that is—

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- (a) an overseas relationship treated as a civil partnership for the purposes of this Act only as a result of the amendments made by the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, and
- (b) registered (under the relevant law) as having been entered into before 13 January 2020,

subsection (5F) or (as the case may be) subsections (5G) and (5H) apply in place of subsections (3) to (5).

(5F) The time when the two people are treated as having formed a civil partnership is the start of 13 January 2020.

(5G) But if—

- (a) before 13 January 2020, a dissolution or annulment of the relationship was obtained outside the United Kingdom, and
- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (5F) does not apply and subsections (1) and (2) have effect subject to subsection (5H).

(5H) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provision except—

- (a) Schedules 7, 11 and 17;
- (b) such provisions as are specified (with or without modifications) in regulations under section 8 of the Northern Ireland (Executive Formation etc) Act 2019;
- (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).]

(6) This section is subject to sections <sup>F20</sup>... 217 and 218.

#### Textual Amendments

- F14** Words in s. 215(2) substituted for “subsection (3)” (E.W.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **5(4)(a)**
- F15** S. 215(2): the words “subsections (3) and (5B)” substituted for the words “subsection (3)” (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **17(4)(a)** (with regs. 6-9)
- F16** S. 215(2): the words “subsections (3) and (3A)” substituted for the words “subsection (3)” (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), ss. **2(4)(a)**, 16; S.S.I. 2020/414, **reg. 2(1)(a)(2)**; S.S.I. 2021/23, **reg. 2, sch.** (with reg. 3)
- F17** S. 215(3A)-(3C) inserted (S.) (18.1.2021 for specified purposes, 1.2.2021 for specified purposes) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), ss. **2(4)(b)**, 16; S.S.I. 2020/414, **reg. 2(1)(a)(2)**; S.S.I. 2020/457, **reg. 2(a)**
- F18** S. 215(5A)-(5D) inserted (E.W.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **5(4)(b)** (with Sch. 2 para. 3)
- F19** S. 215(5E)-(5H) inserted (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **17(4)(b)** (with regs. 6-9)
- F20** Word in s. 215(6) omitted (E.W.) (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **5(4)(c)**; (N.I.) (13.1.2020) by virtue of [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\)](#)

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Regulations 2019 (S.I. 2019/1514), regs. 1(2), **17(4)(c)** (with regs. 6-9); and (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by virtue of Civil Partnership (Scotland) Act 2020 (asp 15), ss. **2(4)(c)**, 16; S.S.I. 2020/414, **reg. 2(1)(a)(2)**; S.S.I. 2021/23, **reg. 2, sch.** (with reg. 3)

## <sup>F21</sup>216 The same-sex requirement

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### Textual Amendments

**F21** S. 216 omitted (E.W.) (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **5(5)**; (N.I.) (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **17(5)** (with regs. 6-9); and (S.) (1.2.2021 for specified purposes, 1.6.2021 in so far as not already in force) by virtue of Civil Partnership (Scotland) Act 2020 (asp 15), ss. **2(5)**, 16; S.S.I. 2020/414, **reg. 2(1)(a)(2)**; S.S.I. 2021/23, **reg. 2, sch.** (with reg. 3)

## 217 Person domiciled in a part of the United Kingdom

- (1) Subsection (2) applies if an overseas relationship has been registered by a person who was at the time mentioned in section 215(2) domiciled in England and Wales.
- (2) The two people concerned are not to be treated as having formed a civil partnership if, at the time mentioned in section 215(2)—
  - (a) either of them was under [<sup>F22</sup>18], or
  - (b) they would have been within prohibited degrees of relationship under Part 1 of Schedule 1 if they had been registering as civil partners of each other in England and Wales.
- (3) Subsection (4) applies if an overseas relationship has been registered by a person who at the time mentioned in section 215(2) was domiciled in Scotland.
- (4) The two people concerned are not to be treated as having formed a civil partnership if, at the time mentioned in section 215(2), they were not eligible by virtue of paragraph (b), (c) or (e) of section 86(1) to register in Scotland as civil partners of each other.
- (5) Subsection (6) applies if an overseas relationship has been registered by a person who at the time mentioned in section 215(2) was domiciled in Northern Ireland.
- (6) The two people concerned are not to be treated as having formed a civil partnership if, at the time mentioned in section 215(2)—
  - (a) either of them was under 16, or
  - (b) they would have been within prohibited degrees of relationship under Schedule 12 if they had been registering as civil partners of each other in Northern Ireland.

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#### Textual Amendments

- F22** Word in s. 217(2)(a) substituted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), ss. 4(3), 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

## 218 The public policy exception

Two people are not to be treated as having formed a civil partnership as a result of having entered into an overseas relationship if it would be manifestly contrary to public policy to recognise the capacity, under the relevant law, of one or both of them to enter into the relationship.



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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\(2\)](#)