

2005 No. 2761

CIVIL PARTNERSHIP

**Civil Partnership (Registration Abroad and Certificates) Order
2005**

Made - - - - - *12th October 2005*
Laid before Parliament *24th October 2005*
Coming into force - - - *5th December 2005*

At the Court at Buckingham Palace, the 12th day of October 2005

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 210, 240, 241 and 244 of the Civil Partnership Act 2004(a) and all other powers enabling Her in that behalf, is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:

Citation and commencement

1. This Order may be cited as the Civil Partnership (Registration Abroad and Certificates) Order 2005 and shall come into force on 5th December 2005.

Definitions

2.—(1) In this Order—

“civil partnership officer” means a British Consular officer;

“overseas relationship” means a relationship which is either a specified relationship under Schedule 20 to the Act or a relationship which meets the general conditions in paragraph (2), and is registered (whether before or after the making of this Order) with a responsible authority in a country or territory outside the United Kingdom, by two people who under the relevant law are of the same sex at the time when they do so, and neither of whom is already a civil partner or lawfully married;

“the Act” means the Civil Partnership Act 2004;

“United Kingdom national” means a person who is—

- (i) a British citizen, a British overseas territories citizen, a British Overseas citizen or a British National (Overseas);

(a) 2004 c.33.

- (ii) a British subject under the British Nationality Act 1981(a); or
- (iii) a British protected person, within the meaning of that Act.

(2) The general conditions are that, under the law under which the overseas relationship was registered—

- (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
- (c) the effect of entering into it is that the parties are—
 - (i) treated as a couple either generally or for specified purposes, or
 - (ii) treated as married.

Formation of civil partnership by registration

3.—(1) Two people are to be regarded as having registered as civil partners of each other under this Order once each of them has signed the civil partnership document in accordance with article 10.

(2) No religious service is to be used while the civil partnership officer is officiating at the signing of a civil partnership document.

Registration of civil partnership by civil partnership officer

4.—(1) Subject to the restrictions in paragraph (2), two people may register as civil partners of each other in any country or territory outside the United Kingdom in the presence of a civil partnership officer.

(2) A civil partnership officer is not required to allow two people to register before him as civil partners of each other unless he is satisfied that the following conditions are met—

- (a) at least one of the proposed civil partners is a United Kingdom national,
- (b) the proposed civil partners would have been eligible to register as civil partners of each other in the relevant part of the United Kingdom,
- (c) the authorities of the country or territory in which it is proposed that they register as civil partners will not object to the registration, and
- (d) insufficient facilities exist for them to enter into an overseas relationship under the law of that country or territory.

(3) The civil partnership is—

- (a) void, if the condition in paragraph (2)(a) or (b) is not met, and
- (b) voidable, if—
 - (i) the relevant part of the United Kingdom is England and Wales or Northern Ireland and the circumstances fall within any paragraph of section 50(1) of the Act, or
 - (ii) the relevant part of the United Kingdom is Scotland and the circumstances fall within section 50(1)(d) of the Act.

(4) For the purposes of paragraph (2)(d), a country or territory which is listed in Schedule 20 to the Act as having a specified relationship has sufficient facilities to allow entry into an overseas relationship.

(5) For the purpose of paragraph (2)(b) and paragraph (3), the relevant part of the United Kingdom shall be the part jointly elected by the proposed civil partners under article 5(3)(f) or under article 13(2).

(a) 1981 c.61.

(6) A civil partnership officer is not required to allow two people to register before him as civil partners of each other if in his opinion the formation of a civil partnership between them would be inconsistent with international law or the comity of nations.

(7) If a civil partnership officer does not allow two people to register before him as civil partners of each other for the reason stated in paragraph (6) either person may appeal to the Secretary of State, who shall give to the civil partnership officer his decision thereon.

Notice of proposed civil partnership

5.—(1) A person may give signed notice to a civil partnership officer of his and another person's intention to register as civil partners of each other if both persons have been resident within the consular district of the civil partnership officer for a period of seven days immediately preceding the giving of the notice.

(2) Two people may not register as civil partners of each other under this Order unless one of them has given signed notice to the civil partnership officer at least fourteen days previously.

(3) The signed notice referred to in paragraph (1) shall contain the following information for both people who intend to register the civil partnership—

- (a) name,
- (b) surname,
- (c) nationality,
- (d) age,
- (e) residence,
- (f) the part of the United Kingdom which for the purposes of article 7(1) the proposed civil partners have jointly elected shall be the relevant part for the civil partnership registration.

(4) A notice of proposed civil partnership must also include a solemn declaration, made and signed by the person giving the notice—

- (a) at the time when the notice is given, and
- (b) in the presence of a civil partnership officer,

and the civil partnership officer must attest the declaration by signature.

(5) The solemn declaration referred to in paragraph (4) shall include the following information—

- (a) whether he has throughout the past seven days been resident within the district of the civil partnership officer,
- (b) whether there is any impediment of kindred or affinity, or other lawful hindrance to the formation of the civil partnership.

(6) The civil partnership officer may demand evidence of any of the information contained in the signed notice referred to in paragraph (1) before posting that notice.

6.—(1) The civil partnership officer shall file every notice received under article 5(1) and shall keep it within the archives of his office.

(2) The civil partnership officer shall display the relevant information from the notice in a conspicuous place within his office and shall continue to display it for a period of fourteen consecutive days before the civil partnership to which it refers may be formed.

(3) "The relevant information" means—

- (a) the name of the person giving the notice,
- (b) the name of that person's proposed civil partner,
- (c) the nationality of those persons,
- (d) the age of those persons, and
- (e) the date on which notice was given.

Parental etc. consent where the proposed civil partner is under 18

7.—(1) Where either proposed civil partner is under the age of 18, and the proposed civil partners have elected that for the purposes of article 5(3)(f) the part of the United Kingdom which shall be the relevant part for the civil partnership registration is either England and Wales or Northern Ireland, then, save in the case of an election in respect of England and Wales where the proposed civil partner under the age of 18 is a surviving civil partner or a widow or widower, the written consent of the appropriate persons is required to be given to the civil partnership officer before a person under the age of 18 and another person may register as civil partners of each other. Identification of appropriate persons shall be determined in accordance with sections 4 and 145 of, and Schedules 2 and 13 to, the Act as the law on appropriate persons to give consent is applied thereby to England and Wales and Northern Ireland respectively.

(2) Where the consent of appropriate persons is required under this article, the necessary declaration under article 5(4) must also state in relation to each appropriate person that that person's consent has been obtained or state that no person exists whose consent is required to a civil partnership between the proposed civil partner under 18 and another person.

(3) The Secretary of State may dispense with the requirement to obtain consent if he is satisfied that it cannot be obtained because of the absence, inaccessibility or disability of the person whose consent is so required.

(4) On request by personal attendance of any person whose consent is required, the civil partnership officer shall produce the notice given under article 5(1). Such person may forbid the formation of the civil partnership referred to in the notice at any time before the proposed civil partners have registered as civil partners of each other by writing the word 'forbidden' upon the notice, together with his name and address and a statement of his capacity so to forbid. If forbidden, the notice and all proceedings on it shall be void.

(5) 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.

Objections

8.—(1) Any person may enter with the civil partnership officer an objection, signed by him or on his behalf, stating his name, residence and the ground of objection against the registration of a civil partnership by the person named therein.

(2) Where an objection has been lodged, the person named therein may not form a civil partnership until either the objection has been withdrawn by the person who entered it, or the civil partnership officer is satisfied that the objection ought not to obstruct the person named from forming a civil partnership.

Expiry of notice

9.—(1) A civil partnership shall not be formed if notice under article 5(1) has not been given within the preceding three months.

(2) Where appeal has been made to the Secretary of State under article 4(7), or investigation has been made into an objection under article 8(2), the notice shall be valid until three months after the person concerned was informed that the civil partnership could be registered, after which period the civil partnership shall not be formed.

Registration

10.—(1) After the fourteen day period in article 5(2) has elapsed, two people may register as civil partners of each other while the notice which they have given under article 5(1) has not expired under article 9(1).

(2) Two people can only register as civil partners of each other in the presence of the civil partnership officer at his official house in the presence of two witnesses, at a time to be set by the civil partnership officer between the hours of 8 am and 6 pm (local time).

- (3) The civil partnership document shall be signed by—
- (a) the two persons registering as civil partners of each other,
 - (b) two witnesses, and
 - (c) the civil partnership officer.
- (4) The civil partnership document shall contain the following information—
- (a) date and place of registration,
 - (b) for each of the two persons registering as civil partners of each other—
 - (i) name,
 - (ii) nationality,
 - (iii) residence,
 - (iv) date of birth,
 - (v) place of birth,
 - (c) for each of the two witnesses—
 - (i) name,
 - (ii) residence,
 - (d) for the civil partnership officer—
 - (i) name.

(5) Every place within the curtilage or precincts of the building which is for the time being used as the office of the civil partnership officer shall be part of his official house and every place to which the public have ordinary access in such official house shall be deemed to be part of the office of the civil partnership officer.

(6) A certificate of the Secretary of State as to any house or other place being, or being part of, the official house of a civil partnership officer shall be conclusive.

Fees

11. For any action which he undertakes in accordance with this Order, the civil partnership officer shall be entitled to have such fee as may be set from time to time by Order in Council made under the Consular Fees Act 1980(a).

Proof of certain matters not necessary to validity of civil partnership

12. After two people have registered as civil partners of each other it shall not be necessary to prove—

- (a) that the civil partners fulfilled any requirement of residence that may have been upon them,
- (b) that any necessary consent was obtained,
- (c) that the civil partnership officer had authority to register the civil partners, or
- (d) that registration took place within the official house of the civil partnership officer,

and no evidence to prove the contrary shall be given in any legal proceeding touching the validity of the civil partnership.

Waiver of formal requirements

13.—(1) If the Secretary of State is satisfied that a proposed civil partnership is a special case and that there are good reasons why the requirements as to residence, notice or the waiting period

(a) 1980 c.23.

in article 5(2) cannot be complied with, and he is satisfied that the proposed civil partnership is not clandestine, he may authorise the civil partnership officer to dispense with these requirements.

(2) In cases falling under paragraph (1), the proposed civil partners shall, before the civil partnership is formed between them, sign a declaration containing such information as would have been contained in a notice under article 5(1), had such a notice been given, and noting the good reasons why any requirements have been dispensed with, and the declaration shall be given to the civil partnership officer.

Transmission of documents to UK

14.—(1) The civil partnership officer shall retain one copy of each civil partnership document registered by him and shall also transmit a certified copy of each such document to the Registrar General for England and Wales.

(2) Where the Registrar General for England and Wales receives a copy of a civil partnership document sent to him under paragraph (1) and the civil partners have elected that the relevant part of the United Kingdom under articles 5(3)(f) or 13(2) is to be Scotland or Northern Ireland, he shall send a certified copy of the civil partnership document to the appropriate Registrar General.

(3) Any person shall be entitled to obtain from the Registrar General for England and Wales, from the Registrar General of Births, Deaths and Marriages for Scotland or from the Registrar General in Northern Ireland, a certified copy of a civil partnership document received by him under paragraphs (1) or (2) on payment of a fee in respect of the provision of the copy and any necessary search for the document.

(4) The fee payable under paragraph (3) shall be the same fee as is for the time being charged by that Registrar General for the provision of a certified copy of, and any necessary search for, an entry in the records in his custody of civil partnerships.

(5) A certified copy provided by the Registrar General under paragraph (3) of an entry in the register shall be sufficient evidence of the formation of a civil partnership.

(6) In this article, “the appropriate Registrar General” means the Registrar General of Births, Deaths and Marriages for Scotland, or the Registrar General in Northern Ireland, as the case may be.

Transmission to UK of certificates of overseas relationships

15.—(1) A United Kingdom national who has registered an overseas relationship may request the civil partnership officer for the consular district in which that overseas relationship was registered to transmit the certificate of that overseas relationship to the Registrar General for England and Wales, the Registrar General of Births, Deaths and Marriages for Scotland, or the Registrar General in Northern Ireland.

(2) A certificate of an overseas relationship presented under paragraph (1) shall be accompanied by a translation into English, if not already in English.

(3) The civil partnership officer shall, if he is satisfied that the certificate has been duly issued by the appropriate authority and that the translation is a true one, transmit the said certificate and translation, together with his own certificate regarding the accuracy of the translation, to the Registrar General for England and Wales, the Registrar General of Births, Deaths and Marriages for Scotland or the Registrar General in Northern Ireland, as appropriate.

(4) Any person shall be entitled to obtain, from the Registrar General for England and Wales, from the Registrar General of Births, Deaths and Marriages for Scotland, or from the Registrar General in Northern Ireland, a certified copy of any document transmitted to him under paragraph (3) on payment of a fee in respect of the provision of the copy and any necessary search for the document.

(5) The fee payable under paragraph (4) shall be the same fee as is for the time being charged by that Registrar General for the provision of a certified copy of, and any necessary search for, an entry in the records in his custody of civil partnerships.

(6) A certified copy provided by the Registrar General under paragraph (4) of an entry in the register shall be sufficient evidence of the formation of an overseas relationship.

Register Book

16. Each civil partnership officer before whom a civil partnership has been registered shall maintain a register of all civil partnerships registered before him.

Certificate of no impediment

17.—(1) Where a United Kingdom national wishes to register an overseas relationship with a person who is not a United Kingdom national or a citizen of a country mentioned in Schedule 3 to the British Nationality Act 1981^(a) he may apply to the registration authority, or to the civil partnership officer responsible for the area in which he resides, or to the civil partnership officer responsible for the consular district in which the overseas relationship is to be registered, for a certificate that no impediment to the civil partnership being registered has been shown to the Registrar General or civil partnership officer to exist.

(2) Where the person making application under paragraph (1) is resident within the United Kingdom, he shall before the certificate may be issued first give notice to the registration authority, together with payment of the appropriate fee, stating that he has been resident in the United Kingdom throughout the previous twenty-one days, following which giving of notice the certificate may be issued after a further period of twenty-one days has elapsed.

(3) Where the person making application under paragraph (1) is resident outside the United Kingdom, he shall before the certificate may be issued first give notice to the appropriate civil partnership officer stating that he has been resident in the area where he resides throughout the previous twenty-one days, following which giving of notice the certificate may be issued after a further period of twenty-one days has elapsed.

(4) The registration authority or civil partnership officer shall not issue the certificate if he is aware of any reason why such a certificate should not be issued.

(5) The registration authority or civil partnership officer may request from the applicant any information which he considers relevant to the decision whether or not to issue the certificate.

Jurisdiction

18. Two people who register as civil partners of each other under this Order are to be treated for the purposes of sections 221(1)(c)(i) and (2)(c)(i), 222(c), 224(b), 225(1)(c)(i) and (3)(c)(i), 229(1)(c)(i) and (2)(c)(i), 230(c) and 232(b) of the Act and section 1(3)(c)(i) of the Presumption of Death (Scotland) Act 1977^(b) as if they had registered their civil partnership in the part of the United Kingdom jointly elected by them under articles 5(3)(f) or 13(2).

Forms

19. The forms in the Schedule to this Order shall be used in all cases to which they are applicable.

A.K.Galloway
Clerk of the Privy Council

(a) 1981 c.61.
(b) 1977 c.27.

SCHEDULE

Notice for Registration of Civil Partnership at British Consulate

NOTICE FOR REGISTRATION OF CIVIL PARTNERSHIP

To the British (Consul-General, Consul or Vice-Consul) at the British
 in

I HEREBY GIVE YOU NOTICE, that a civil partnership under the Civil Partnership Act 2004
 is intended to be registered at the British in
 on (date of registration) between
 me and the other Party herein named and described (that is to say)

Name and Surname	Nationality	Condition (single or otherwise)	Profession	Age	Address

We elect as the relevant part of the UK for the purposes of this registration England/Wales/Scotland/Northern Ireland)

Witness my hand, this day of 20

Notice for Display for Registration of Civil Partnership at British Consulate

NOTICE FOR REGISTRATION OF CIVIL PARTNERSHIP

The British (Consul-General, Consul or Vice-Consul) at the British
..... in

HEREBY GIVES NOTICE, that a civil partnership will be registered at the British
in

on (date of registration)
between

Name and Surname	Nationality	Age

Witness my hand, this day of 20
..... (signature)

Declaration for Registration of Civil Partnership At British Consulate

I,

.....

of

do solemnly and sincerely affirm as follows-

- (1) A civil partnership is proposed to be registered between me and
- (2)
- (3) of... ..
- (4) I believe that there is not any impediment by reason of kindred or affinity, or other lawful hindrance of the above partnership.
- (5) I have for seven days immediately preceding this date had my usual residence within the district of the British (Consul-General, Consul or Vice-Consul) at
- (6) I am not under the age of 18 years [or I am under the age of 18 years, but the consent of the persons whose consent to the partnership is required by law has been obtained or I am under the age of 18 years, but there is no person whose consent of the partnership is required by law].

Sworn at)

this day of 20)

Before me)

At

(signature of deponent)

(Signature and official stamp of civil partnership officer)

Certificate of No Impediment to Civil Partnership has been shown to exist for Registration of an Overseas Relationship

Whereas, a
[national status] residing at has given
public notice of his/her proposed civil partnership with,
a [national status], Her Majesty's... ..
at, hereby certifies that no legal impediment to
the said partnership has been shown to me to exist.

Given at
this day of 20

(Signature and official stamp of registration authority/civil partnership officer)

EXPLANATORY NOTE

(This note is not part of the Order)

Section 210 of the Civil Partnership Act 2004 empowers Her Majesty, by Order in Council, to make provision for two people to register as civil partners of each other in prescribed countries or territories outside the United Kingdom in the presence of a prescribed officer of Her Majesty's Diplomatic Service.

The conditions under which registration may take place are set out in articles 3 to 10 of the Order. These include the physical act of registration, the giving of notice and the requirement of consent. Article 12 provides that, once registration of the partnership has taken place, it shall not be required to prove certain matters to ascertain its validity. Article 13 allows the Secretary of State, in special cases, to dispense with certain formal requirements.

Section 240 of the Civil Partnership Act 2004 empowers Her Majesty, by Order in Council, to make provision for the issue of certificates of no impediment in respect of UK nationals and Commonwealth citizens who wish to enter into overseas relationships. Article 17 provides for this.

Section 241 of the Civil Partnership Act 2004 empowers Her Majesty, by Order in Council, to make provision for the transmission to the UK of certificates of registration of overseas relationships. This is done at article 15. Article 14 provides for the transmission to the UK of civil partnership documents in respect of civil partnerships registered under the Order.

Articles 18 and 19 respectively set out rules on jurisdiction and refer to the forms contained in the Schedule. Article 11 cross-refers to the fee regime in respect of the Order which will be established under the Consular Fees Act 1980.

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