
EXPLANATORY NOTE

(This note is not part of the Order)

Part 2 of this Order contains article 3 which amends Schedule 20 to the Civil Partnership Act 2004 (“the Act”). Schedule 20 specifies certain overseas relationships that may be treated as civil partnerships for the purposes of the Act. Paragraphs (a), (b) and (c) add references to the names for the relationship under other official language(s) of the country or territory in question. Paragraph (a) of article 3 adds the Dutch and German expressions in relation to Belgium, paragraph (b) adds the French name in relation to Quebec and paragraph (c) adds the Swedish in relation to Finland. Paragraphs (d) and (e) of article 3 rectify two typographical errors relating to a “pacte civil de solidarité” (civil solidarity pact in France), and a “geregistreerd partnerschap” (registered partnership in the Netherlands). Paragraph (f) omits the translations previously given.

Part 3 of this Order introduces Schedules 1 to 4 to the Order. The Schedules make amendments, which are consequential on and supplementary to the Act, of other Acts and Church legislation.

Schedule 1 contains amendments relating to registration matters with respect to civil partnerships.

Paragraph 1 of Schedule 1 amends the Savings Banks Act 1887 by inserting sections 10A, 10B, and 10C.

Section 10A applies to England and Wales. The amendment enables a person to obtain a certificate of civil partnership from the registration authority for the area in which the civil partnership was formed in accordance with regulations made under section 36 of the Act and for a fee prescribed under section 34(1) of the Act.

Section 10B applies to Scotland. The amendment enables a person to obtain a certificate of civil partnership from a district registrar in such manner as approved by the Registrar General for Scotland.

Section 10C applies to Northern Ireland. The amendment enables a person to obtain a certification of civil partnership from the Registrar General for Northern Ireland or a registrar or deputy registrar of civil partnership in accordance with regulations made under section 159(1) of the Act for a fee prescribed under section 157 of the Act and in such form as is approved by the Department of Finance and Personnel.

Paragraph 2 of Schedule 1 amends section 19 of the Registration Service Act 1953. The reference to abstracts of live births, still births, deaths and marriages registered in section 19 is amended to include abstracts of civil partnerships registered. The effect of the amendment is to enable the Registrar General to send to the Minister annually a general abstract of the number of civil partnerships registered in the year last preceding for laying before each House of Parliament.

Paragraph 3 of Schedule 1 extends the exclusion from the definition of public records under paragraph 2 of Schedule 1 to the Public Records Act 1958 to records relating to the registration of civil partnerships.

Paragraph 4 of Schedule 1 amends the Social Security Administration Act 1992 by inserting sections 124A and 124B.

Section 124A applies to England and Wales. The amendment enables a person, for the purposes mentioned in section 124(1) of the Social Security Administration Act 1992, to obtain from the registration authority for the area in which the civil partnership was formed, a certified copy of an entry in the civil partnership register in accordance with regulations made under section 36 of the Act and for a fee prescribed under section 34(1) of the Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Section 124B applies to Scotland. The amendment enables a person, for the purposes mentioned in section 124(1) of the Social Security Administration Act 1992, to obtain from a district registrar, a certified copy of the entry in the civil partnership register, of the particulars of the civil partnership. Requests for certificates are to be made in such manner as is approved by the Registrar General for Scotland.

Paragraph 5 of Schedule 1 amends section 167(5) of the Pension Schemes Act 1993. Section 167(5) of the Pension Schemes Act 1993 applies section 124 of the Social Security Administration Act 1992 so that the purposes mentioned in section 124(1) of the Social Security Administration Act 1992 for which prescribed information may be provided also includes the purposes of specified provisions of the Pension Schemes Act 1993 referred to as “the relevant provisions” (see section 164(1)(b) of the Pension Schemes Act 1993). The amendment to section 167(5) of the Pension Schemes Act 1993 ensures that prescribed information about civil partnerships which may be provided for the purposes mentioned in section 124(1) of the Social Security Administration Act 1992, by virtue of the new sections 124A and 124B of that Act, may also be provided for the purposes of the relevant provisions.

Schedule 2 amends the Marriage Act 1949 (“the 1949 Act”) to enable former civil partners, one of whom has changed sex as a result of the issue of a full gender recognition certificate under section 5A(1) of the Gender Recognition Act 2004, to marry under Part 3 of the 1949 Act without being delayed by the waiting period ordinarily provided for in section 31(4A).

Schedule 3 contains amendments of Church legislation.

Paragraph 1(2) of Schedule 3 amends section 36 of the Pluralities Act 1838 to extend to surviving civil partners the right presently enjoyed by the surviving spouse of a cleric who has died in office to remain in occupation of the parsonage house for a period of not more than two months after the date of that cleric’s death.

Paragraph 1(3) of Schedule 3 amends section 43 of the Pluralities Act 1838 to extend the discretion of a bishop to grant a licence to a cleric to reside out of the benefice or the parsonage house, for a period of not exceeding six months, in circumstances where that cleric’s spouse or child is dangerously ill, to enable the illness of a civil partner to be taken into account in the same way.

Paragraph 2 of Schedule 3 amends section 1(6) of the Parsonages Measure 1938 to extend the definition of a “connected person”, whose involvement in certain transactions relating to parsonage houses requires the consent of the Church Commissioners, to include a civil partner of various specified persons already within this definition.

Paragraph 3(2) of Schedule 3 amends section 11 of the Patronage (Benefices) Measure 1986, which sets out the requirements relating to the meeting of a parochial church council convened after notification of a vacancy, to provide that a civil partner of the outgoing incumbent may not attend such a meeting.

Paragraph 3(3) of Schedule 3 amends section 12(4) of the 1986 Measure to make similar provision to that in paragraph 3(2) in the case of a joint meeting of the parochial church council with the bishop and patron.

Paragraph 4 of Schedule 3 amends section 2(5) of the Church of England (Legal Aid) Measure 1994 to extend the criteria to which the Legal Aid Commission must have regard in deciding whether to grant legal aid to a cleric (and, if so, to what extent) so that the financial resources of a civil partner are to be taken into account in the same way as those of a spouse.

Schedule 4 contains further amendments, which are consequential upon the Act.

A Regulatory Impact Assessment has not been produced for this Order as it has no impact on the costs of business, charities or voluntary bodies; neither does it have significant financial impact on any public bodies. A full Regulatory Impact Assessment for civil partnership was published alongside the Act and can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>.