
STATUTORY INSTRUMENTS

2019 No. 1458

The Civil Partnership (Opposite-sex Couples) Regulations 2019

PART 3

Religious protection

Approval of religious premises for formation of civil partnership

7. In section 6 of the Civil Partnership Act 2004(1), after subsection (3C) insert—

“(3D) Where, further to regulations under section 6A of this Act or section 2 of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019, an approval of premises for the purposes of subsection (3A)(a) has effect—

- (a) only in relation to civil partnerships formed by two people of the same sex, or
 - (b) only in relation to civil partnerships formed by two people of the opposite sex,
- the premises are “approved premises”, for the purposes of this Part, only in relation to civil partnerships of that sort.”.

8.—(1) The Marriages and Civil Partnerships (Approved Premises) Regulations 2005(2) are amended as follows.

(2) Omit regulation 2B.

(3) In regulation 2D, after paragraph (7) insert—

“(7A) Consent under this regulation must specify that it is consent to an application for approval in accordance with paragraph (a), (b) or (as the case may be) (c) of regulation 3A(1A).”.

(4) In regulation 3A, after paragraph (1) insert—

“(1A) The application must state that approval, if granted, is to have effect—

- (a) in relation to civil partnerships generally,
- (b) only in relation to civil partnerships formed by two people of the same sex, or
- (c) only in relation to civil partnerships formed by two people of the opposite sex.”.

(5) After regulation 6 insert—

“Effect of approval of religious premises

6A.—(1) An approval of religious premises has effect—

- (a) in relation to civil partnerships generally;
- (b) only in relation to civil partnerships formed by two people of the same sex; or
- (c) only in relation to civil partnerships formed by two people of the opposite sex.

(1) Section 6 was amended by [S.I. 2005/2000](#) and by the Equality Act 2010 ([c.15](#)), Schedule 27, paragraph 1.
(2) [S.I. 2005/3168](#), amended by [S.I. 2011/2661](#); there are other amending instruments but none is relevant.

(2) Which of sub-paragraphs (a), (b) or (c) of paragraph (1) applies depends on what was stated—

- (a) in the application further to which the approval was granted (in accordance with regulation 3A(1A)), or
- (b) if the approval has been renewed further to an application made in reliance on regulation 7(7), in the most recent such application.”.

(6) In regulation 7, after paragraph (6) insert—

“(7) An application for renewal of an approval of religious premises may state that the approval is to have effect after the renewal (if granted) in accordance with a different sub-paragraph of regulation 6A(1) from that in accordance with which it has effect before the renewal.

(8) Regulation 2D applies to an application for renewal made in reliance on paragraph (7) as it applies to an application for approval, but as if for paragraph (7A) of that regulation there were substituted—

“(7A) Consent under this regulation must specify that it is consent to an application for renewal that will result in the approval having effect in accordance with sub-paragraph (a), (b) or (as the case may be) (c) of regulation 6A(1).”.

(7) In regulation 10(1A), for the words from “that premises” to the end substitute—

“—

- (a) that premises are religious premises approved for the formation of civil partnerships; and
- (b) whether the approval of such premises has effect—
 - (i) in relation to civil partnerships generally;
 - (ii) only in relation to civil partnerships formed by two people of the same sex; or
 - (iii) only in relation to civil partnerships formed by two people of the opposite sex.”.

(8) In the heading of regulation 16, at the end insert “relating to the 1995 Regulations”.

(9) After regulation 16 insert—

“Transitional provisions relating to the introduction of opposite-sex civil partnership

17.—(1) Any approval of religious premises in force immediately before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force has effect, on and after that date, in accordance with regulation 6A(1)(b) (approval having effect only in relation to same-sex partnerships).

(2) Any application for approval of religious premises made before the date on which the Civil Partnership (Opposite-sex Couples) Regulations 2019 came into force is to be treated, on and after that date (so far as anything remains to be done in relation to it), as having been made in accordance with regulation 3A(1A)(b) (approval sought only in relation to same-sex partnerships).

(3) The holder of an approval of religious premises which, by virtue of paragraph (1) or (2), has effect in accordance with regulation 6A(1)(b) may apply to modify the approval so that it has effect in accordance with sub-paragraph (a) or (c) of regulation 6A(1) instead.

(4) Regulation 2D (required consent) applies to an application under paragraph (3) as it applies to an application for approval of religious premises, but as if for paragraph (7A) of that regulation there were substituted—

“(7A) Consent under this regulation must specify that it is consent to an application for modification that will result in the approval having effect in accordance with sub-paragraph (a) or (as the case may be) (c) of regulation 6A(1).”.

- (5) The applicant must deliver to the proper officer of the authority—
 - (a) an application in writing, including the name and address of the applicant; and
 - (b) the required consent (or in the case of premises within the meaning of regulation 2D(8), each of the required consents).
- (6) The applicant must provide the authority with such additional information as it may reasonably require in order to determine the application.
- (7) If satisfied that the application has been made in accordance with this regulation, the authority must grant the modification; and if not so satisfied, the authority must refuse the modification.
- (8) A holder of an approval who is aggrieved in relation to a decision under paragraph (7) to refuse a modification may request a review of that decision by delivering a request to the proper officer of the authority.
- (9) On such a review the authority may, acting in accordance with paragraphs (3) to (7), confirm the original decision or substitute a different decision.
- (10) Paragraphs (4) and (6) of regulation 9 apply to a review under paragraph (8) as they apply to a review under that regulation.
- (11) The proper officer must amend the register kept under regulation 10 immediately on the grant of a modification under paragraph (7).
- (12) A modification granted under paragraph (7)—
 - (a) results in the approval having effect in accordance with regulation 6A(1)(a) or (as the case may be) (c); but
 - (b) has no effect on the duration of the approval so modified.”.

Protection against compulsion in relation to religious involvement in civil partnership

- 9.—(1) The Civil Partnership Act 2004 is amended as follows.
- (2) In section 6A(3), omit subsection (3A).
- (3) After section 30 insert—

“Religious involvement: protection against compulsion

- 30ZA.**—(1) A protected person may not be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to—
 - (a) seek or consent to the approval of religious premises for the purposes of section 6(3A)(a)(4),
 - (b) allow religious premises to be used as the place at which two people register as civil partners of each other under this Part, or
 - (c) provide, arrange, facilitate, participate in, or be present at—
 - (i) an occasion during which two people register as civil partners of each other on religious premises under this Part, or
 - (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

(3) Section 6A was inserted by [S.I. 2005/2000](#) and amended by [S.I. 2008/678](#) and the Equality Act 2010, section 202(3) and 4.

(4) Section 6(3)-(3C) was substituted for section 6(3) by [S.I. 2005/2000](#).

where the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(2) In this section—

“protected person” means—

- (a) a religious organisation,
- (b) a constituent body or part of a religious organisation, or
- (c) a person acting on behalf of, or under the auspices of, such an organisation, body or part,

but does not include a civil partnership registrar;

“religious premises” has the meaning given by section 6A(3C).”.

10.—(1) The Equality Act 2010⁽⁵⁾ is amended as follows.

(2) In section 110⁽⁶⁾, after subsection (5B) insert—

“(5BA) If A is a protected person, A does not contravene this section if A—

- (a) does not allow religious premises to be used as the place at which two people register as civil partners of each other under Part 2 of the Civil Partnership Act 2004 (“the 2004 Act”), or
- (b) does not provide, arrange, facilitate or participate in, or is not present at—
 - (i) an occasion during which two people register as civil partners of each other on religious premises under Part 2 of the 2004 Act, or
 - (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

for the reason that the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(5BB) In subsection (5BA)—

“protected person” has the meaning given by section 30ZA(2) of the 2004 Act;

“religious premises” has the meaning given by section 6A(3C) of the 2004 Act.”.

(3) In Part 6A of Schedule 3⁽⁷⁾—

- (a) in the heading, after “Same Sex Couples” insert “and Civil Partnership”;
- (b) after paragraph 25A insert—

“No compulsion for religious organisations or persons acting on their behalf to act in relation to civil partnerships

25AA.—(1) A protected person does not contravene section 29 only because the person—

- (a) does not allow religious premises to be used as the place at which two people register as civil partners of each other under Part 2 of the Civil Partnership Act 2004 (“the 2004 Act”), or
- (b) does not provide, arrange, facilitate or participate in, or is not present at—

(5) 2010 c. 15.

(6) Section 110 was amended by the Marriage (Same Sex Couples) Act 2013, section 2(5) and S.I. 2014/3229.

(7) Part 6A was added by the Marriage (Same Sex Couples) Act 2013, section 2(6).

- (i) an occasion during which two people register as civil partners of each other on religious premises under Part 2 of the 2004 Act, or
- (ii) a ceremony or event in England or Wales to mark the formation of a civil partnership,

for the reason that the person does not wish to do things of that sort in relation to civil partnerships generally, or those between two people of the same sex, or those between two people of the opposite sex.

(2) An employer or principal does not contravene section 29 only because the employer or principal is treated under section 109 as doing something that does not, by virtue of sub-paragraph (1), amount to a contravention of section 29 by the employee or agent who in fact does it.

(3) In this paragraph—

“protected person” has the meaning given by section 30ZA(2) of the 2004 Act;

“religious premises” has the meaning given by section 6A(3C) of the 2004 Act⁽⁸⁾.”.

Religious employment of persons in same-sex or opposite-sex civil partnerships

11. In Schedule 9 to the Equality Act 2010, in paragraph 2(4)—

(a) in paragraph (ca)⁽⁹⁾, after “married to” insert “, or the civil partner of,”;

(b) after paragraph (ca) insert—

“(cb) a requirement not to be the civil partner of a person of the opposite sex;”.

⁽⁸⁾ Section 6A(3C) was added by [S.I. 2005/2000](#).

⁽⁹⁾ Paragraph (ca) was added by the Marriage (Same Sex Couples) Act 2013, Schedule 7, paragraph 45.