



RIGHTS *of*
WOMEN
helping women through the law

Entering into a civil partnership

This guide explains civil partnerships and how to enter into a civil partnership



Civil partnerships have been available to single sex couples since 5th December 2005 and to all couples since 2nd December 2019. Civil partnerships provide couples with the same legal relationship, rights and responsibilities as those who are married. A civil partnership can only be ended by dissolution or annulment or by the death of one of the partners. See our guide to **Dissolving civil partnerships**.

This guide relates only to the legal aspects of forming a civil partnership. For practical advice and emotional support see the **Useful contacts** section at the end of this leaflet.

Entering into a civil partnership has important consequences. For example you and your civil partner will:

- be each other's next-of-kin
- be able to apply for parental responsibility for each other's children
- be treated in the same way as married couples for the purposes of life assurance
- have additional employment and pension benefits
- inherit each others' property automatically if one partner dies without having a will
- be able to apply for fatal accidents compensation
- have the same rights as married couples for the purposes of any immigration applications
- apply for orders relating to finances and properties belonging to one or both of you if you separate, in the same way that married couples can make claims for financial provision on divorce.

Who can enter into a civil partnership?

You can enter into a civil partnership if:

- you are over 18 years old, or you are 16-17 years old and have permission from those with parental responsibility for you, and
- you are not already in a civil partnership or married, and
- you are not closely related to the person you want to enter into the civil partnership with. Seek legal advice if you are unsure whether you are closely related or not.

Entering into a civil partnership

Below is the standard procedure for entering into a civil partnership. However, if you and / or your partner are housebound, detained in prison or hospital or terminally ill there are special procedures that can be followed.

If you are subject to immigration control then the standard procedure does not apply. You are subject to immigration control if you require permission to enter or remain in the U.K. You can still apply to form a civil partnership in the UK, however different rules apply. You can

find out more about these rules on the government website about marriages and civil partnerships - www.gov.uk/marriages-civil-partnerships

Standard procedure

You and your partner will need to give notice in person to **the register office** for the area where you live. The area where you live is the area where you have resided for at least seven days (even if you have travelled to the UK from abroad to register).

If you wish to enter into a partnership in a different area to where you live you should also contact the registration authority where you would like the registration to take place because you need to ensure that a civil partnership registrar will be available to attend the registration on the day that you want.

You can search for a register office on the government website about register offices - www.gov.uk/register-offices

You will need to provide the register office with the following information. Any documents you bring must be the originals:

- your name and surname
- your date of birth
- your relationship status (whether you have been single, in a civil partnership or marriage before)
- your nationality
- details of the place where you intend to register your civil partnership.

If you have been in a civil partnership or marriage before you will also need to produce documents that confirm that you

are now free to register a civil partnership. These could include:

- a **decree absolute** of your divorce
- a **final order of dissolution** of a civil partnership
- a **death certificate** of your former civil partner or spouse

After notice has been given you must wait **29 days** before the civil partnership can be registered. Once the 29 days has passed you and your partner will be free to enter into a partnership at any time over the following year. So if you and your partner give notice on 1st March 2021 the registration can take place on or after 30th March 2021 but must take place before 30th March 2022.

If you and your partner live in different registration districts you both need to give notice to your separate register office. You do not need to do this on the same day, and you need to wait the 29 days between notification and registration.

There is a fee to give notice at the register office which is usually £35 per person. The fee is £47 per person if either of you are from outside the EU, EEA or Switzerland **and** you need a visa to live in the UK **and** you do not have a civil partnership visa or a family visa.

You can give notice from outside of the UK if live in or are from one of the countries that have signed up to the British Subjects Facilities Act. The list of these countries is on the government website about giving notice - www.gov.uk/marriages-civil-partnerships/give-notice

Where can we register our civil partnership?

A civil partnership can be registered at a register office or any premises that has been approved for the registration of civil partnerships. Approved premises can include hotels and restaurants, stately homes and even certain beaches or football grounds. To search for your local register office or approved premises contact the General Register Office - www.gov.uk/government/publications/civil-marriages-and-partnerships-approved-premises-list

On the day of registration both of you will sign a legal document called the **civil partnership schedule** in the presence of the registration officer and two witnesses. The registration officer and the witnesses will then also sign the civil partnership schedule.

There is no legal requirement to have a ceremony. You can choose to simply sign the schedule or you can organise a ceremony. The law forbids any religious service from taking place **during** the registration of a civil partnership as it is a non-religious process. If you wish you can arrange your own religious service to take place before or after the registration of your civil partnership.

Once you have registered your civil partnership you will receive a **civil partnership certificate**.

Legal Relationships formed outside of the UK

There are two ways in which in which your relationship formed outside of the UK may be recognised for legal purposes in the UK. These are:



1. If you have registered your relationship in one of the countries listed at the end of this guide it will be treated as a civil partnership in the UK for legal purposes. The only reason it will not be treated as a civil partnership is if there is some public policy reason.
2. Your relationship meets certain general conditions, for example, that you have entered into a legal relationship which means that you are treated as a couple.

You can get further information and advice about international civil partnerships at www.stonewall.org.uk/help-advice/partnership-rights/immigration

Registering a civil partnership outside of the UK

You can enter into a civil partnership abroad in the British Embassy or High Commission of the country concerned (providing that the country does not object to the registration taking place). The procedure is the same for registering a civil partnership in the UK but in some countries you may be asked to obtain further documentation. Contact your local registration authority or the Embassy or High Commission concerned for further information.

Civil partnerships and children

For information about your rights and responsibilities in respect of each other's children please see Rights of Women's guides on:

Children and the law: parental responsibility, Children and the law: when parents separate, and Children and the law: A guide to lesbian parenting.

Financial rights

Welfare benefits and tax credits

From 5th December 2005 same-sex couples who live together and who are claiming welfare benefits and / or tax credits will be **treated as a couple** and not as two single people. This will apply to couples **whether they are civil partners or simply living together**. This means that if you live with your same-sex partner and one or both of you is claiming any of the following benefits as a single person, you will need to claim again as a couple:

- Universal Credit
- Income Support
- Income Based Jobseeker's Allowance
- Income Based Employment and Support Allowance
- Pension Credit
- Housing or Council Tax Benefit
- Tax Credits

When you apply for these benefits as a couple the income and savings of both you and your partner will be taken into account when working out whether you are eligible for benefit and how much you are eligible for. This means that you may no longer be entitled to benefits that you are currently receiving or that the amount you receive goes down.

However, if you get **Maternity Allowance, Employment and Support Allowance** or **Carer's Allowance**, you may be able to claim extra benefit for your civil partner. Contact your local benefits office for further information about welfare benefits and tax credits as this is a complex area.

Tax

Civil partners will be treated in the same way as married couples for all tax purposes. This will mean that you and your civil partner will be able to transfer assets to each other, such as property or shares, without having to pay Capital Gains Tax (CGT). If one of you was born before 6th April 1935, you will be eligible for a tax allowance. If one of you dies any money or property you leave the other will be free from inheritance tax. However, on entering a civil partnership you lose your individual CGT allowance in relation to the transfer or disposal of property or assets to others.

Employment

Employers may give their employees benefits either for themselves or their spouses and partners. Some of these benefits, such as parental leave, adoption or carer's leave are required by law whilst others, such as travel expenses or private health insurance are discretionary.

The Equality Act 2010 forbids discrimination in the provision of employment benefits to same-sex partners in comparison with unmarried opposite-sex partners. The law on civil partnerships extends this protection by forbidding

discrimination in the provision of benefits to civil partners in comparison with married couples.

This means that as a civil partner you will have the same employment rights as a married person to, for example, take time off work to deal with certain emergencies involving your civil partner. Similarly, where discretionary benefits have been offered to married employees but not co-habiting couples (whether same-sex or opposite-sex) these benefits must now be offered to civil partners. This means employers cannot treat civil partners less favourably than married couples but that they can treat civil partners and married couples more favourably than co-habiting couples (whether same-sex or opposite-sex).

Pensions

As a civil partner you will have most of the same state pension rights as widowers and will be treated the same as widows and widowers. You will also be able to claim survivor pensions in public service schemes and contracted-out pension schemes.

As is the case with other employment benefits (see above) the law forbids discrimination between same-sex couples and unmarried opposite-sex couples and between civil partners and married partners. So, if you or your partner belongs to an occupational or private pension scheme which offers benefits to married partners (such as the payment of death in service benefits or a survivor's pension) that scheme must offer the same benefits to civil partners.

Death of a civil partner

When you register a civil partnership any will that either of you has made is automatically invalidated unless it was made with the formation of a civil partnership in mind. If your civil partner dies without having made a will you will inherit your partner's estate. Civil partners will inherit money and any property free from inheritance tax.

When you enter into a civil partnership you become your partner's **next-of-kin**. This means you will be able to register your partner's death and have the right to organise their funeral. If you are not in a civil partnership you will only be able to register your partner's death if you were present when they died or if you are organising the funeral.

As a civil partner you will be entitled to claim **bereavement benefits** and **fatal accidents compensation** on the same basis as widows and widowers. You will also have the same rights as widows and widowers to inherit a tenancy where you were occupying the property at the time of your partner's death and (depending on the type of tenancy involved) the property is your only or principal home.

List of countries with civil partnerships recognised in the UK

Andorra: *unió estable de parella*
(stable couple union)

Argentina: marriage, **Buenos Aires:**
unión civil (civil union)

Australia, Australian Capital Territory: civil partnership, **New South Wales:** registered partnership, **Queensland:** registered relationship, **Tasmania:** significant relationship, **Victoria:** registered partnership

Austria: *eingetragene Partnerschaft*
(registered partnership)

Belgium: marriage, *cohabitation légale/wettelijke samenwoning/gesetzliches Zusammenwohnen*
(statutory cohabitation)

Brazil: marriage, *união estável* (stable union)

Canada: marriage, **Manitoba:** common-law relationship, **Nova Scotia:** domestic partnership, **Quebec:** *union civile* (civil union)

Colombia: *unión de hecho* (de facto union)

Czech Republic: *registrované partnertství* (registered partnership)

Denmark: marriage, *registreret partnerskab* (registered partnership)

Ecuador: *unión civil* (civil union)

Finland: *rekisteröity parisuhde/registrerad partnerskap* (registered partnership)

France: *pacte civil de solidarité* (civil solidarity pact)

Germany: *Lebenspartnerschaft* (life partnership)

Greenland: *nalunaarsukkamik inooqatigiinneq/registreret partnerskab* (registered partnership)

Gibraltar: civil partnership

Hungary: *bejegyzett élettársi kapcsolat* (registered partnership)

Iceland: marriage, *staðfesta samvist*
(confirmed cohabitation)

Ireland: civil partnership

Isle of Man: civil partnership

Jersey: civil partnership

Liechtenstein: *eingetragene Partnerschaft* (registered partnership)

Luxembourg: *partenariat enregistré/eingetragene Partnerschaft* (registered partnership)

Mexico, Coahuila: *pacto civil de solidaridad* (civil solidarity pact);

Mexico City: marriage, *sociedad de convivencia*

Netherlands: marriage, *geregistreerd partnerschap*
(registered partnership)

New Zealand: civil union

Norway: marriage, *registrert partnerskap* (registered partnership)

Portugal: marriage

Slovenia: *istospolne partnerske skupnosti* (registered partnership)

South Africa: marriage, civil partnership

Spain: marriage

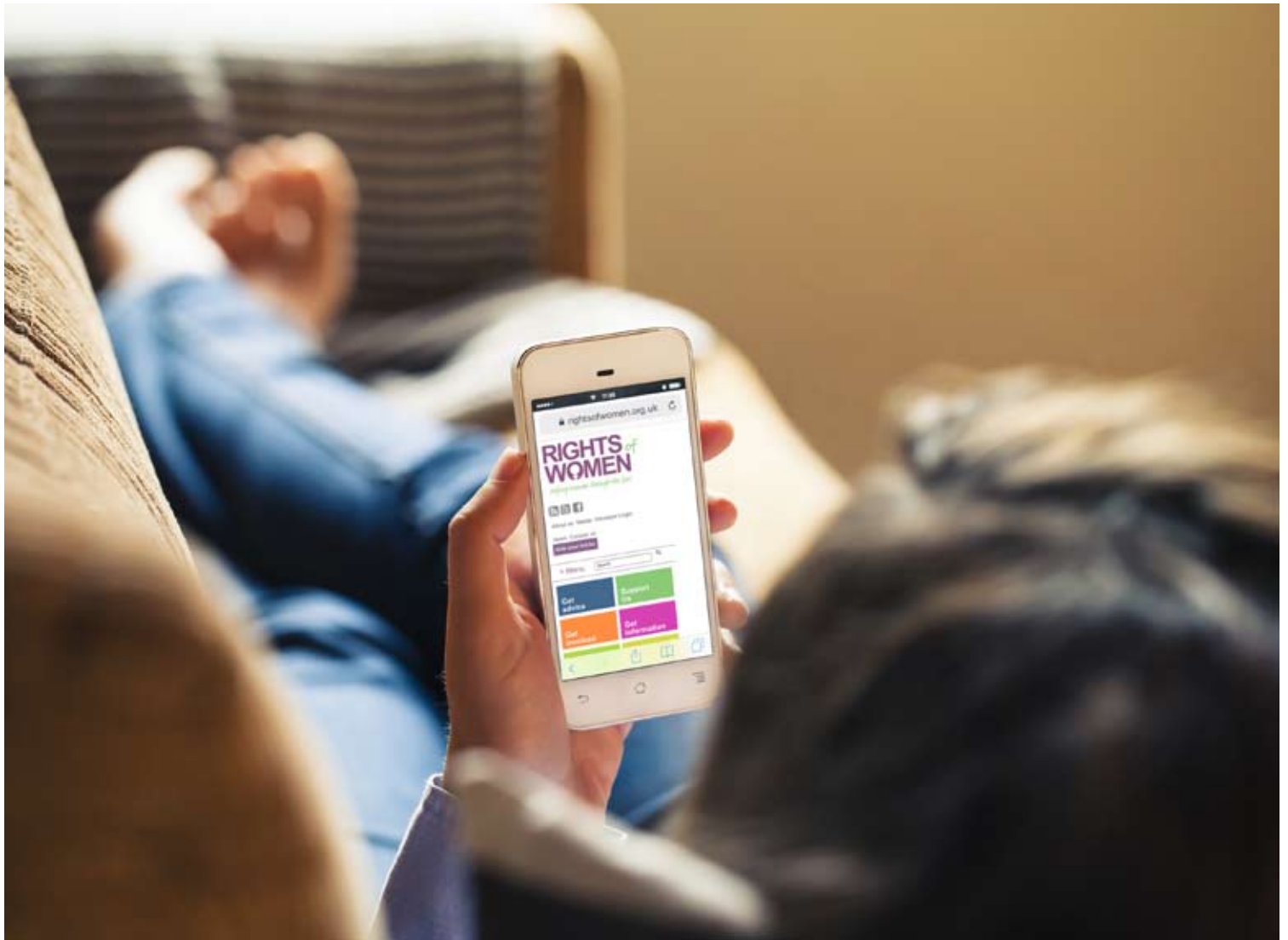
Sweden: marriage, *registrerat partnerskap* (registered partnership)

Switzerland: *eingetragene Partnerschaft/partnenariat enregistré/unione domestica registrata* (registered partnership/registered domestic union)

United States, California: marriage, domestic partnership, **Colorado:** designated beneficiary relationship, **Connecticut:** marriage, civil union[b], **Delaware:** civil union, **District of Columbia:** marriage, **Hawaii:** civil union, reciprocal beneficiary relationship, **Illinois:** civil union, **Iowa:** marriage, **Maine:** domestic partnership, **Massachusetts:** marriage, **Nevada:** domestic partnership, **New Hampshire:** marriage, **New Jersey:** civil union, domestic partnership, **New York:** marriage, **Oregon:** domestic partnership, **Rhode Island:** civil union, **Vermont:** marriage, civil union, **Washington:** domestic partnership, **Wisconsin:** domestic partnership

Uruguay: *unión concubinaria* (cohabitation union)





The law is complex and may have changed since this guide was produced. This guide is designed to provide general information only for the law in England and Wales. You should seek up-to-date, independent legal advice.

Rights of Women does not accept responsibility for any reliance placed on the legal information contained in this guide.

Rights of Women's family law advice lines

We have two family law advice lines, one national and one for women in London:

Women living or working in London: call **020 7608 1137**

For all women: call **020 7251 6577**

For a full list of Rights of Women's legal guides and information about our advice lines go to **www.rightsofwomen.org.uk**

Useful contacts

Emergency Contacts

Police (emergency)

999

24 hour domestic violence helpline

0808 200 0247

www.nationaldomesticviolencehelpline.org.uk

National LGBT Domestic Abuse Helpline

0300 999 5428 or 0800 999 5428

Find a Lawyer

The Law Society

0207 320 5650

www.lawsociety.org.uk/find-a-solicitor

Ministry of Justice

020 3334 3555

find-legal-advice.justice.gov.uk

Resolution

01689 820272

www.resolution.org.uk

Public Access Portal

www.directaccessportal.co.uk

Legal advice and support

Citizens Advice

www.citizensadvice.org.uk

Law Centres Network

020 7749 9120

www.lawcentres.org.uk

LawWorks Clinic Network

www.lawworks.org.uk

Shelter

0808 800 4444

www.shelter.org.uk

Advocate

(previously the Bar Pro Bono Unit)

www.weareadvocate.org.uk

Personal Support Unit

020 7947 7701

www.thepsu.org

Disability Law Service

020 7791 9800 www.dls.org.uk

Other contacts

Her Majesty's Court & Tribunals Service

www.gov.uk/government/organisations/hm-court-service

Relate

www.relate.org.uk

Switchboard LGBT+ Helpline

0300 330 0630

www.switchboard.lgbt

Stonewall

0800 050 2020

www.stonewall.org.uk

Rights of Women

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The logo for London Councils features the words "LONDON" and "COUNCILS" stacked vertically in a bold, purple, sans-serif font. A thick, curved purple line sweeps from the bottom right of "COUNCILS" back towards the left, underlining the text.