

# *Civil Partnership*

## *Legal recognition for same-sex couples*

### *From December 2005*

#### ***What is civil partnership?***

From December 2005, same-sex couples across the UK can have their relationships legally recognised. From then on, any couple that registers a civil partnership will have the same rights as a married couple in areas like tax, social security, inheritance and workplace benefits. This booklet gives information about civil partnership in England and Wales.

#### ***Who can register?***

Two people who are:

- Of the same sex
- 16 or over (with consent if under 18)
- Not already married or in a civil partnership
- Not closely related (e.g. parent, sister, niece, uncle)

Can register a civil partnership.

#### ***How do we register a civil partnership?***

First of all, you give notice of your intention to register to your local Register Office. Then after 15 clear days you can register your civil partnership by signing a civil partnership schedule in front of the registrar and your two witnesses. You will have to pay fees to give notice and to register.

#### ***The most important things to do are to:***

1. **Get advice and information.** Your local Register Office or the website of the General Register Office can help – [www.gro.gov.uk](http://www.gro.gov.uk)
2. **Decide where you want to register.** You can register in the same sorts of places where you can get married: a register office or a venue like a hotel, if it is approved for the purpose. However you cannot register at a religious venue.
3. **Fix the date.** If you are registering at an approved venue, remember to check that a registrar can attend on that day.
4. **Arrange to give notice of your intention to register.** You both have to give notice at least 15 clear days before the date of registering. Regardless of where you are registering, you must arrange for each of you to give notice to a Register Office for the area in which you have lived for the 7 days before giving notice. You will have to have certain documents with you (such as your birth certificate) – check in advance with the registrar.

#### ***Example***

Sam and Alex live in Surrey and book a hotel in Kent for their civil partnership. They make arrangements with the venue and check with the Register Office in Kent that the registrar can attend on their preferred date. They each need to give notice to their local Register Office in Surrey at least 15 clear days before their registration date. So if they wanted to register on 19<sup>th</sup> January, they must each give notice on or before the 3<sup>rd</sup> January.

5. **Get registered.** A civil partnership is formed when each person signs the civil partnership schedule in front of the registrar and their two witnesses. If you want a ceremony around these formalities, you should discuss it with the Register Office and the venue. However no religious service can take place while the registrar is officiating at the formation of a civil partnership.

### ***Overseas relationships***

Some same-sex overseas relationships will automatically be treated as civil partnerships in the UK. If you are already registered or married abroad you may not need to register again to be legally recognised as civil partners in the UK. Full details of overseas schemes which may be recognised in the UK can be found at [www.womenandequalityunit.gov.uk/civilpartnership.htm](http://www.womenandequalityunit.gov.uk/civilpartnership.htm)

### ***Immigration control***

You have to follow special procedures if you want a civil partnership with someone subject to immigration control (e.g. staying in the UK on a visa). For example, when you give notice, you'll need to go together to a specially designated Register Office. For more information about immigration related issues, contact the Immigration and Nationality Bureau on 0870 606 7766 or go to [www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)

### ***Civil partnership – your rights and responsibilities***

Getting registered is a serious decision. As well as being an important commitment, there are significant consequences, bringing both rights and responsibilities.

### ***Financial implications***

There are some important financial implications to registering as civil partners, or living together in a same-sex relationship after 5<sup>th</sup> December.

### ***Pensions***

From December 2005 civil partners will have most of the same state pension rights as husbands and they will be treated the same as husbands and wives after 2010, when the treatment of men and women is to be equalised. For further information you should contact the office that deals with you pension.

Civil partners will also be entitled to a survivor's pension from their civil partner's contracted-out occupational or personal pension scheme, public service pension scheme or non-contracted out scheme which currently pays survivor benefits to widows and widowers. Contact the Pension Service on 0845 6060265 for more information.

### ***Tax***

Civil partners will be treated in the same way as married people for all tax purposes, including inheritance tax and capital gains tax. Go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk) or contact your tax office for more information.

### ***Social Security Benefits and Tax Credits***

From 5<sup>th</sup> December, the income of a civil partner or a cohabiting same-sex partner will be taken into account when calculating entitlement to income related benefits (e.g. income support) and tax credits. This means they will be treated the same as a married couple and a cohabiting opposite-sex couple.

If you are living together in a same-sex relationship, regardless of whether you register as civil partners, you will need to tell your benefit office if you are in receipt

of income related benefits or the Tax Credits Office if you claim tax credits. Contact the Benefit Enquiry line on 0800 882200 or the Tax Credits Helpline on 0845 300 3900 for more information.

## ***Family matters***

### **Children and parenting**

Some same-sex couples have caring responsibilities for children. The law will recognise the role of both civil partners in respect of a child living in their household.

When the Adoption and Children Act 2002 comes into force on 30 December 2005 a person will be able to acquire parental responsibility for their civil partner's child. They can do this with the agreement of their civil partner, as long as the civil partner has parental responsibility themselves. If the child's other parent also has parental responsibility, both parents must agree. Parental responsibility can also be acquired on application to the court.

In addition, under the Adoption and Children Act, same-sex couples, including civil partners, will be able to apply to adopt a child jointly.

For more information about parental responsibility consult your local Citizens Advice Bureau or a family law solicitor. For more information about adoption go to [www.everychildmatters.gov.uk/socialcare/lookdafterchildren/adoption](http://www.everychildmatters.gov.uk/socialcare/lookdafterchildren/adoption) or contact your local council or voluntary adoption agency.

## ***Maintenance***

Civil partners will have a duty to provide maintenance for each other and for any children of the civil partnership.

## ***Child support***

From 5<sup>th</sup> December 2005, civil partners who are parents will be treated in the same way as married partners for Child Support. Also, parents who are living with a same sex partner even when they have not formed a civil partnership will be treated in the same way as parents who live together with an opposite-sex partner, but are not married. Depending on your circumstances, this could affect the amount of maintenance paid for your child. For further information you should contact the Child Support Agency on 08457 133133.

## ***Other rights and responsibilities***

### ***In the workplace***

Employers will be required to treat their civil partner employees in the same way as married employees in similar circumstances. For example, if a company makes private health insurance available to the spouse of an employee, it will also have to be made available to employees' civil partners where the employee occupies a similar job. More information for employers on civil partnership can be found at [www.acas.org.uk](http://www.acas.org.uk)

### ***Leave to remain in the UK***

Civil partners of British citizens and persons settled here will be able to apply for an initial period of two years leave to remain in the United Kingdom. If they are still in the civil partnership at the end of that period they will be entitled to apply for indefinite leave to remain in the UK.

### ***When one civil partner dies***

**Inheriting property** – A bereaved civil partner will be treated in the same way as a widow or widower in relation to inheriting their deceased civil partner's estate, in particular if he or she dies without making a will.

**Inheriting a tenancy** – a person will be entitled to inherit their civil partner's tenancy upon their death, in the same way that a widow or widower can.

**Life assurance** – civil partners will have the right to obtain assurances on their civil partner's life on a basis equivalent to married people.

**Fatal accidents compensation** – If a person dies in an accident caused by someone else's negligence, then that person's civil partner, or someone who has been living with the deceased as a civil partner for at least 2 years, will be entitled to claim compensation for financial loss. They will also be entitled to claim bereavement damages.

**Criminal Injuries Compensation Scheme** – civil partners will be entitled to a fatal injury award on the same basis as married people.

### ***If things go wrong***

**Relationship support** – Problems arise in all relationships which you may not be able to solve on your own. There are people you can go to for advice or counselling to help you work through these difficulties. Contact Relate on 0845 456 1310

**Domestic violence** – there are a range of legal protections open to all couples. These include Non-Molestation Orders, which are used to restrain someone from threatening or causing violence to you; and Occupation Orders, which sort out who should stay in the home shared by the couple to protect either party (or any children) from domestic violence. Anyone effected by domestic violence, or the threat of it, can phone the domestic violence national freephone 24-hour helpline on 0808 2000 247 or Broken Rainbow (Lesbian, gay, bisexual and transgender domestic violence forum) on 0845 2604460 (available 9am – 1pm; 2pm – 5pm). In an emergency, always call the police by dialling 999.

### ***Ending a civil partnership***

A civil partnership can only be ended by death, dissolution or annulment. Dissolution is a court-based process and as with marriage you will need to talk to a solicitor if you want to dissolve your civil partnership, though you cannot dissolve it less than a year after it is formed.

#### **The grounds for dissolving a civil partnership are:**

- Unreasonable behaviour;
- 2 years separation (with consent);
- 5 years separation (without consent)
- One partner has deserted the other for 2 years

Annulment only applies in specific situations, for example where one of the couple did not validly consent to the civil partnership.

The courts will have the power to make provision for the division of property upon separation, the maintenance of either civil partner, and residence and contact with any children on the civil partnership and the maintenance of the child.

### ***Contacts for further information***

**For more information about civil partnership** go to the Women and Equality Unit website at [www.womenandequalityunit.gov.uk/civilpartnership.htm](http://www.womenandequalityunit.gov.uk/civilpartnership.htm) or write to: Civil Partnership, WEU, 1 Victoria Street, London, SW1H 0ET.

**Interested in registering a civil partnership?** Go to [www.gro.gov.uk](http://www.gro.gov.uk) or contact your local register office.

**Stonewall** can provide information on a wide range of issues affecting lesbian and gay people. Go to [www.stonewall.org.uk](http://www.stonewall.org.uk)

This booklet only deals with registering a civil partnership in England and Wales. For more information about civil partnership in Scotland go to [www.scotland.gov.uk](http://www.scotland.gov.uk) and for Northern Ireland go to [www.olrni.gov.uk](http://www.olrni.gov.uk)

### ***For more information on:***

**Tax** – contact your tax office or go to [www.hmrc.gov.uk](http://www.hmrc.gov.uk)

**Pensions** – contact the Pension Service on 0845 6060265

**Social Security Benefits** – contact the Benefit Enquiry Line on 0800882200

**Tax Credits** – contact the Tax Credits Helpline on 0845 300 3900

**Child Benefit** – contact Child Benefit Helpline on 0845 302 1444 or e-mail [child.benefit@hmrc.gsi.gov.uk](mailto:child.benefit@hmrc.gsi.gov.uk)

**Child support agency** – contact 08457 133133

**Adoption** – for more information

go to [www.everychildmatters.gov.uk/socialcare/lookdafterchildren/adoption](http://www.everychildmatters.gov.uk/socialcare/lookdafterchildren/adoption)

or contact your local council or voluntary adoption agency.

**Immigration** contact the Immigration and Nationality Bureau on 0870 606 7766 or go to [www.ind.homeoffice.gov.uk](http://www.ind.homeoffice.gov.uk)

**Relationship support** – contact Relate on 0845 456 1310

**Domestic violence** – 24 hour freephone helpline 0808 2000 247

Broken Rainbow (lesbian, gay, bisexual and transgender domestic violence forum)  
0845 2 50 44 60 (available 9am – 1pm, 2pm – 5pm)

To order further copies of this booklet contact the DTI Publications Orderline, Admail 528, London, SW1W 8YT, tel: 0845 015 0010 quoting URN 05/1485

This booklet is available

on line at: [www.womenandequalityunit.gov.uk/civilpartnership.htm](http://www.womenandequalityunit.gov.uk/civilpartnership.htm) and is also available as a text file and in accessible formats on demand

Women & Equality Unit

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