



# THE RUBICON SOCIETY

## TRAINING AND DEVELOPMENT

### CIVIL PARTNERSHIPS

It has been, and continues to be heralded in the media as 'Gay Marriage'. Civil partnerships, however, are not 'marriage' in the traditionally accepted form. There are many characteristics which are the same but, also some notable differences.

This long overdue piece of legislation came into force on 5<sup>th</sup> December 2005. It enables people of the same sex to demonstrate a commitment to each other. It also confers certain rights on the partners but also devolves responsibilities. Section 1 of part 1 of the Act states:

A civil partnership is a relationship between two people of the same sex.

#### *Forming a Civil Partnership*

The registration process for forming a civil partnership is virtually the same for that of marriage. Part 2 of the Act contains the formalities. These are as follows:

- Both partners must be above the age of 16. You must both be of the same sex. You or your partner must not be married or have a civil partnership with another person at the time you enter into the civil partnership.
- Civil partnerships cannot be formed with someone who is within the prohibited degrees of relationship. This is the same as for marriage.
- Persons between the ages of 16 and 18 require the consent of parent or guardian.
- There is a specific provision that states that civil partnerships may not be registered on religious premises. Neither is there a provision for any religious service or indeed any prohibition of religious service to accompany the civil partnership.
- Notice of the intended registration must be given. Both parties must have resided in either England or Wales for at least 7 days and the notice must contain name, age, date of birth, previous marriages/partnerships, nationality, and place of residence. The proposed partnership will be publicised.
- The venue must be agreed by the registrar. The registration must take place in a place agreed by the registration authority in whose area that place is located.
- There are special provision for those that are: Seriously ill and not expected to recover, housebound persons or detained persons.



- There is a waiting period. No registration may take place until 15 days has passed beginning with the day of giving notice. After this period a civil partnership schedule will be issued.

### *Differences between civil partnership and marriage.*

There are important differences and these are:

- There is no provision for a religious ceremony and the use of religious premises are banned.
- Formation of the partnership is by signing the register, not exchange of vows.
- The offence of bigamy does not apply. Instead there is an offence of giving false information when entering into a civil partnership.

### *Ending a civil partnership*

Civil partnerships can be ended by:

- Obtaining a separation order.
- By a dissolution order – this dissolves the partnership on the grounds of irretrievable breakdown.
- Obtaining a nullity order – this annuls a partnership which is void or voidable
- By the death of one of the partners.

There is no 'divorce' as such as it was never a 'marriage in the first place. Adultery as such is not a factor. If a similar situation occurs then the partner seeking dissolution will have to rely on grounds of unreasonable conduct.

To obtain a dissolution order:

- Procedure is the same as for divorce, a conditional order followed by a final order six weeks later at the earliest.
- Timescales remain the same as divorce.

The provision for financial relief is the same as that of a divorce and case law as it currently exists will be applicable.

Children brought up by civil partners will be treated in the same way as children of married couples. The definition of relative e.g. Aunt will apply.

Under the Adoption and Children Act 2002, civil partners will be allowed to adopt. The Civil Partnership Act specifically includes the definition of 'same sex couple living together in an enduring family relationship'.

A civil partner will be able to register the death of their partner, claim for loss of dependency and bereavement, succeed to tenancies as a spouse can and obtain letters of administration where there is no will appointing an executor. A civil partner will also have the same rights as a spouse under the Inheritance (Provision for Family and Dependents) Act 1975.

Information supplied by Rubicon Society.

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Once registered civil partners will be treated as a single family unit. Unregistered couples will be treated as a single family unit where appropriate.