



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 2

#### CIVIL PARTNERSHIP: ENGLAND AND WALES

### CHAPTER 1

#### REGISTRATION

##### *Registration procedure: general*

## 5 Types of pre-registration procedure

- (1) Two people may register as civil partners of each other under—
  - (a) the standard procedure;
  - (b) the procedure for house-bound persons;
  - (c) the procedure for detained persons;
  - (d) the special procedure (which is for cases where a person is seriously ill and not expected to recover).
- (2) The procedures referred to in subsection (1)(a) to (c) are subject to—
  - (a) section 20 (modified procedures for certain non-residents);
  - (b) Schedule 3 (former spouses one of whom has changed sex).
- (3) The procedures referred to in subsection (1) (including the procedures as modified by section 20 and Schedule 3) are subject to—
  - (a) Part 2 of Schedule 1 (provisions applicable in connection with prohibited degrees of relationship),<sup>F1</sup>...
  - <sup>F2</sup>(b) .....
- (4) This section is also subject to section 249 and Schedule 23 (immigration control and formation of civil partnerships).

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### Textual Amendments

- F1** Word in s. 5(3)(a) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\), s. 7\(1\), Sch. para. 4\(2\)\(a\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F2** S. 5(3)(b) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\), s. 7\(1\), Sch. para. 4\(2\)\(b\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

## 6 Place of registration

- (1) The place at which two people may register as civil partners of each other—
- (a) must be in England or Wales,
  - (b) <sup>F3</sup> .....
  - (c) must be specified in the notices, or notice, of proposed civil partnership required by this Chapter.
- (2) <sup>F4</sup> .....
- [<sup>F5</sup>(3) Subsections (3A) and (3B) apply in the case of registration under the standard procedure (including that procedure modified as mentioned in section 5).
- (3A) The place must be—
- (a) on approved premises, or
  - (b) in a register office.
- (3B) If it is in a register office, the place must be open to any person wishing to attend the registration.
- (3C) In this Chapter “register office” means a register office provided under section 10 of the Registration Service Act 1953.]
- [<sup>F6</sup>(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.]
- (4) <sup>F7</sup> .....
- (5) <sup>F7</sup> .....

### Textual Amendments

- F3** S. 6(1)(b) repealed (5.4.2011) by [Equality Act 2010 \(c. 15\), ss. 202\(2\), 211\(2\), 216\(3\), Sch. 27 Pt. 1](#) (as substituted by S.I. 2010/2279, art. 13, Sch. 2) (with ss. 6(4), 205); S.I. 2011/1066, art. 2(h); S.I. 2011/2646, art. 2
- F4** S. 6(2) repealed (5.4.2011) by [Equality Act 2010 \(c. 33\), ss. 202\(2\), 211\(2\), 216\(3\), Sch. 27 Pt. 1](#) (as substituted by S.I. 2010/2279, art. 13, Sch. 2) (with ss. 6(4), 205; S.I. 2011/1066, art. 2(h); S.I. 2011/2646, art. 2
- F5** S. 6(3)-(3C) substituted (5.12.2005) for s. 6(3) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\), art. 3, Sch. para. 2\(2\)](#) (subject to art. 1(3))

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- F6** S. 6(3D) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), 7
- F7** S. 6(4)(5) omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 2(3)** (subject to art. 1(3))

## **[<sup>F8</sup>6A Power to approve premises**

- (1) The [<sup>F9</sup>Secretary of State] may by regulations make provision for and in connection with the approval by registration authorities of premises for the purposes of section 6(3A)(a).
- (2) The matters dealt with by regulations may include—
- (a) the kind of premises in respect of which approvals may be granted;
  - (b) the procedure to be followed in relation to applications for approval;
  - (c) the considerations to be taken into account by a registration authority in determining whether to approve any premises;
  - (d) the duration and renewal of approvals;
  - (e) the conditions that must or may be imposed by a registration authority on granting or renewing an approval;
  - (f) the determination and charging by registration authorities of fees in respect of applications for the approval of premises and in respect of the renewal of approvals;
  - (g) the circumstances in which a registration authority must or may revoke an approval;
  - (h) the review of any decision to refuse an approval or the renewal of an approval, to impose conditions on granting or renewing an approval or to revoke an approval;
  - (i) the notification to the Registrar General of all approvals granted, renewed or revoked;
  - (j) the keeping by registration authorities of registers of approved premises;
  - (k) the issue by the Registrar General of guidance supplementing the provision made by the regulations.

[ Regulations under this section may provide that premises approved for the registration <sup>F10</sup>(2A) of civil partnerships may differ from those premises approved for the registration of civil marriages.

(2B) Provision by virtue of subsection (2)(b) may, in particular, provide that applications for approval of premises may only be made with the consent (whether general or specific) of a person specified, or a person of a description specified, in the provision.

(2C) The power conferred by section 258(2), in its application to the power conferred by this section, includes in particular—

- (a) power to make provision in relation to religious premises that differs from provision in relation to other premises;
- (b) power to make different provision for different kinds of religious premises.]

(3) Without prejudice to the width of subsection (2)(e), the [<sup>F11</sup>Secretary of State] must exercise his power to provide for the imposition of conditions as mentioned there so as to secure that members of the public are permitted to attend when two people sign the civil partnership schedule on approved premises in accordance with section 6(3A)(a).

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<sup>F12</sup>(3A) .....

[ “Civil marriage” means marriage solemnised otherwise than according to the rites of <sup>F13</sup>(3B) the Church of England or any other religious usages.

(3C) “Religious premises” means premises which—

- (a) are used solely or mainly for religious purposes, or
- (b) have been so used and have not subsequently been used solely or mainly for other purposes.]]

#### Textual Amendments

- F8** S. 6A inserted (21.7.2005) by [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), arts. 1(c), 3, **Sch. para. 3**
- F9** Words in s. 6A(1) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 5(1), **Sch. 2 para. 14(a)** (with art. 4)
- F10** S. 6A(2A)-(2C) inserted (11.7.2011) by [Equality Act 2010 \(c. 33\)](#), **ss. 202(3)**, 216(3) (with ss. 6(4), 205); S.I. 2011/1636, **art. 2(c)**
- F11** Words in s. 6A(3) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 5(1), **Sch. 2 para. 14(a)** (with art. 4)
- F12** S. 6A(3A) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **9(2)**
- F13** S. 6A(3A)-(3C) inserted (11.7.2011 so far as relating to the insertion of s. 6A(3B)(3C)) by [Equality Act 2010 \(c. 33\)](#), **ss. 202(4)**, 216(3) (with ss. 6(4), 205); S.I. 2011/1636, **art. 2(d)**

#### Modifications etc. (not altering text)

- C1** S. 6A(1): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 3(1), **Sch. 1 para. 14(a)** (with art. 4)

## 7 The civil partnership document

- (1) In this Part “the civil partnership document” means—
  - (a) in relation to the special procedure, a Registrar General’s licence, and
  - (b) in relation to any other procedure, a civil partnership schedule.
- (2) Before two people are entitled to register as civil partners of each other—
  - (a) the civil partnership document must be delivered to the civil partnership registrar, and
  - (b) the civil partnership registrar may then ask them for any information required (under section 2(4)) to be recorded in the register.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)