
STATUTORY INSTRUMENTS

2019 No. 1458

The Civil Partnership (Opposite-sex Couples) Regulations 2019

PART 2

Extension of civil partnership to opposite-sex couples in England and Wales

Amendment of definition of civil partnership

3. In section 1(1) of the Civil Partnership Act 2004⁽¹⁾, in the words before paragraph (a), omit “of the same sex”.

Formation of civil partnerships by opposite-sex couples in England and Wales

4. In section 3(1) of the Civil Partnership Act 2004, omit paragraph (a).

Treatment of opposite-sex overseas relationships as civil partnerships

5.—(1) Part 5 of the Civil Partnership Act 2004 is amended as follows.

(2) In section 212(1)(b), omit sub-paragraph (i) (including the “and”).

(3) In section 213⁽²⁾—

(a) in subsection (1), for “by Schedule 20.” substitute—

“—

(a) in the case of a relationship registered by two people who under the relevant law are of the same sex when the relationship is registered, by Part 1 of Schedule 20,

(b) in the case of a relationship registered by two people who under the relevant law are not of the same sex when the relationship is registered, by Part 2 of Schedule 20.”;

(b) in subsection (3), after “this section” insert “amending Part 1 of Schedule 20”.

(4) In section 215—

(a) in subsection (2), for “subsection (3)” substitute “subsections (3) and (5B)”;

(b) after subsection (5) insert—

“(5A) In the case of a relationship that is—

(a) an overseas relationship treated as a civil partnership for the purposes of this Act only as a result of the amendments made by the Civil Partnership (Opposite-sex Couples) Regulations 2019⁽³⁾ (“the 2019 Regulations”), and

(b) registered (under the relevant law) as having been entered into before the 2019 Regulations come into force,

(1) 2004 c. 33.

(2) Section 213 was amended by S.I. 2010/1839.

(3) S.I. 2019/1458.

subsection (5B) or (as the case may be) subsections (5C) and (5D) apply in place of subsections (3) to (5).

(5B) The time when the two people are treated as having formed a civil partnership is the time when the 2019 Regulations come into force.

(5C) But if—

- (a) before the 2019 Regulations come into force, a dissolution or annulment of the overseas relationship was obtained outside the United Kingdom, and
- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (5B) does not apply and subsections (1) and (2) have effect subject to subsection (5D).

(5D) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provision except—

- (a) Schedules 7, 11 and 17 (financial relief in United Kingdom after dissolution or annulment obtained outside the United Kingdom);
- (b) such provisions as are specified (with or without modifications) in regulations under section 2 or 5 of the Civil Partnerships, Marriages and Deaths (Registration etc) Act 2019;
- (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).”;

(c) in subsection (6), omit “216.”.

(5) Omit section 216(4).

(6) In Schedule 20(5)—

- (a) the existing text becomes Part 1;
- (b) as the heading of that Part insert “Same-sex relationships”;
- (c) in that Part, in the words before the table, for “section 213 (meaning of “overseas relationship”)” substitute “section 213(1)(a) (specified relationships between two people of the same sex)”;
- (d) after that Part insert as Part 2 the provision set out in Schedule 1.

Transitional provision in relation to opposite-sex overseas relationships

6. Schedule 2 contains transitional provision in connection with regulation 5.

(4) Section 216 was amended by [S.I. 2011/1043](#).

(5) Schedule 20 was amended by [S.I. 2005/3129](#), 3135, 2012/2976.