



## **CIVIL PARTNERSHIPS**

Civil partnership is a legal relationship which can be formed by two people of the same sex. It gives same sex couples the ability to obtain legal recognition of their relationship.

Same sex couples who form a civil partnership will have parity of treatment in a wide range of legal matters with those opposite sex couples who enter into a civil marriage.

The rights and responsibilities of civil partners will include:

- a duty to provide reasonable maintenance for your civil partner and any children of the family
- ability to apply for parental responsibility for your civil partner's child
- fair treatment for the purposes of assessment for child support, life assurance, tax, employment and pension benefits, inheritance of tenancies
- recognition under the intestacy rules
- access to fatal accidents compensation
- protection from domestic violence; and
- recognition for immigration and nationality purposes

The Civil Partnership Act 2004 came into force on 5th December 2005.

Civil partnership was a completely new legal relationship, exclusively for same sex couples, distinct from marriage. The couple must be of the same sex, not already in a civil partnership or marriage, be 16 years of age or older and not be within the prohibited degrees of relationship.

A civil partnership may be registered in those places usually available for a civil marriage. Every local authority provides these facilities. There are formal requirements to be met before registration can take place. The intended civil partners need to each give notice in the area in which they have resided for at least seven days. At the time of giving notice the intended civil partners are also asked to state the place where they wish the civil partnership registration to take place. There will be a 15 day waiting period once both the intended civil partners have given notice of intention to register before the civil partnership can be registered.

Registering as civil partners is a serious commitment as a civil partnership ends only on a formal dissolution or annulment or on the death of one of the partners.

The process for dissolution is court based. The person applying will have to provide evidence that the civil partnership has broken down irretrievably. In order to prove irretrievable breakdown it will be necessary to provide evidence in support of one or more facts in support of the application for dissolution, namely unreasonable behaviour, separation for two years and consent, separation for five years, and desertion for two years.

There are financial consequences for the termination of the civil partnership. A Financial Remedy is available to the civil partners regardless of who has made the application for the termination of the civil partnership.

The Financial Remedy available to civil partners resembles the Orders available under the Matrimonial Causes Act 1973 for married couples, namely, maintenance, lump sum, property adjustment, variation of settlement, sale of property and pension sharing. Orders may also be made for the benefit of a child of the family.

Those intending to enter into a civil partnership should obtain legal and accountancy advice prior to doing so. Intended civil partners may wish to consider entering into a Pre Civil contract Agreement addressing their financial rights and duties during the civil partnership and in the event of dissolution.

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