

Family Law Factsheets

Civil partnership

Registering a civil partnership

You can register your civil partnership at a Register Office or at any venue that has been approved for registering marriages and civil partnerships. Before registering, you must each give at least 15 days' notice at your local Register Office, including details of where you intend to register the partnership.

The process of registering the partnership is a brief civil ceremony, conducted by the Registrar. You each sign the civil partnership schedule, with two witnesses. If you wish to use an alternative form of wording, you should discuss this in advance with the Registrar who may be willing to accommodate your wishes. You cannot hold any form of religious service at the same time as the civil registration - but you are free to hold the ceremony or celebration of your choice separately from the registration process.

Once your partnership has been registered, you receive a civil partnership certificate giving details of the partnership. Different versions of the certificate are available either with or without the addresses you were living at when you registered the partnership. You can use the certificate as evidence of the partnership - for example, to inform your employer or if one or you will be using the other partner's surname.

A small fee (currently £30 each) is payable for giving notice. The Registrar charges a further fee (currently £40) for the registration itself, plus additional expenses if the ceremony takes place at a venue other than the Register Office.

If you have already registered a civil partnership overseas, it may automatically be recognised in this country - depending on which country the partnership was registered in. Registering a civil partnership gives a non-UK citizen immigration rights but involves a more complex process. If international considerations such as these apply, you should take advice.

Financial effects

One of the key advantages of registering a civil partnership is that it provides a degree of financial security for each other. Registered partners have a duty to provide reasonable maintenance for each other and for any child of the partnership. If the relationship breaks down, either partner may be able to make a financial claim in much the same way as when a married couple divorce.

Civil partners are treated in the same way as married couples for taxation purposes. This can have a major advantage in terms of inheritance tax (IHT) as assets passed to your partner are not taxed. If a partnership has not been registered, the surviving partner may face significant financial difficulties - for example, having to sell the family home in order to meet the IHT bill.

Civil partners are also treated as married couples in terms of capital gains tax (CGT), allowing them to pass assets to each other without any CGT liability. However, if you both own a home you will no longer each be able to claim CGT exemption for your own home: one home will have to be nominated as your main residence, and gains on the other may be taxable.

Registered civil partners are treated in the same way as married couples for most state benefits and employment benefits:

- If you claim state benefits (eg income support) your entitlement is assessed on the basis of your joint finances (though this applies whether your partnership is registered or if you simply live together).
- In terms of state pensions, each of you has similar rights to a married husband or widower.
- If you are in a public sector pension scheme, you have the same entitlements as a married couple.
- If you are in a private sector pension scheme, you have the same entitlements to employment benefits as a married couple. However, there may be a reduced entitlement to widower's pension, particularly if your employer offers a 'contracted in' pension scheme.

Registering a civil partnership is a good opportunity to review your financial planning generally, including pension arrangements,

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life insurance and so on. In addition, registering the partnership automatically revokes any existing wills. Each partner will have an automatic right to inherit at least part of the other's estate on death, but this may well not provide the outcome you would want - you should each prepare a new will.

Children

If you have a child, you and your partner can apply to jointly adopt the child. This normally requires the consent of the child's other natural parent. Alternatively, your partner can apply for parental responsibility. This gives your partner a legal role in the child's upbringing, together with you and the child's other natural parent.

A same sex couple can also apply to adopt a child who is not related to either of you. When the adoption agency assesses your suitability, your civil partnership provides evidence of the stability of your relationship in the same way that a marriage does. Adoption agencies should not discriminate against you on the grounds of your sexual orientation, though there is a temporary exemption (during 2008) for religious organisations where this conflicts with their beliefs.

Ending the relationship

A registered civil partnership remains in force until it is dissolved (or in rare cases annulled) by the court. If you separate with dissolving the partnership, neither of you is able to enter a new registered partnership (or to get married).

You cannot apply for dissolution of the partnership within a year of its registration. You apply to the court for dissolution on the basis that the partnership has irretrievably broken down and one of four facts applies:

- Your partner's behaviour is such that you cannot be expected to live with him or her.
- You have been separated for five years.
- You have been separated for two years and both agree to the dissolution.
- Your partner has deserted you for at least two years.

You will also need to sort out financial arrangements, and the arrangements for any children. It is usually best if these can be negotiated between you and then formalised by asking the court for a consent order.

The processes involved in dissolving a civil partnership and the issues to be considered are very similar to those involved in bringing a marriage to an end through divorce. See our factsheets **Divorce and separation, Divorce - financial issues and Divorce - children**.