

	<p style="text-align: center;"><b>Executive</b> 14<sup>th</sup> November 2005</p> <p style="text-align: center;"><b>Report from the Director of Environment and Culture</b></p>
<p>For Information <span style="float: right;">Wards Affected: ALL</span></p>	
<p><b>Civil Partnership Registration</b></p>	

Forward Plan Ref: E&C-05/06-018

## 1.0 Summary

- 1.1 On 18<sup>th</sup> November 2004 the Civil Partnership Act 2004 was granted Royal Assent. This will allow same-sex couples to have legal recognition of their partnership, therefore obtaining similar rights as married heterosexual couples. The process of forming a civil partnership will be administered by the local registration authority.
- 1.2 The provision of civil partnerships will be the responsibility of the registration authority (ie the local authority). This report provides details of how the Brent Registrar Service intends to administer civil partnerships and proposes a level of charges for this new service.

## 2.0 Recommendations:

Members are asked to:

- 2.1 Note the powers under the Civil Partnership Act 2004.
- 2.2 Agree that civil partnerships shall be conducted within the Brent Registration Service Unit.
- 2.3 delegate authority to the Service Unit Director to act as Authorised Persons and Civil Partnership Registrars' and to appoint Authorised Persons and Civil Partnership Registrars' for the purposes of the Act from amongst the Councils

## Deputy Superintendent Registrars'

2.4 Agree the charges set out in section 4 of this report.

### **3.0 Detail**

- 3.1 On 18<sup>th</sup> November 2004 the Civil Partnership Act 2004 was granted Royal Assent. This new legislation will allow same-sex couples, to give notice of their intention to enter into a civil partnership and then after a 15 days notice period sign a civil partnership schedule. Same-sex couples have not been recognized by the UK Government until the recent legislation was passed. The law change will mean that from the 21<sup>st</sup> December 2005 same-sex couples will have similar rights as married couples in areas of tax, social security, inheritance, workplace benefits and family matters such as child support and parenting.
- 3.2 The provision of Civil Partnerships will be the responsibility of the registration authority (local authority). This is a departure from it being solely the role of statutory Superintendent Registrars and Registrars'. Responsibility will now rest with the Local Authority on operational issues relating to civil partnerships. The Registrar General, the regulatory governing body, will inform local authorities of any new implementation or amendments to the act via the Service Unit Director. The Service Unit Director role will be to make policy and develop procedures relating to operational issues to ensure the delivery of civil partnership within the registration authority. The Service Unit Director will appoint Authorised Persons from the current service to administer the giving of notice of intent to join in partnership. These officers will also be appointed as Civil Partnership Registrars' to attend civil partnership formation. The Service Unit Director will also be required to administer notice of intent and civil partnership formations in his role.
- 3.3 In order for a same-sex couple to enter into a partnership they must first attend the Local Authority in which they are resident to give notice of their intended partnership. The Authorised Person (Person designated by the registration authority to attest notice of partnership) will determine if the person is eligible for civil partnership through a short interview. The couple will be required to produce documentation of their identity, (i.e. name, age) nationality and immigration status and proof of residence. There is a statutory fee of £30.00 payable by each person for the notice given.
- 3.4 The process of forming a civil partnership will be administered by the local registration authority. On the day of formation, each member of the couple will sign a schedule in the presence of a Civil Partnership Registrar, as designated by the registration authority, and two witnesses chosen by the couple. There is no requirement under the Act for couples to have any form of ceremony when forming their partnership. The Act also provides that no religious service is to be used. The signing of the schedule, without any words being spoken, is sufficient. However, The Registrars Service wish to give same-sex couples the same opportunities as those couples going through a civil marriage and include a ceremonial element to the process if they wish to.

- 3.5 Statutory fees, determined nationally, will be levied for giving notice of intention to enter into a civil partnership and for the formation of the partnership in a register office. These fees have been set at the same rate as those for civil marriage which currently stand at £30 for notice of intent and £34 for the civil ceremony. The fee for marriage and civil partnership formation has been reviewed and will increase to £40 with effect from 5<sup>th</sup> December 2005. The Council has decommissioned its marriage room to approved premises status. The officers recommend that the Executive agree that same-sex couples who choose to attend a partnership ceremony at the approved premises within the Brent Town Hall are charged the same fees as those for civil wedding ceremonies.
- 3.6 If joining in partnership with a foreign national, special procedures are in place. The Asylum and Immigration Act 2004, states that any foreign national wishing to marry in the UK must have permission from the Secretary of State. The same rules will apply to Civil Partnership. Authorised Persons will have a statutory right to request one of the following as proof of eligibility status:
- Civil Partnership entry clearance visa
  - Certificate of approval for partnership
  - Indefinite leave to remain in UK
- 3.7 The information provided by the couple will be recorded on a new web based package. This has been designed by Mantech for the General Register Office and will be called RON (Registration On Line). All the necessary IT requirements have been met to ensure that the new system is operational at the time of commencement by the local authority.
- 3.8 In civil marriage the notice of intent to marry is displayed on the public notice boards in the register office. Under the new provision for civil partnership, it is the decision of the local authority how they display the notices for civil partnership. This can be on the notice board as with civil marriages, on the Council website or plasma screen within the Register Office.
- 3.9 Once the notice has been displayed for 15 days and no objections to the partnership have been lodged, the couple can form their civil partnership by signing the civil partnership schedule in the presence of a Civil Partnership Registrar and two witnesses. There is a statutory process for any lawful objections.
- 3.10 On the day of formation, each member of the couple will sign a schedule in the presence of a Civil Partnership Registrar, as designated by the registration authority, and two witnesses chosen by the couple. There is no requirement under the Act for couples to have any form of ceremony when forming their partnership. Civil partnership registration is an entirely secular process, and the Civil Partnership Act prevents any religious service from taking place during the statutory steps leading to the formation of a civil partnership. The signing of the schedule, without any words being spoken, is sufficient. However, the Registrars Service wish to give same-sex couples the same opportunities as those couples going through a civil marriage and include a ceremonial element to the process if they wish to.

- 3.11 The exact format of this document is still being finalised. There will be words printed on the document which the couple will be able to say at the time of signing the document should they chose to do so. There is however no requirement for any words to be said.
- 3.12 Same-sex couples who form certain "overseas relationships", i.e. certain legal relationships registered under the law of another country or territory, will automatically be treated as having formed a civil partnership and will not need to register in the UK as well, so long as they and their overseas relationship meets the requirements set out in the Civil Partnership Act.

#### 4.0 Financial Implications

- 4.1 There are no negative financial implications for the Council. The service will recover the full costs of providing Civil Partnerships as the fixed costs are already in place for civil marriage. In common with civil marriage registration, same-sex couples will be required to give their notice of intent to join into a civil partnership. In cases where the partnership formation is conducted in a Register Office the government has prescribed the fee and this fee is payable to the local authority in which the register office is located. There will be provision for such formation in the Register Office in Brent at the statutory fee. However, the large majority of marriages in Brent now take place in the marriage suite within the Town Hall which is now an Approved Premises. The Director of the Registrars Service proposes that all civil partnership formations taking place in the marriage suite, whether or not accompanied by a form of ceremony, should be charged the same fees as those for civil marriage.
- 4.2 The Registration of Births, Deaths and Marriages (Fees Amendment) Order 2005 will increase the statutory fee for the attendance of a Registrar at a register office wedding. The new fee from the 5<sup>th</sup> December 2005 will be £40.00. We propose therefore that our scale of fees for both civil marriages and civil partnership formations taking place in our internal approved premises should be:

Monday – Thursday	£43.50 (£40.00 for marriage/partnership & £3.50 for certificates)
Friday	£75.00 (£71.50 for marriage/partnership & £3.50 for certificates)
Saturday	£100.00 (£96.50 for marriage/partnership & £3.50 for certificates)
Sunday	£150.00 (£146.50 for marriage/partnership & £3.50 for certificates)

- 4.3 The Director of the Registrars Service also proposes that the fee for partnership formations taking place in external approved premises should be the same as those for civil marriages

Monday – Friday	£200.00
Saturday	£250.00
Sunday	£300.00

- 4.4 The registration authority will be required to bind the schedules together in a book format and store them locally. This will be at minimal cost to the authority.
- 4.5 The introduction of civil partnership will provide the service with an additional income stream. However, we are unsure to what extent the income will increase as we are reliant upon the Gay and Lesbian communities within Brent deciding to join in civil partnership. Currently, there is no breakdown of sexuality of the Brent population or centrally through the census findings, to provide statistical data in this area. We are therefore not able, at this point in time to provide estimated numbers or estimated income. As this is a first that same-sex couples can join legally in partnership, we can assume that there will be a greater interest as the commencement date occurs. However thereafter we feel that it will be a minimal income generation within the local authority of Brent.

## **5.0 Legal Implications**

- 5.1 The Civil Partnership Act 2004 comes into force on 5<sup>th</sup> December 2005. As already stated elsewhere in this report, the Act will allow same-sex couples to have legal recognition of their partnership, therefore obtaining similar rights as married heterosexual couples.
- 5.2 There are a small number of differences between civil partnership and civil marriage, for example, a civil partnership is formed when the second civil partner signs the relevant document, a civil marriage is formed when the couple exchange spoken words. Opposite-sex couples can opt for a religious or civil marriage ceremony as they choose, whereas formation of a civil partnership will be an exclusively civil procedure.
- 5.3 The rights and responsibilities in a civil partnership 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;
  - Equitable treatment for the purposes of assessment for child support; life assurance; tax, including inheritance tax; employment and pension benefits; inheritance of a tenancy agreement;
  - Recognition under intestacy rules;
  - Access to fatal accidents compensation;
  - Protection from domestic violence; and
  - Recognition for immigration and nationality purposes.
- 5.4 The new legislation will have an impact for other Local Authority departments who will need to review and indeed change their working practices due to the new entitlements that civil partnership gives the couple.
- 5.5 The Registration Authority is required to inform the Registrar General as soon as reasonably practicable of any designation it has made of a person as a Civil Partnership Registrar and the ending of such designation

## **6.0 Diversity Implications**

6.1 Under current legislation, same-sex couples have no way of gaining formal legal recognition of their relationships. The new law, as set out in the Civil Partnership Act, will enable same-sex couples to make a formal, legal commitment to each other by entering into a civil partnership and give them rights and responsibilities that mirror marriage. This will therefore eliminate the sexual orientation inequalities inherent in the existing law.

## **7.0 Staffing/Accommodation Implications (if appropriate)**

7.1 There are no staffing implications in this report – The Director of the Registrars Office proposes that Civil Partnership Registration be treated in the same way as civil marriage and be administered in the register office. The Director of the Registrars Office will therefore use the same pool of staff. The Director of the Registrars Office will schedule in civil partnership formations in the same time slots as those for civil marriage and use the marriage room to conduct the signing of the schedule.

## **8. ENVIRONMENTAL IMPLICATIONS**

8.1 There are no Environmental implications.

### **Background Papers**

Civil Partnership Act 2004  
The Asylum and Immigration Act 2004

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