



Government  
Equalities Office

# **Implementing Opposite-Sex Civil Partnerships: Next Steps**

July 2019

## Contents

Ministerial foreword.....	2
Executive Summary .....	3
Chapter 1: Introduction .....	5
Chapter 2: Formation and Dissolution of Civil Partnerships.....	8
Chapter 3: Religious protections .....	11
Chapter 4: Gender Recognition .....	13
Chapter 5: Parental Rights.....	14
Chapter 6: Financial Entitlements .....	16
Chapter 7: Recognition of relationships .....	19
Chapter 8: Conversion rights – interim position .....	21
Chapter 9: Implementation.....	22
Annex A: Consultation on civil partnerships: the future of conversion rights..	23

## **Ministerial foreword**

This government wants to see more people formalise their relationships in the way they want, with the person they love. Greater commitment leads to greater family stability, and greater security within relationships will help to protect children's interests.

We know there are over three million opposite-sex couples that cohabit but choose not to marry for personal reasons. These couples support a million children but do not have the security or legal protection that married couples or civil partners enjoy.

Neither do these couples benefit from the same rights and protections that others enjoy: benefits such as shared personal allowances for income tax and pension security in the event of a bereavement.

This government supports personal and social responsibility. We want to help to promote family stability and ensure that children have the best and most stable start in life.

That is why we announced last year that we would be extending civil partnerships to opposite-sex couples. Civil partnerships are not intended to compete with marriage, rather they will provide an alternative option for those couples who do not wish to marry but want legal certainty and stability for their families.

We also supported the Civil Partnerships, Marriage and Deaths (Registration etc.) Act 2019 in its passage through Parliament. This legislation paves the way for opposite-sex couples to be able to enter into a civil partnership. Now we must make their rights and entitlements a reality through the supporting, secondary legislation.

The first part of this document sets out how we intend to extend civil partnerships to opposite-sex couples. The second part seeks views on the right to convert a civil partnership to marriage and vice versa. We look forward to hearing from you.

I know how long some opposite-sex couples have waited for this opportunity. We are determined to bring forward these changes at the earliest opportunity and hope to allow the first opposite-sex civil partnerships to take place by the end of this year.

**The Rt Hon Penny Mordaunt MP**

**Secretary of State for Defence and Minister  
for Women and Equalities**



## Executive Summary

1. This document sets out how we intend to introduce opposite-sex civil partnerships in England and Wales and is drafted on the basis of the current rights and entitlements relating to civil partnerships and marriage.
2. This document is in two parts. The main body of the document sets out the changes we intend to make to existing legislation before the end of the year in order to allow opposite-sex couples to form civil partnerships. We have already sought views from key stakeholders on most of these issues. We intend, wherever appropriate, to extend existing rights that apply to same-sex civil partners or opposite-sex married couples to opposite-sex civil partners. Where there is any necessary departure from existing rights, this is explained in this document. In light of this, we are not formally seeking views on the proposals in the main body of the paper.
3. Our engagement has shown one issue on which we do need to consult more formally. The paper at Annex A seeks views on whether opposite-sex couples should be able to convert their marriage into a civil partnership and vice versa. It also considers whether any changes should be made to the existing right to convert a same-sex civil partnership to a marriage. This consultation fulfils the requirement in the 2019 Act for the Secretary of State to consult before making regulations on conversion. We advise you to read this document in full before responding to the consultation paper.
4. Any more substantive changes on conversion are likely to follow in 2020, given the time needed to analyse responses to the consultation and to make the necessary operational changes. This means that we will keep, for now, the existing right for same-sex couples to convert from a civil partnership to marriage (as set out in Chapter 8) alongside the changes we make before the end of 2019.
5. This document is structured as follows:

**Chapter 1** introduces the document, describes the current legislative framework and explains how the policy on civil partnerships has evolved.

**Chapter 2** sets out the changes we intend to make to the Civil Partnership Act 2004 relating to the formation and dissolution of civil partnerships.

**Chapter 3** sets out the specific protections that should be put in place for religious organisations and individual ministers in relation to forming civil partnerships.

**Chapter 4** describes the changes we intend to make to the law relating to civil partnerships and gender recognition, which will permit civil partnerships to continue after one party has received a gender recognition certificate.

**Chapter 5** considers the changes to the law that are required on parental responsibility and parenthood, following the introduction of opposite-sex civil partnerships.

**Chapter 6** summarises the changes (where necessary) required to legislation on matters such as benefits and tax credits, taxes and pensions.

**Chapter 7** considers recognition of civil partnerships formed overseas and whether opposite-sex civil partnerships formed in England and Wales may be recognised in other jurisdictions or countries (including in Scotland and Northern Ireland).

**Chapter 8** outlines our short-term position on conversion rights, pending results of the consultation exercise.

**Chapter 9** sets out the process for implementing opposite-sex civil partnerships and implementation issues for the General Register Office (GRO).

The document at **Annex A** is the formal consultation on conversion rights.

## Chapter 1: Introduction

6. Civil partnerships were originally created to enable same-sex couples to formalise their relationships at a time when marriage was not available to them. The Marriage (Same Sex Couples) Act 2013 then gave same-sex couples the right to marry.
7. A number of people have called for civil partnership to be made available to opposite-sex (or 'mixed-sex') couples. They have argued that opposite-sex couples, like same-sex couples, should be able to choose whether to marry or to register a civil partnership.
8. We have listened to these concerns and on 2 October 2018, the Prime Minister announced that we would change the law to allow opposite sex couples in England and Wales to enter into a civil partnership.
9. Extending civil partnerships to opposite-sex couples will:
  - enable such couples to have a personal choice of the type of legal recognition of their relationship, without the traditional associations of a marriage.
  - remove unfairness, as all couples will have the same options for formalising their relationships.
  - give long-term, cohabiting, opposite-sex couples who do not want to marry the opportunity to gain rights, protections and recognition, encouraging stable family relationships.
  - mean that being in a civil partnership would no longer effectively be a declaration of sexual orientation.
  - enable couples to remain in a civil partnership if one partner changes their legal gender.

### Background

10. The Civil Partnership Act 2004 ("the 2004 Act") enabled same-sex couples to obtain legal recognition of their relationship by registering a civil partnership. These provisions came into force in England and Wales on 5 December 2005.
11. The Marriage (Same Sex Couples) Act 2013 ("the 2013 Act") then allowed same-sex couples to enter a marriage or convert their civil partnership into a marriage. The main provisions came into force in England and Wales on 13 March 2014.

12. In January 2014, the coalition government sought views on the operation and future of civil partnerships and whether these should be extended to opposite-sex couples<sup>1</sup>. As there was no consensus on this issue, the then government decided not to make any changes to civil partnerships at that time.
13. In May 2018, the command paper '*The future Operation of Civil Partnership: Gathering Further Information*'<sup>2</sup>, set out this government's commitment to gathering additional information to help assess the ongoing demand for same-sex civil partnerships and for introducing opposite-sex civil partnerships.

### *Supreme Court judgment*

14. In June 2018, the Supreme Court declared that the provisions in the 2004 Act preventing opposite-sex couples from entering into a civil partnership were incompatible with the European Convention on Human Rights. This followed a challenge brought by Rebecca Steinfeld and Charles Keidan, a couple who wished to enter into a legally recognised relationship with each other, but who have a conscientious objection to marriage.

### *Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019 ("the 2019 Act")*

15. In July 2017, Tim Loughton MP introduced a Private Member's Bill, *the Civil Partnerships, Marriages and Deaths (Registration etc) Bill*, in the House of Commons. In October 2018, he amended his Bill at Report stage in the Commons to require the Secretary of State to make regulations extending civil partnerships to opposite-sex couples. With government support, his amendment was refined at Committee stage in the House of Lords and the Bill received Royal Assent on 26 March 2019.
16. Section 2 of the 2019 Act enables the Secretary of State to make regulations to amend the 2004 Act so that two people who are not of the same sex are eligible to form a civil partnership in England and Wales. It requires the Secretary of State to make the regulations to come into force no later than 31 December 2019.
17. As the current civil partnership regime is bespoke to same-sex couples, section 2 also enables the Secretary of State to make other changes, through regulations, to ensure that a coherent scheme can be introduced for opposite-sex couples. This includes issues such as parental responsibility, financial entitlements and conversion between a civil partnership and marriage and from marriage to a civil partnership. Section

---

<sup>1</sup> <https://www.gov.uk/government/consultations/consultation-on-the-future-of-civil-partnership-in-england-and-wales>

<sup>2</sup> <https://www.gov.uk/government/publications/the-future-operation-of-civil-partnership-gathering-further-information>

2 also requires the Secretary of State to consult before making regulations on conversion rights.

18. The regulations made under the powers in section 2 (and the related power in section 5) of the 2019 Act are subject to the affirmative resolution procedure, which means they must be debated in both Houses of Parliament before they come into force.



## Chapter 2: Formation and Dissolution of Civil Partnerships

19. This chapter sets out the changes we intend to make to the 2004 Act relating to the formation and dissolution of civil partnerships.

### *Definition of civil partnership*

20. We intend to amend the definition of a 'civil partnership' in section 1 of the CPA 2004 so that, in England and Wales, a relationship between two people of the opposite sex can be a civil partnership, formed when an opposite-sex couple register as civil partners of each other. This should also be the case when opposite-sex couples register as civil partners of each other outside the UK (i.e. registration at British consulates or by armed forces personnel), and jointly elect England and Wales as the relevant part of the United Kingdom for the purposes of that registration.

21. We have no intention of extending eligibility to form a civil partnership to family members (such as siblings).

### *Premises at which civil partnerships may be registered*

22. Chapter 3 considers the issue of registration at religious premises. For non-religious premises, our intention is that couples will be able to form opposite-sex civil partnerships at the same premises as for same sex-civil partnerships.

### *Bringing civil partnerships to an end*

23. In England and Wales, a civil partnership ends on death, dissolution, annulment or conversion into marriage. Dissolution is brought about by a dissolution order and annulment by a nullity order. Both orders can be made by the High Court or the family court.

24. Either civil partner can apply for a **dissolution** order, as long as at least a year has passed since the partnership was formed. The ground for making a dissolution order is that the partnership has broken down irretrievably. Currently, the applicant must prove either that the respondent has behaved in such a way that the applicant cannot reasonably be expected to live with them, or that the respondent has deserted or lived apart from them for a certain continuous period.

25. There is a further 'fact' that can lead to dissolution of a marriage, namely that the respondent has committed adultery and the petitioner finds it intolerable to live with the respondent. This fact does not apply to same sex civil partnerships, and our view is that **adultery should not be a specific 'fact' for the purpose of dissolution of an opposite-sex civil partnership** either (although it might support dissolution on the basis of the respondent's behaviour, meaning that the applicant cannot reasonably be expected to live with the respondent).

26. A **nullity** order can be made by the courts if a civil partnership is void or voidable. A civil partnership is **void** if any of the grounds in section 49 of the 2004 Act apply. These include, at the time of its registration, either partner was ineligible or, when it was registered, both partners were aware of any of a selection of procedural defects. Our intention is that the same grounds should apply to opposite-sex couples.
27. The grounds on which a civil partnership is **voidable** include that either of the couple did not validly consent; or if, unknown to the applicant at the time they formed the partnership, the respondent had a gender recognition certificate or was pregnant by someone other than the applicant. A civil partnership is also voidable if, after the partnership was formed, either partner is issued with an interim gender recognition certificate. (Issues relating to gender recognition are considered in Chapter 4.)
28. Opposite-sex marriages (but not same-sex marriages or civil partnerships) are voidable on the grounds of non-consummation. A marriage, whether same-sex or opposite-sex, is also voidable on the ground that at the time of the marriage the respondent suffered from a communicable venereal disease. A civil partnership is not voidable on that ground.
29. Our intention is that opposite-sex civil partnerships should be voidable on the same grounds as same-sex civil partnerships, rather than the grounds applicable to opposite-sex or same-sex marriage. Therefore, non-consummation and venereal disease should not be grounds on which an opposite-sex civil partnership is voidable.
30. A civil partnership can also come to an end if the partnership is converted into a marriage. This issue is considered in the consultation at Annex A.

#### *Future reform of dissolution and divorce law*

31. The consultation paper *Reducing Family Conflict: Reform of the Legal Requirements for Divorce* was published in September 2018. It invited comments on our proposals to reduce family conflict caused or worsened by certain legal requirements in the existing processes for divorce and civil partnership dissolution.
32. Our proposals focused on revising these processes so that, when there is no prospect of reconciliation and separate lives are inevitable, the marriage or civil partnership can be brought to a legal end in a dignified and constructive way that will help people look to the future. The principle of conflict reduction applies also to couples who wish to live apart but remain in their legal relationship, and who accordingly seek a decree of judicial separation (within a marriage) or a separation order (within a civil partnership).
33. Our response to this consultation was published on 9 April. It set out our intention to retain the irretrievable breakdown of the marriage or civil

partnership as the sole ground on which the court can grant a divorce (or dissolution) and to remove the requirement to satisfy the court of one or more 'facts'. These changes require primary legislation and the government introduced the *Divorce, Dissolution and Separation Bill* on 13 June. As this is likely to come into force after our regulations, we do not intend to make any changes to the existing provisions on dissolution of civil partnerships ahead of these reforms.

### Chapter 3: Religious protections

34. This chapter sets out the changes we plan on the protections that would apply to religious groups, as well as individual ministers, in relation to the formation of civil partnerships. Broadly, we intend to provide protections to ensure that faith or religious organisations are not compelled to act in a way that would be in contravention of their beliefs.
35. We are aware that for many religious groups, the preferred union for opposite-sex couples is marriage and those groups would not wish to host civil partnerships for opposite-sex couples on their premises, or in any way participate in the formation of opposite-sex civil partnerships. They may also have religious objections to employing individuals, including ministers, who are in a civil partnership as opposed to a marriage.
36. The introduction of same-sex marriage was accompanied by a set of protections to ensure that religious groups would not be compelled to carry out such marriages against their will. These protections are often referred to as the 'quadruple lock', which are:
- no religious organisation or individual minister can be compelled to marry same-sex couples or to permit this to happen on their premises;
  - an opt-in system for religious organisations who wish to conduct marriages of same-sex couples;
  - ensuring that no discrimination claim can be brought against religious groups or individual ministers that refuse to marry couples because they are of the same sex; and
  - confirmation that the legislation will not affect the Canon law of the Church of England or Church in Wales.
37. Following discussions with a number of faith groups, we intend to provide similar protections for civil partnerships. This will allow religious groups to choose whether to host civil partnerships only for same-sex couples, only for opposite-sex couples, for both, or not to host civil partnerships at all.
38. There are significant differences in the ways in which religious groups can be involved in marriages and civil partnerships, so the protections will not be exactly the same. For example, religious organisations can themselves solemnise and register marriages without the presence of a marriage registrar, and specific statutory provision is made for marriages according to the rites of the Church of England, as well as Jewish and Quaker marriages. Although civil partnership ceremonies may take place on religious premises, they can only be registered by a civil partnership registrar and remain essentially secular in nature.
39. With that in mind, we intend to change the law in the following ways:

- i. Ensure that no religious organisation or individual minister can be compelled to host or participate in civil partnerships (whether between a same-sex or an opposite-sex couple), to seek approval of their premises for the registration of civil partnerships, or to provide religious consent to the approval of premises.
  - ii. Enable religious organisations to seek approval of their premises for the registration of either same-sex, or opposite-sex civil partnerships, or both. As now, the governing body of the relevant religious organisation will need to provide consent before religious premises can be approved as a place at which civil partnership ceremonies can be held. Where religious premises are already approved for civil partnership ceremonies, these existing approvals will be applicable to same-sex civil partnership only, and a religious organisation will need to seek a further approval from the registration authority if it wishes to host civil partnerships between opposite-sex couples.
  - iii. Ensure religious organisations or individual ministers do not find themselves in breach of the Equality Act 2010 if they refuse to attend, or participate in, civil partnerships on religious premises, because the civil partnership is between a same-sex couple or an opposite-sex couple.
  - iv. Where employment is for the purposes of an organised religion and the requirement is necessary to avoid conflict with the religion, we will amend the Equality Act 2010 to enable employers to impose occupational requirements that a person must not be in a civil partnership with either a person of the same sex or the opposite sex.
40. As there is no Canon law of the Church of England or Church in Wales that would be affected by the civil partnership changes, there is no need for any protections relating to that law.
41. These protections will not apply to civil partnership registrars. They perform a secular function and, like marriage registrars and superintendent registrars, should not be able to refuse to participate in either same-sex or opposite-sex civil partnerships on grounds of their religion or belief. A handful of religious ministers are also designated as civil partnership registrars, and when they are performing this secular function they will not be able to refuse on faith or belief grounds.

## Chapter 4: Gender Recognition

42. At present, a civil partner who wishes to change their gender cannot obtain a Gender Recognition Certificate (GRC) and remain in the civil partnership (unless both parties obtain gender recognition on the same date). Such a person must apply to the Gender Recognition Panel (GRP) for an interim GRC<sup>3</sup>.
43. If the interim GRC is issued, the applicant or their civil partner can apply to the courts to have the civil partnership declared void. Once the civil partnership is brought to an end, the Gender Recognition Act 2004 (“the GRA 2004”) requires the court to issue a full GRC to the applicant. The parties then have the option of marrying, if they choose to do so, taking advantage of an expedited procedure under the Marriage Act 1949.
44. Following the introduction of same-sex marriage in 2014, it became possible for people to remain in their marriages on issue of a full GRC to one spouse, provided the other spouse consents. It also became possible for couples to convert a same-sex civil partnership into a marriage. After the conversion, one spouse can then obtain a full GRC and the marriage can continue, again only if the other spouse agrees.
45. Now that opposite-sex couples will be able to form civil partnerships in England and Wales, we intend to permit civil partnerships to continue where one party is issued with a full GRC, without the need to dissolve the civil partnership or convert it to a marriage. As with marriage, this will only be possible where the other civil partner consents, and where the civil partnership was formed in England and Wales or overseas.
46. We are aware of concerns that many in the trans community have expressed about the requirement for spousal consent under current legislation. The consultation on *Reform of the Gender Recognition Act*, published in July 2018<sup>4</sup> asked respondents whether they agreed with the current provisions relating to spousal consent. We received a significant volume of responses to the consultation and to this particular question.
47. We have not yet published our response to the consultation but will do so in due course. Any substantive change to the spousal consent provisions would, however, require future primary legislation, as this could not be addressed through the powers in the 2019 Act relating to civil partnerships.
48. Our proposed changes to the GRA will align the provisions for civil partners more closely with those for married couples. If, however, we decide to change the requirement for spousal consent as part of wider GRA reform, we will make an equivalent change to the legislation relating to civil partnerships. Therefore our proposed changes to the GRA, as set out above, may only be a short-term solution.

---

<sup>3</sup> An interim GRC has no legal significance beyond enabling a civil partnership to be voided.

<sup>4</sup> <https://www.gov.uk/government/consultations/reform-of-the-gender-recognition-act-2004>

## Chapter 5: Parental Rights

49. This chapter sets out the changes we intend to make to parental responsibility, parenthood, legitimacy and fertility and embryology as a result of allowing opposite-sex couples to form a civil partnership. This is an area where we intend to treat opposite-sex civil partners in the same way as opposite-sex married couples, rather than same-sex civil partners.

50. Our intended changes are summarised below.

### *Presumption of paternity*

51. Legally, whether a person is regarded as a child's *mother* depends only on the relationship between that person and the child. Whether a person is legally regarded as a child's *father/other parent* can be affected by the existence or non-existence of a formalised legal relationship between that person and the child's mother.

52. The husband of a child's mother at the time of the child's birth is presumed to have contributed genetically, and therefore to be the child's father. The same presumption does not exist for current civil partnerships, since both partners are of the same sex. We will amend the law to introduce a presumption that a child born to a woman in a civil partnership with a man is a child of that man.

### *Assisted reproduction*

53. The Human Fertilisation and Embryology Act 2008 sets out who is and is not legally the mother, father, or other parent of a child in cases of assisted reproduction (artificial insemination, implantation of an embryo or of sperm and eggs, surrogacy and other kinds of assisted reproduction).

54. Where a woman who is married to a man received reproductive assistance, and the man consents to the procedure, he is regarded as the child's father. We intend to amend these parenthood provisions so that couples in opposite-sex civil partnerships are treated in the same way under the legislation as opposite-sex married couples, so a male civil partner of the mother is regarded as the child's father if he has consented to the procedure.

### *Legitimacy*

55. Despite now being of little consequence in practice, the concept of the 'legitimacy' of a child still exists in the law of England and Wales and can be affected by marriage and civil partnership. A child is legitimate if their biological parents were married to each other at the time of conception or birth. A civil partnership between the parents does not make the child legitimate, since civil partnerships are currently between same-sex couples. We will amend the law so that a child of an opposite-sex couple is legitimate if their parents were in a civil partnership at the time of their conception or

birth, or if their parents subsequently enter into an opposite-sex civil partnership. This mirrors the position with married opposite-sex couples.

### *Parental responsibility*

56. The person (or people) with parental responsibility for a child can be someone other than a mother, father or parent. Parental responsibility is automatically acquired at the point of a child's birth by the mother, and automatically acquired at the child's birth by:

(a) the father, if the father is married to the mother, or

(b) someone who is to be treated as the child's parent.

57. A father who does not acquire parental responsibility automatically can acquire it later in a number of ways including by marrying the child's mother.

58. A civil partner does not automatically have parental responsibility. Similarly, a person who has given birth to a child and subsequently forms a civil partnership does not, by doing so, give their civil partner parental responsibility for the child. We will amend the law so that if a child's mother and father were in a civil partnership at the time of the child's birth, or later form a civil partnership, they shall each have parental responsibility for the child.

### *Registration of birth*

59. A child's birth must be registered by a qualified informant (usually the mother or father of the child) within 42 days of the birth. Fathers who are not married to the child's mother are not required to provide information to the registrar, and are not to be entered onto the register as the child's father unless certain conditions are met. We will amend the law so that fathers in opposite-sex civil partnerships are required to provide the registrar with information following a child's birth, and so that they will be entered as the father on the child's birth certificate. This means that they will be treated in the same way as married fathers.



## Chapter 6: Financial Entitlements

60. Opposite-sex couples that co-habit but are not married do not always have access to the same financial entitlements as married couples or those in a same-sex civil partnership. Allowing such couples to form civil partnerships will provide them with much greater protections and will enable them to benefit from entitlements such as the Marriage Allowance for tax purposes and pension security in the event of a bereavement.

### *Social security*

61. For the purposes of income-related social security benefits, civil partners are treated in the same way as any other couple who are living together when assessing their entitlement. For tax credits, civil partners are treated in the same way as married couples.

62. Bereavement Support Payment (BSP) is available for those who lose a civil partner (or spouse) on or after 6 April 2017. It is a contributory benefit and is based on the late partner's national insurance record. It is intended to provide fast, direct financial help for widows, widowers and surviving civil partners following the premature death of their partner.

63. BSP takes the form of a lump sum payment followed by up to 18 smaller monthly payments. As bereaved parents may incur additional costs, those with dependent children receive higher amounts. BSP is paid in addition to other benefits such as Universal Credit, disregarded from the benefit cap, and for those in employment it is not taxed.

### *Tax*

64. The Marriage Allowance is a tax relief for civil partners which allows one partner to transfer part of their personal allowance to the other. It allows a civil partner to transfer ten per cent of their Personal Allowance to their partner, £1,250 in the 2019-20 tax year, if their partner does not pay income tax at the higher or additional rate.

65. When a person dies and leaves everything to their civil partner, no Inheritance Tax is payable, even where the value of the estate exceeds the current £325,000 threshold above which this is normally paid. If a civil partner's estate is worth less than the threshold, when they die any unused threshold can be added to their partner's threshold. This means that their partner's threshold can be as much as £950,000.

### *State Pension*

66. State Pension is a contributory social security benefit, based on an individual's National Insurance record. Whether a person is eligible for State Pension depends on the legislation in place at the time the individual reaches their State Pension age.

67. For those who reached their State Pension age before 6 April 2016, there are circumstances where an individual can have their State Pension amount increased, or can inherit some State Pension based on the contributions paid by their current (or late or former) husband, wife or civil partner.
68. There are a small number of variations in how these rules are applied to married heterosexual women compared to the position for married heterosexual men, same-sex civil partners and same-sex married couples.
69. We intend to align the State Pension rules relating to increasing or inheriting State Pension entitlement for opposite-sex civil partners with those in place for same-sex civil partners. This will ensure consistency of rules in terms of all individuals who enter into a civil partnership.
70. Those who reach their State Pension age from 6 April 2016 have their State Pension calculated under the rules of the new State Pension. Although the new State Pension is generally based only on the individual's own National Insurance contribution record, there are some transitional arrangements that mean an individual can in some circumstances inherit State Pension from their husband, wife or civil partner. However, generally these transitional rules require that the marriage or civil partnership took place before 6 April 2016.<sup>5</sup>

#### *Occupational pension schemes*

71. Pensions delivered by occupational schemes are considered to be deferred pay and therefore under EU law they fall within the directive on the implementation of the principle of equal opportunities and equal treatment of men and women in matters of employment and occupation. Schemes are required to pay equal benefits for men and women on accruals from 17 May 1990 (the date when the European Court of Justice made the ruling in the *Barber* case).
72. For male same-sex couples, following the Supreme Court Judgment in the *Walker* case, the requirement is that the survivor should get the same as the widow of a male member in an opposite-sex marriage; and for female same-sex couples, the survivor should get the same as the widower of a female member.
73. The government intends to match opposite-sex civil partners' pension entitlements in occupational pensions to those of opposite-sex married couples. This is consistent with the approach taken in occupational pensions with same-sex civil partnerships; that civil partnerships are equivalent to marriage, and should be treated in the same way.

---

<sup>5</sup> Please note that the requirement that the marriage or civil partnership took place before 6 April 2016 does not apply for inheritance of deferred State Pension if the deceased's State Pension age was before 6 April 2016

### *Public sector pension schemes*

74. Public service pensions are mainly defined-benefit occupational pension schemes and are provided, for example, for workers in the National Health Service, for teachers, members of the armed forces, firefighters, the police, local government workers, civil servants and the judiciary.
75. Survivor benefits within the public service pension schemes have developed over time. Provision of survivor benefits for females who survive their male spouse was introduced for most groups of widows after the Second World War and made universal, more standardised and more generous in the early 1970s. When survivor benefits were extended to male survivors of opposite-sex marriage on 6 April 1988, eligibility was based on relevant employment from that date. When civil partnerships and same-sex marriage were subsequently introduced, eligibility for survivor pensions was provided on the same basis in respect of relevant employment from April 1988.
76. The public service schemes have amended, or are in the process of amending provisions in relation to survivors of same-sex civil partnerships or marriage to align the benefits with those available to females who survive their male spouse; that is in respect of relevant employment from when such benefits were introduced, generally in the 1970s.
77. There are no plans to equalise treatment between female and male survivors of opposite-sex marriage in public service pension schemes. The European Court of Justice judgment in *Barber* found that occupational pension schemes were required to provide equal pensions to men and women, including survivors' benefits, in relation to relevant employment from 17 May 1990. The public service pensions schemes already exceed the requirement of the Court's judgment.
78. The government proposes to align survivors' benefits for opposite-sex civil partners with those that are available to survivors of opposite-sex marriage. Females who survive their male spouse or civil partner will receive benefits in relation to any relevant employment from the date such pensions were introduced (generally the 1970s) and males who survive their female spouse or civil partner will receive benefits based on relevant employment from April 1988.

## Chapter 7: Recognition of relationships

79. This chapter covers issues relating to the recognition of opposite-sex civil partnerships formed outside England and Wales. It also covers whether civil partnerships formed in England and Wales will be recognised in other countries.

### *Recognition of overseas relationships*

80. The 2004 Act allows certain overseas relationships to be treated as same-sex civil partnerships in England and Wales. The Act defines an overseas relationship as either a 'specified relationship' or 'a relationship which meets the general conditions'. Specified relationships are those that are formed in one of the jurisdictions listed in Schedule 20 to the Act and which meet conditions which make them equivalent to civil partnerships. If a relationship is not a specified relationship, it can still be an overseas relationship for the purposes of the 2004 Act if it meets certain general conditions set out in the legislation. These include that the relationship must be exclusive (i.e. the relationship could not be entered into if either of the parties was already in a relationship of that kind or was lawfully married) and of unlimited duration.

81. Couples are treated as having formed the civil partnership either at the time the overseas relationship was registered under the relevant law, or on the date that the relevant provisions in the 2004 Act came into force (5 December 2005), whichever is later.

82. We intend to amend the 2004 Act to allow overseas opposite-sex relationships that are not marriage to be recognised as civil partnerships in England and Wales. The underlying policy is to replicate, wherever appropriate, the same principles which currently apply to same-sex overseas relationships.

83. We are in the process of drawing up a list of those opposite-sex overseas relationships (specified relationships) which would be recognised as opposite-sex civil partnerships in England and Wales if they meet the equivalency conditions. These will be listed in a new Part 2 of Schedule 20. At the same time, we also intend to update the list of same-sex overseas relationships that are currently included in Schedule 20.

### *Recognition overseas of civil partnerships formed in England and Wales*

84. A civil partnership formed in England and Wales will not necessarily be recognised in overseas jurisdictions. Generally those jurisdictions listed in Schedule 20 recognise English and Welsh civil partnerships. Those who, in future, form an opposite-sex civil partnership and may wish to have their relationship recognised overseas should check with the relevant jurisdiction. Opposite-sex marriage, by contrast, is universally recognised.

## *Scotland and Northern Ireland*

85. The 2004 Act also created same-sex civil partnerships in Scotland and Northern Ireland. Same-sex civil partnerships formed in these jurisdictions are therefore recognised in England and Wales and vice versa.
86. The law relating to marriage and civil partnerships is devolved to Scotland and Northern Ireland and these jurisdictions are not generally covered by the changes in the 2019 Act.
87. The Scottish Government consulted last year on whether to introduce opposite-sex civil partnerships in Scotland. The Scottish Government announced on 25 June that it would introduce legislation in the Scottish Parliament in the autumn extending civil partnerships to opposite-sex couples. In last year's consultation '*The future of civil partnership in Scotland*<sup>6</sup> the Scottish Government stated that should opposite-sex civil partnership be introduced in Scotland, it would propose to recognise equivalent relationships registered in other jurisdictions. Same-sex civil partnerships from elsewhere are already recognised in Scotland.
88. Matters relating to marriage and civil partnerships are devolved in Northern Ireland. We recognise that the continuing absence of devolved government in Northern Ireland means these proposals cannot be fully considered or implemented for the people of Northern Ireland at this stage. This also means that for now, an opposite-sex civil partnership formed in England and Wales would not be recognised in Northern Ireland. The government's key priority is to see devolved government restored in Northern Ireland at the earliest opportunity; in part so that sensitive devolved matters such as these can be carefully considered and debated by locally elected and locally accountable politicians.

---

<sup>6</sup> <https://consult.gov.scot/family-law/the-future-of-civil-partnership-in-scotland/>

## **Chapter 8: Conversion rights – interim position**

89. Annex A to this document seeks views on whether to make changes to the existing right to convert a civil partnership to marriage and whether to introduce a new right to convert a marriage to a civil partnership. This chapter sets out our position on conversion rights in the short-term, pending the outcome of the consultation.
90. The 2013 Act enables same-sex couples in a civil partnership to convert that partnership into marriage. This was to allow such couples to enter a type of relationship that had not previously been available to them, without first having to dissolve their civil partnership. This right is still available to same-sex couples, even if they formed their civil partnership after the introduction of same-sex marriage. This is to allow for cases where one partner changes gender, as currently they would not be able to remain in a same-sex civil partnership (see Chapter 4) and would instead have to convert that relationship to a marriage.
91. Annex A explains that any longer-term changes on conversion are unlikely to come into force until later in 2020, given the need to await the outcome of the consultation and the time needed to make the necessary legislative and operational changes. Until that time, we intend to maintain the current position, so that only same sex couples will be able to convert their civil partnerships to marriage. This approach avoids making short-term changes that might have to be undone when the longer-term position on conversion rights is decided, following the consultation.
92. We have taken the views of key stakeholders (including those campaigning for equal civil partnerships, organisations representing the LGBT community and faith organisations) to inform our position on conversion rights.

## Chapter 9: Implementation

### *Next steps*

93. All of the regulations under the 2019 Act are subject to the affirmative resolution procedure, which means they will be debated in both Houses of Parliament before they come into force. We intend to lay these regulations in Parliament in the autumn, although any regulations relating to our longer-term position on conversion rights would follow at a later stage, as these will be shaped by the consultation.
94. The 2019 Act requires the Secretary of State to bring the regulations changing the eligibility criteria into force no later than 31 December 2019. We are not able to state at this stage precisely when the first set of reforms will come into force, and when the first opposite-sex couples will be able to give notice of their intention to form a civil partnerships. This is because of the need for Parliamentary time – and approval – for the regulations to come into force.
95. We are working to introduce these changes at the earliest opportunity. It is our aim that opposite-sex couples will be able to both give notice and register their civil partnerships before the end of the year.

### *Implementation*

96. The General Register Office (GRO) has overall responsibility for implementation of the new provisions, which will be delivered across 173 local authorities in England and Wales. Some changes to GRO computer systems will be necessary to allow for opposite-sex couples to form civil partnerships but the requirements and processes, such as giving notice, will not change.
97. Non-religious premises which are already approved for civil marriage and civil partnerships will automatically be available to all couples who wish to form a civil partnership once the new regulations are in force. Religious premises which are already approved for the formation of civil partnerships for same-sex couples will be able to apply for their premises to be approved for the formation of civil partnerships for opposite-sex couples, subject to providing the necessary consents.
98. GRO will ensure that all local authorities have any necessary guidance or training material in time for implementation.

## Annex A: Consultation on civil partnerships: the future of conversion rights

### About this consultation:

<b>Topic</b>	This consultation invites views on our plans for introducing a time-limited right for opposite-sex couples to convert their marriage to a civil partnership and then bringing all conversion rights to an end. It also seeks views on a number of related issues.
<b>Geographical scope</b>	The changes will affect England and Wales only.  The policy on civil partnerships and marriage is devolved to Scotland and Northern Ireland.
<b>Impact assessment</b>	An initial Impact Assessment and Equalities Analysis have been produced for this consultation in keeping with the Public Sector Equality Duty, set out in the Equality Act 2010. These can be found at: <a href="https://www.gov.uk/government/consultations/civil-partnerships-next-steps-and-consultation-on-conversion">https://www.gov.uk/government/consultations/civil-partnerships-next-steps-and-consultation-on-conversion</a> .  A full cost/benefit impact assessment will be prepared once we make a decision on what action to take, following the results from this consultation. The full impact assessment will be published when our response to this consultation is published.
<b>Audience</b>	We would be particularly interested in hearing from: <ul style="list-style-type: none"> <li>• Members of the public – particularly opposite-sex married couples who may wish to convert to a civil partnership and same-sex couples who may have views on any ending of conversion rights;</li> <li>• Religious organisations and people with religious beliefs who may have views on whether allowing opposite-sex married couples to convert to a civil partnership will require specific protections to be drafted for religious organisations;</li> <li>• LGBT organisations who may have views on any ending of conversion rights for same-sex couples.</li> </ul>
<b>Duration</b>	This consultation will run for six weeks and will close at midnight on 20 August 2019.



<p><b>How to respond to this consultation</b></p>	<p>You can complete the consultation online at <a href="http://www.smartsurvey.co.uk/s/OSCPconsultation">www.smartsurvey.co.uk/s/OSCPconsultation</a>.</p> <p>You can also ask for paper copies, easy read or Welsh language versions of the consultation document by emailing <a href="mailto:OSCP.consultation@geo.gov.uk">OSCP.consultation@geo.gov.uk</a>.</p> <p>Please tell us whether you are responding as an individual or whether you are representing the views of an organisation.</p> <p>If you are responding on behalf of an organisation please tell us who the organisation represents, the size of the organisation, and, where possible, how the views of members have been sought.</p> <p><b>Please do ensure that your responses are sent to us on the form provided. If you respond in an alternate way, your response will not be considered.</b></p> <p>Please note that individual duplicated responses will be removed from analysis (i.e. those with identical identifiers and wording). Where duplicated responses are obviously part of a campaign and containing identical wording, they may be analysed through a separate process.</p> <p>If you have any queries about the consultation please contact <a href="mailto:oscp.consultation@geo.gov.uk">oscp.consultation@geo.gov.uk</a> or write to Opposite-Sex Civil Partnership Consultation, Government Equalities Office - 6th Floor, Sanctuary Buildings 20 Great Smith Street, London SW1P 3BT.</p>
<p><b>Privacy, disclosure of information and data protection</b></p>	<p>Information provided in response to consultations, including personal information, may be subject to publication or disclosure under the Freedom of Information Act 2000, the Data Protection Act 2018 or the Environmental Information Regulations 2004. The Government Equalities Office and any contractor involved in the analysis will process your personal data in accordance with the Data Protection Act 2018, and in the majority of circumstances this will mean that your personal data will not be disclosed to any further third parties.</p> <p>We may publish responses received from organisations. If you want all, or any part, of a response to be treated as confidential, please explain in the relevant section of the form why you consider it to be confidential. If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no</p>

	<p>assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, in of itself, be regarded as binding on the Department.</p> <p><b>Please see the full privacy notice at:</b>  <a href="http://www.gov.uk/government/consultations/civil-partnerships-next-steps-and-consultation-on-conversion">www.gov.uk/government/consultations/civil-partnerships-next-steps-and-consultation-on-conversion</a>.</p>
<p><b>Next steps</b></p>	<p>After the consultation closes, the responses will be analysed. We will then publish a report summarising the responses, setting out our analysis of what they mean and indicating what action we intend to take as a consequence.</p> <p>This consultation flows from the Civil Partnerships, Marriage and Deaths (Registration etc.) Act 2019, which empowers the Secretary of State to make regulations on conversion between civil partnership and marriage (and vice versa). The responses to this consultation will inform the content of those regulations, which will be laid in Parliament and debated at a later stage.</p>

## Introduction

1. This consultation invites views on our plans for introducing a time-limited right for opposite-sex couples to convert their marriage to a civil partnership and then bringing all conversion rights to an end. It also seeks views on a number of related issues. You can read the policy paper *Implementing Opposite Sex Civil Partnerships: Next Steps*<sup>7</sup> for background on this policy.

## Background

2. Shortly after the coalition government introduced same-sex marriage in March 2014, it introduced a right for same-sex couples to convert their civil partnerships to marriage. The Marriage (Same Sex Couples) Act 2013 (“the 2013 Act”) enables civil partners who formed their partnership in England and Wales to have that partnership converted into a marriage, without first having to formally dissolve their current partnership. The civil partnership comes to an end on conversion and the resultant marriage is then treated as having existed from the date that the civil partnership was formed. Those couples who choose not to convert are able to remain in their civil partnership and suffer no legal detriment.
3. Couples can convert their civil partnership at a local register office or religious or approved premises where same-sex marriages are allowed. In all cases, the official conversion must be performed by a Superintendent Registrar. Couples need to sign a ‘conversion declaration’ and can convert with or without a ceremony. There is a small administrative fee for this process (see below).
4. The intention behind the current conversion right was to allow same-sex couples to enter a type of relationship that had not previously been available to them, and without first having to dissolve their civil partnership. It was also to reflect that same-sex couples were historically denied the right to marry and some felt that the introduction of civil partnerships stopped short of this.
5. Our position on the current conversion right was informed by a consultation exercise launched in March 2012. Responses to the paper ‘*Equal civil marriage: a consultation*’<sup>8</sup> showed strong support and demand for the right to convert. This is reflected in the published statistics for conversion of same-sex civil partnerships to marriage. These show that there was an initial surge in demand, when conversion was introduced on 10 December 2014 (in England and Wales) but that this then tailed off significantly. The statistics in Scotland follow a similar pattern. This is summarised in the table below.

---

<sup>7</sup> <https://www.gov.uk/government/consultations/civil-partnerships-next-steps-and-consultation-on-conversion>

<sup>8</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/133258/consultation-document\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/133258/consultation-document_1_.pdf)

## Number of civil partnerships converted to marriage

	2014	2015	2016	2017
<b>England and Wales</b> <sup>9</sup>	2,411 <sup>10</sup>	9,156	1,663	Not yet available
<b>Scotland</b> <sup>11</sup>	359 <sup>12</sup>	936	173	127

6. When introducing the current conversion right, the government decided not to allow same-sex couples to convert from marriage to civil partnership. The government response<sup>13</sup> to the 2012 consultation paper said: “We do not propose to allow people to convert from a marriage into a civil partnership as there is no justification or requirement for introducing such a process”.
7. At that time, the government decided not to put a time limit on the right to convert from civil partnership to marriage. The response to the 2012 consultation said: “As proposed, we will not place a time limit on the conversion of civil partnerships. This will allow us to achieve our objective of enabling those in a civil partnership to remain in their union if they change their legal gender”.

## Future conversion rights

8. The Civil Partnerships, Marriages and Deaths (Registration etc.) Act 2019 (“the 2019 Act”) enables the Secretary of State to make regulations providing for (or bringing an end to) conversion between civil partnership and marriage and vice versa. The Act requires the Secretary of State to consult “such persons as [he or she] considers appropriate” before making any such regulations.
9. Chapter 8 of the policy paper sets out why we have decided to maintain the current position on conversion (and allow only same-sex couples to convert from a civil partnership to marriage) in the short-term.

9

<https://www.ons.gov.uk/peoplepopulationandcommunity/birthsdeathsandmarriages/marriagecehabitationandcivilpartnerships/bulletins/marriagesinenglandandwalesprovisional/2016#markedly-fewer-couples-converted-their-civil-partnerships-into-a-marriage-in-2016>

<sup>10</sup> From 10 December 2014 only

<sup>11</sup> Taken from Scottish Government consultation on the future of civil partnerships (page 34)  
<https://www2.gov.scot/Resource/0054/00540944.pdf>

<sup>12</sup> From 16 December 2014 only

<sup>13</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/133262/consultation-response\\_1\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/133262/consultation-response_1_.pdf)

10. For the longer-term, we have considered a number of factors, including the fairest outcome for couples and the likely future demand for conversion between civil partnership and marriage and vice versa. We do not want to encourage concepts of “trading up” or swapping one relationship for another. We are also keen to minimise administrative complexity and scope for confusion about the status of relationships or the rights of couples.
11. We have sought views from a range of interested stakeholders, particularly LGBT and faith organisations. These discussions have assisted the development of this consultation and our decision to maintain existing conversion rights in the short term.
12. We have considered giving all couples the right to convert between civil partnership and marriage and vice versa but this could involve creating conversion rights which may never be used. The coalition government saw no justification or requirement for same-sex couples to be able to convert from marriage to civil partnership. We agree and have heard no arguments to the contrary. Once we have introduced opposite-sex civil partnerships, both same-sex and opposite-sex couples will have the choice of entering their preferred form of union.
13. Some opposite-sex couples have suggested that they may in future wish to convert from a civil partnership to marriage in case they move abroad and the country they are moving to does not recognise civil partnerships. (Overseas recognition of civil partnerships is dealt with in Chapter 7 of the policy paper.) It is possible that some countries will not recognise civil partnerships at all, some might choose to treat an opposite-sex civil partnership as a marriage under their law, and others might not recognise a marriage that has been converted from a civil partnership. Our principal concern is to address an inequality in this country, rather than account for the treatment of those relationships in other countries. The government also needs to balance the wishes of couples against the disadvantages of opening up conversion rights too broadly.
14. Allowing all couples to convert from civil partnership to marriage and vice versa would fundamentally change the purpose of conversion rights. Such rights would no longer be about converting to a form of relationship that was previously unavailable to same-sex or opposite-sex couples. This change would instead allow couples to change their minds and opt for a different form of relationship that they could have chosen at the time. This is not our intention. Enabling such broad conversion rights would risk blurring the distinction between marriage and civil partnership and undermining the seriousness of the decision taken to enter a particular form of relationship. It would also create additional administrative complexity as well as the potential for confusion and uncertainty about couples’ rights and the status of their relationships.

15. We do know of some opposite-sex married couples who would have preferred to form a civil partnership, had this option been available to them at the time they married. A number of such couples have written to the Government Equalities Office indicating their desire to convert to a civil partnership as they feel this relationship is more aligned with their beliefs. Other countries also allow conversion out of marriage, including New Zealand and the Netherlands (for a limited period).
16. Allowing conversion out of marriage for opposite-sex couples would follow the same principle as the current conversion right in that it would allow opposite-sex couples to convert to a form of relationship that was not previously available to them.
17. At the same time, opposite-sex couples have always had the option of marriage, unlike same-sex couples. Some opposite-sex couples may have had to put aside their ideological objections in order to marry but it could be argued that this is not directly comparable to the prohibition on marriage faced by same-sex couples. We have also listened to the views of faith organisations, some of which are concerned about ending what is for many a religious vow, via a secular process. Others are anxious that conversion out of marriage will undermine this traditional and long-standing institution.
18. We have also considered simply bringing the existing conversion right for same-sex couples to an end, so that no couples would be able to convert their relationships. This would, however, deny opposite-sex married couples the right to convert to their relationship of choice.
19. A further question is whether any time limit should be imposed on the right to convert. The government decided not to limit the current right to convert a same-sex civil partnership to marriage in order to allow couples to stay in a recognised relationship if one of them changed gender. This will no longer be necessary as such couples could in future remain in a civil partnership. The statistics on conversion in the table after paragraph 5 suggest that the majority of same-sex couples who wish to convert from civil partnership to marriage are likely to have done so by now.

### **Proposed way forward**

20. The rationale behind allowing same-sex couples to convert their civil partnerships to marriage was to allow them access to a form of relationship previously denied to them. There is a strong argument that the same principle should apply to opposite-sex couples.
21. Our provisional view is that the best way of achieving this **is to allow opposite-sex married couples the opportunity to convert to a civil partnership**. Only marriages which were formed in England and Wales could be converted in this way. This is due to the devolved nature of marriage law which means that conversion will only be possible within the

jurisdiction where the marriage was formed. Therefore, marriages formed in Scotland and Northern Ireland would not be able to be converted in England or Wales.

22. We could then **bring to an end all conversion rights**, including the right for same-sex couples to convert from civil partnership to marriage, after a fixed period of time from the commencement date for the new right to convert from marriage to civil partnership. We do not believe that an open-ended conversion right for same-sex or opposite-sex couples is now justified.
23. The rationale for retaining the current conversion right (to allow couples to stay in a relationship when one partner changes gender) will no longer be an issue. Bringing conversion rights to an end after a fixed period of time will give those couples that wish to convert an opportunity to do so.
24. Furthermore, conversion rights should not be about allowing couples to change their minds and opt for a different form of relationship that they could have chosen at the time. There is a risk that open-ended conversion could undermine the distinction between marriage and civil partnership, and create long-term administrative complexity, uncertainty and confusion about the status of a couple's relationship and their rights. The government considers that all couples should be given adequate time to convert to the relationship that was previously denied them, after which conversion rights should be brought to an end to reduce these risks.

#### Question 1

- **Do you agree that opposite-sex married couples should have the right to convert to a civil partnership?**

- Yes, I agree**
- No, I do not agree**
- I'm not sure**

**If you have answered no, please explain your reasons.**

#### Question 2

- **Do you agree that couples should only be able to convert to a form of relationship that was not previously available to them? (This would mean that opposite-sex couples would not be able to convert from a civil partnership to marriage, as same-sex couples cannot now convert from a marriage to a civil partnership.)**

- Yes, I agree**

No, I do not agree

I'm not sure

**If you have answered no, please explain your reasons.**

### **Question 3**

- **Do you agree that all conversion rights should be brought to an end after a fixed period of time?**

Yes, I agree

No, I do not agree

I'm not sure

**If you have answered no, please explain your reasons.**

### **Question 4**

- **If you have answered yes to question 3, how long should couples (same-sex civil partners and opposite-sex married couples) have to convert their relationships?**

One year

Two years

Three years

A different period of time

**If you have answered a different period of time, please state how long you think this period should be.**

### **Supplementary issues**

25. This proposal gives rise to a range of further issues which are considered below.

#### Religious protections

26. A same-sex couple can convert their civil partnership to a marriage on religious premises that are registered for same-sex marriage. Chapter 3 of the policy paper states our intention to allow religious groups to choose whether to host civil partnerships for opposite-sex couples. If we introduce



a right for opposite-sex couples to convert from marriage to a civil partnership, religious organisations will be able to choose whether to host conversions, in the same way that they can currently choose to host conversions from same-sex civil partnership to marriage.

### Effect of conversion

27. There may be some instances in which conversion from opposite-sex marriage to an opposite-sex civil partnership will result in less favourable inheritable state pension rights where a subsequent bereavement takes place. For those who are considering conversion, we will ensure that guidance is available to couples about the effect of conversion on their State Pension entitlements so that they can make an informed choice about whether conversion is right for them.

### Date of conversion

28. Under the 2013 Act, when a civil partnership is converted to marriage, it ends on conversion and the resulting marriage is treated as having existed since the date the civil partnership was formed. This is the case even if the civil partnership pre-dates the introduction of same-sex marriage. This means that some same-sex marriages could be treated as having existed as far back as 21 December 2005, when the first civil partnerships were registered in England and Wales. The marriage certificate makes clear that the marriage was converted from a civil partnership.

29. This issue is more complicated with conversion from marriage to civil partnership, given that opposite-sex couples have always been able to marry. Some of those married couples who may now wish to convert to a civil partnership will have married long before civil partnerships existed in England and Wales.

30. If we introduce conversion from marriage to civil partnership, there are three main options for determining the date on which a converted marriage could be treated as having been a civil partnership:

- Treat the civil partnership as having subsisted since the date the marriage was formed (which is how the 2013 Act treats same-sex couples who convert their civil partnerships to marriage);
- If the marriage was formed before December 2005, allow a couple to have their marriage treated as a civil partnership from December 2005 onwards, when same-sex couples could form a civil partnership. Such a couple would be considered to have been married prior to December 2005 and then in a civil partnership from that date, with no break between the two. The relationship would still be treated as a single continuous relationship.
- Provide for all converted marriages to become civil partnerships from the date of the conversion only. Couples would be considered to have been married and then in a civil partnership with no break between the

two. As above, the relationship would still be treated as a single continuous relationship.

31. The government is keen to hear views on these options.

#### Question 5

- **If a marriage is converted to a civil partnership, should the civil partnership be treated as existing from:**
  - The date the conversion takes place (i.e. the date the couple sign the conversion declaration); or**
  - The date the marriage was formed?**

#### Question 5a

- **If you have answered ‘the date the marriage was formed’, should it be possible for couples who married before December 2005 (i.e. when same-sex civil partnerships were introduced) to have their civil partnerships treated as existing since the date of their marriage?**
  - Yes, I agree**
  - No, I do not agree**
  - I’m not sure**

**If you have answered no, please explain your reasons.**

#### Fee for conversion

32. The current fees for converting a civil partnership to marriage, which are charged on a cost-recovery basis, are usually:

- £11 for a marriage certificate;
- £45 to convert the civil partnership; and
- £27 for an appointment, if a couple choose to have a ceremony.

33. If we allow conversion from opposite-sex marriage to a civil partnership, we would expect to charge a fee equivalent to that for converting a same-sex civil partnership to marriage.

#### Question 6

- **Given what has been covered in this consultation, if you are an opposite-sex married couple, would you make use of a power to**

**convert your relationship to a civil partnership?**

**Yes, I would**

**No, I would not**

**I'm not sure**

**Next steps**

34. We will respond to this consultation once we have analysed the responses. The responses will determine whether – and if so how – we should legislate on conversion rights. Any changes to the current legislation will be effected through regulations under the 2019 Act, which will be subject to debates in both House of Parliament.

## List of questions

### Question 1

- Do you agree that opposite-sex married couples should have the right to convert to a civil partnership?

### Question 2

- Do you agree that couples should only be able to convert to a form of relationship that was not previously available to them? (This would mean that opposite-sex couples would not be able to convert from a civil partnership to marriage, as same-sex couples cannot now convert from a marriage to a civil partnership.)

### Question 3

- Do you agree that all conversion rights should be brought to an end after a fixed period of time?

### Question 4

- If you have answered yes to question 3, how long should couples (same-sex civil partners and opposite-sex married couples) have to convert their relationships?

- One year
- Two years
- Three years
- A different period of time

If you have answered a different period of time, please state how long you think this period should be.

### Question 5

- If a marriage is converted to a civil partnership, should the civil partnership be treated as existing from:
  - The date the conversion takes place (i.e. the date the couple sign the conversion declaration)? or
  - The date the marriage was formed?

#### **Question 5a**

- **If you have answered ‘the date the marriage was formed’, should it be possible for couples who married before December 2005 (i.e. when same-sex civil partnerships were introduced) to have their civil partnerships treated as existing since the date of their marriage?**

#### **Question 6**

- **Given what has been covered in this consultation, if you are an opposite-sex married couple, would you make use of a power to convert your relationship to a civil partnership?**