



## CIVIL PARTNERSHIP FACT SHEET

Introduction:

The Civil Partnership Act 2005 created the institution of civil partnership. A civil partnership is effectively a civil marriage for same sex couples. Civil partners now have the same rights and responsibilities as those who enter into a civil marriage.

How do I form a civil partnership?

In order to start the process of registering a civil partnership the parties must not be:

- Of the opposite sex
- Under 16 years of age
- Already a civil partner, or already married
- A close relative of the other party, whether by blood, marriage or civil partnership

A notice will need to be sent to the Local Authority, which will need to be signed by both parties in the presence of a registration officer. The notice will declare that each party does not know of any legal reason as to why they cannot enter into a civil partnership. The notice can be given to any Local Authority in England and Wales and therefore does not have to be the nearest to where either party live.

Evidence of the following will need to be provided:

- Name and date of birth
- Address
- Nationality
- If either party have been married or formed a civil partnership in the past, evidence that they have now been dissolved

The notice is then publicised for a period of 15 days in the Local Authority where the registration will take place and the Local Authority where the parties live. Anybody can raise objections to the registration of the partnership.

Once the 15 day period has expired, the registrar will issue a civil partnership schedule that will need signing by both of the parties within 12 months. The parties will have to sign the civil partnership schedule in the presence of one another, the registrar and two witnesses.

The registrar and the witnesses will also have to sign the civil partnership document as well. Once this has been signed, the civil partnership is formed.

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What rights and responsibilities would civil partners have?

Same-sex couples who register as civil partners of each other would access a wide range of both rights and responsibilities.

These include serious duties and obligations as well as legal rights and protections. For example:

- Duty to provide reasonable maintenance for civil partners and children of the family
- Assessment, in the same way as spouses, for child support
- Employment and Pension benefits
- Recognition under intestacy rules
- Access to fatal accidents compensation
- Protection from Domestic Violence
- Recognition for immigration and nationality purposes
- Treatment in the same way as spouses for all tax purposes

How do I dissolve a civil partnership?

A civil partnership can be terminated by either party issuing an application to court for dissolution, or legal separation. The procedure for applying to the court for judicial separation is very similar to that for a married couple.

The procedure for applying for the dissolution of a civil partnership is very similar to an application for Divorce. Please see our Divorce Fact sheet.

Neither party can make an application for dissolution within the first year of the civil partnership.

The person who starts the dissolution proceedings is called 'the Applicant' and the other party is called 'the Respondent'.

There is only one ground for the dissolution of a civil partnership and that is that the partnership has broken down irretrievably.

To satisfy the court that the partnership has broken down irretrievably, the Applicant must prove one of the following four facts:

- a) that the Respondent has behaved in such a way that the Applicant can no longer be expected to live with the Respondent
- b) that the Respondent has deserted the Applicant for a continuous period of at least two years immediately before the start of dissolution proceedings

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- c) that the parties to the partnership have lived apart for a continuous period of at least two years immediately before the start of the dissolution proceedings and the Respondent consents to a decree being granted on that basis
- d) that the parties to the partnership have lived apart for a period of at least five years immediately before the start of the dissolution proceedings

#### Financial Claims on Dissolution:

On dissolving the partnership, civil partners can apply for ancillary relief in the same way as divorcing couples. Please see our Ancillary Relief Fact Sheet.

#### Civil Partnerships, Tax and Death

Civil partners will now be treated as spouses for tax purposes, and will be entitled to all the reliefs associated with being married. Civil Partners will also be treated as a spouse and next of kin on the death of the other partner.

**Please note that this fact sheet should be used as a general guide only. The advices given do not relate to special circumstances and we strongly recommend that you make an appointment to see us.**

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