Draft Legislation: *This is a draft item of legislation and has not yet been made as a UK Statutory Instrument. This draft has been replaced by a new draft, The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 ISBN 978-0-11-112194-8*

Draft Regulations laid before Parliament under section 18(2) of the Marriage (Same Sex Couples) Act 2013, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES, ETC. ENGLAND AND WALES

The Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014

Made - - - -	***
Coming into force - -	*10th December 2014*

The Secretary of State, in exercise of the powers conferred by sections 9(1), (2), (4), (5) and 18(4)(a) and (c) of the Marriage (Same Sex Couples) Act 2013(**1**), makes the following Regulations:

In accordance with section 18(2)(b) and (c) of that Act a draft of these Regulations was laid before and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 and come into force on 10th December 2014.

Interpretation

2.—(1) In these Regulations—

"the 1949 Act" means the Marriage Act 1949(**2**);

"the 2004 Act" means the Civil Partnership Act 2004(**3**);

"the 2013 Act" means the Marriage (Same Sex Couples) Act 2013;

"civil partnership" means a civil partnership which is either an England and Wales civil partnership, or a civil partnership within section 9(3) of the 2013 Act;

"civil partnership register" means—

(**1**) 2013 c. 30.
(**2**) 1949 c. 76.
(**3**) 2004 c. 33.

(i) in the case of an England and Wales civil partnership, the register referred to in section 30(4) of the 2004 Act;

(ii) in the case of a civil partnership registered in accordance with the Civil Partnership (Registration Abroad and Certificates) Order 2005, the register referred to in article 16 of that Order(**4**);

(iii) in the case of a civil partnership registered in accordance with the Civil Partnership (Armed Forces) Order 2005(**5**), the register referred to in article 2(2) of the Service Departments Registers Order 1959(**6**);

"conversion" means the conversion of a civil partnership into a marriage under section 9 of the 2013 Act;

"conversion declaration" has the meaning given in regulation 4(1)(b);

"conversion register" has the meaning given in regulation 14(1);

"England and Wales civil partnership" has the same meaning as in section 9(7) of the 2013 Act;

"register office" means a register office provided under section 10 of the Registration Service Act 1953(**7**);

"registration authority" has the same meaning as in section 28 of the 2004 Act;

"registration district" means a registration district within the meaning of section 5 of the Registration Service Act 1953(**8**).

Procedures for conversion of civil partnership

3.—(1) The parties to a civil partnership may apply to convert their civil partnership into a marriage in accordance with, as applicable—

(a) the standard procedure (regulation 8);

(b) the procedure for housebound persons (regulation 9);

(c) the procedure for detained persons (regulation 10); or

(d) the special procedure (which is for cases where a person is seriously ill and is not expected to recover) (regulation 11).

(2) No religious service is to be used at a conversion.

Conversion of civil partnership into marriage

4.—(1) The parties to a civil partnership will have converted their civil partnership into a marriage when—

(a) they have completed the applicable procedure mentioned in regulation 3(1)(a) to (d);

(b) at the invitation of the superintendent registrar, and in the presence of the superintendent registrar and of each other, each of them has signed a declaration (the "conversion declaration") containing the details and declarations referred to in paragraph (2); and

(c) the superintendent registrar has signed the conversion declaration in accordance with paragraph (3).

(2) The conversion declaration must contain—

(**4**) S.I. 2005/2761. Article 16 was amended by article 4(a) of S.I. 2012/3063.
(**5**) S.I. 2005/3188.
(**6**) S.I. 1959/406. Article 2(2) was amended by article 2(3) of S.I. 2005/3186.
(**7**) 1953 c. 37; section 10(1) and (3) was amended by section 251 of, and paragraph 41 of Schedule 29 to, the Local Government Act 1972 (c. 70).
(**8**) Section 5(1) was amended by section 251 of, and paragraph 41 of Schedule 29 to, the Local Government Act 1972 (c. 70).

(a) the following details pertaining to each of the parties—

(i) forenames;

(ii) surname;

(iii) date of birth;

(iv) sex;

(v) rank or profession;

(vi) address; and

(vii) subject to paragraph (4), father's forenames, surname, and rank or profession;

(b) the date and place of the formation of the civil partnership;

(c) a declaration in the following terms: "I solemnly and sincerely declare that we are in a civil partnership with each other and I know of no legal reason why we may not convert our civil partnership into a marriage. I understand that on signing this document we will be converting our civil partnership into a marriage and you will thereby become my lawful wife [*or* husband]"; and

(d) a declaration that the party believes all of the information and evidence given for the purposes of the conversion declaration is true.

(3) After the conversion declaration has been signed under paragraph (1)(b), it must also be signed, in the presence of the parties, by the superintendent registrar.

(4) Paragraph (2)(a)(vii), and regulation 6(1)(d)(vi) must be complied with as follows—

(a) if the father of either party is deceased, the superintendent registrar must enter the word "deceased" after the father's surname;

(b) if either party wishes to record a step-father's name instead of the father's name, the superintendent registrar must enter the word "step-father" after the surname, provided he is or has been married to the mother.

Verification and amendment of contents of conversion declaration

5.—(1) Before the conversion declaration is signed under regulation 4(1)(b), the superintendent registrar must confirm with the parties that the information entered on the declaration is complete and correct and if it is not, amend it as necessary.

(2) Any amendment of the information on the conversion declaration must be initialled by the party to whom that information relates.

(3) Where either of the parties sign the conversion declaration by making a mark or by signing in characters other than those used in the English or Welsh languages, the superintendent registrar must enter against the mark or signature the words "The mark (or signature) of..." inserting the forenames and surname of the party.

Duty to register conversion

6.—(1) As soon as practicable after the superintendent registrar has signed the conversion declaration as mentioned in regulation 4(3), the superintendent registrar must register the following details in the conversion register—

(a) the date of the conversion;

(b) the date from which the marriage is to be treated as having subsisted by virtue of section 9(6) of the 2013 Act (the date on which the civil partnership was formed);

(c) the condition of each of the parties, which is to be registered as 'civil partner';

(d) the following details pertaining to each of the parties—

(i) forenames;

(ii) surname;

(iii) age;

(iv) rank or profession;

(v) address; and

(vi) subject to regulation 4(4), father's forenames, surname, and rank or profession.

(2) The parties to the conversion are entitled, at the time the conversion takes place, to apply for a certified copy of the entry relating to it in the conversion register on payment, to the superintendent registrar, of a fee of £4.00.

(3) A superintendent registrar must not register any conversion to which he or she is a party.

Completion of declaration and registration in Welsh

7. The conversion declaration and the conversion register must be completed in English, and may also be completed in Welsh if—

(a) the civil partners both so elect, and provide the required details in both languages;

(b) the conversion takes place in Wales; and

(c) the superintendent registrar by whom the conversion is completed can understand and write Welsh.

Standard procedure for conversion

8.—(1) A conversion in accordance with the standard procedure must take place at a register office.

(2) For two people to convert their civil partnership into a marriage in accordance with the standard procedure, they must—

(a) attend together in person before the superintendent registrar of a registration district;

(b) give the superintendent registrar the details required to complete the conversion declaration;

(c) provide the superintendent registrar with the evidence specified in Schedule 1 relating to—

(i) the name, address and date of birth of each of the civil partners; and

(ii) the formation of their civil partnership; and

(d) subject to regulation 12, pay to the superintendent registrar the fee of £45.00.

(3) A superintendent registrar may interview each of the persons seeking to convert a civil partnership into a marriage individually.

Procedure for housebound persons

9.—(1) This regulation applies if two people wish to convert their civil partnership into a marriage at the place where one of them is housebound.

(2) A person is housebound at any place if, in relation to that person, a statement is made by a registered medical practitioner that, in his or her opinion—

(a) because of illness or disability, that person ought not to move or be moved from the place where he or she is at the time the statement is made; and

(b) it is likely to be the case for at least the following three months that because of the illness or disability that person ought not to move or be moved from that place.

(3) The procedure under which the two people concerned may convert their civil partnership into a marriage is the same as the standard procedure, except that—

(a) the details required to complete the conversion declaration must be accompanied by a statement made under paragraph (2) (a "medical statement"), which must have been made not more than 14 days before the day on which the medical statement is received by the superintendent registrar;

(b) the superintendent registrar may attend the civil partners together at the place at which one of the civil partners is housebound in order to convert the civil partnership;

(c) if the conversion does not take place within three months after the date on which the medical statement was made, the superintendent registrar may require the civil partners to provide a new medical statement before any conversion in accordance with the procedure for housebound persons;

(d) the fact that the superintendent registrar has received the medical statement must be recorded in the conversion register; and

(e) subject to regulation 12, the civil partners must pay to the superintendent registrar the fee of £99.00, and the fee referred to in regulation 8(2)(d) does not apply.

(4) A medical statement may not be made in relation to a person who is detained as described in regulation 10.

Procedure for detained persons

10.—(1) This regulation applies if two people wish to convert their civil partnership into a marriage at the place where one of them is detained.

(2) "Detained" means detained—

(a) as a patient in a hospital (but otherwise than by virtue of section 2, 4, 5, 35, 36 or 136 of the Mental Health Act 1983(**9**) (short term detentions)), or

(b) in a prison or other place to which the Prison Act 1952(**10**) applies.

(3) The procedure under which the two people concerned may convert their civil partnership into a marriage is the same as the standard procedure, except that—

(a) the details required to complete the conversion declaration must be accompanied by a supporting statement, which must have been made not more than 21 days before the day on which the supporting statement is received by the superintendent registrar;

(b) the superintendent registrar may attend the civil partners together at the place where one of them is detained in order to convert the civil partnership;

(c) if the conversion of the civil partnership does not take place within three months after the day on which the supporting statement was made, the superintendent registrar may require the civil partners to provide a new supporting statement before any conversion in accordance with the procedure for persons who are detained;

(d) the fact that the superintendent registrar has received the supporting statement must be recorded in the conversion register; and

(e) subject to regulation 12, the civil partners must pay to the superintendent registrar the fee of £117.00, and the fee referred to in regulation 8(2)(d) does not apply.

(**9**) 1983 c. 20. There are amendments to all sections referred to, none relevant here.
(**10**) 1952 c. 52.