



# Fact Sheet

## A guide to civil partnerships

### What is a civil partnership?

Civil partnerships came into force on 05 December 2005 and represent the first occasion when two people of the same sex can have their relationship legally recognised after an official ceremony takes place. Although it will be perceived by many as 'marriage', the service itself can only take place at Registry Offices or approved premises and the service can have no religious content. The partners are required to give notice of their intention to form a civil partnership.

### Who can register a civil partnership?

Two people may register a civil partnership provided that:

They are of the same sex

Neither partner is already lawfully married

Neither partner is already in a civil partnership

The partnership is not prohibited as a result of a family relationship (as in the case with marriage)

Both partners have reached the minimum age of 16 years on the day of the ceremony (a partner of less than 18 years old needs consent of the appropriate person [parent, guardian etc]).

It is possible for the partners to enter into a pre-partnership arrangement (similar to a pre-nuptial arrangement). It is advisable to seek legal advice on the matter as pre-partnership arrangements are only of limited use.

## **Legal treatment of civil partners**

Once the partnership is registered, the civil partners will subsequently have equal treatment relative to various legal matters including:

Tax, (including inheritance tax)

Employment benefits

Most state and occupational pension benefits

Income related benefits, tax credits and child support

Duty to provide reasonable maintenance for their civil partner and any children raised within the partnership

Ability to apply for parental responsibility for the civil partner's child

Inheritance of a tenancy agreement

Recognition under intestacy rules

Access to fatal accidents compensation

Protection from domestic violence

Recognition for immigration and nationality purposes.

## **What if the civil partnership breaks down?**

In the event that the partnership breaks down, a dissolution process (that is similar to a divorce) will be followed. Matters to be resolved will be monthly maintenance, transfer or sale of property, payout of lump sum and pension sharing etc. If the partners are unable to settle matters privately, they do have recourse to the court.

### **Who to contact for assistance**

If you require any further information about civil partnerships then please do not hesitate to contact a member of our staff for an appointment. We are members of the Solicitors Family Law Association and adopt a sensitive approach when dealing with civil partnership matters.

The members of our Family Team are:

Margaret Porter - Partner and Collaborative Lawyer

Dee Finnegan - Legal Executive

Additionally, because of the implications of a civil partnership, you may wish to contact a member of the Personal Estate Planning Team for advice about making a will.

**The Pellys Solicitors website, its contents and Fact Sheets are protected by copyright and are provided for general information only.**