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Family and Divorce Civil Partnerships

Civil partnerships came into force on 5 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.

What is a civil partnership?

Although it will be perceived by many as a '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 is 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 needs consent of the appropriate person i.e. 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 maintenance, transfer or sale of property, payout of lump sum and pension sharing etc, as well as any children issues. 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 us.