

ANGUS COUNCIL

RESOURCES AND CENTRAL SERVICES COMMITTEE – 16 JUNE 2005

CIVIL PARTNERSHIP REGISTRATION

REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION

ABSTRACT

This Report advises members of progress with regard to the introduction of same-sex civil partnerships under the Civil Partnership Act 2004 ("the Act") and sets out the procedural issues which require to be addressed by the Council prior to the Act coming into force on 5 December 2005.

1. RECOMMENDATIONS

It is recommended that the Committee:

- (i) note the requirements placed upon the Council with regard to registration of same-sex civil partnerships under the Act;
- (ii) note the procedural issues which require to be addressed by the Council prior to the implementation of the Act;
- (iii) agree that the Council adopts the list of approved places for civil marriages for the purpose of registration of civil partnerships;
- (iv) authorise the Director of Law and Administration to submit a list of all registrars to be authorised for the purpose of registration of civil partnerships to the General Register Office for Scotland (GROS) and authorise the Chief Registrar to advise GROS of any subsequent amendments to the list; and
- (v) note that the registration of civil partnerships in the Monifieth/Sidlaw area will be the responsibility of Dundee City Council until the Registration Services (Scotland) Bill is enacted.

2. BACKGROUND

Report No1401/03 to the Resources and Central Services Committee of 4 December 2003 advised members of the Scottish Executive's proposals on a Legal Status for Committed Same-Sex Couples in Scotland through a process to be known as Civil Partnership Registration. This culminated in the introduction of the Civil Partnership Act 2004, which creates a new form of legal relationship for a same-sex couple to be known as a civil partnership. The Act includes provision to create civil partnership in Scotland, as well as England, Wales and Northern Ireland. The Scottish Parliament agreed the inclusion of Scottish provisions in the UK Civil Partnership Bill on 3 June 2004 and the Civil Partnership Act will come into force across the whole of the United Kingdom on 5 December 2005.

Civil partnership is not marriage but provides same-sex couples with a means of having their relationship legally recognised if they wish. From 5 December 2005, people who wish to form a civil partnership will be able to submit formal legal notice of their intention to register a civil partnership. Notice must be submitted at least 15 days in advance of the civil partnership registration so it will be possible for the first registration to take place on 21 December 2005.

3. IMPLICATIONS FOR THE COUNCIL

In order to be ready for the implementation of the Act, the following issues require to be addressed:

General Preparatory Work

GROS has stated that it will provide guidance on how to register a civil partnership later this year. It will also provide a new module on the Forward Electronic Register system, to allow civil partnerships to be recorded on the central database and registration documents to be easily produced; the prescribed forms which are necessary for the registration; a publicity leaflet; a section for the Registrars' Handbook; and a form of words which can be used by registrars during the registration of a civil partnership.

Approved Places for Registration

Unlike marriage, there is no exchange of vows for civil partnerships, so it is possible for the partnership to be registered very simply indeed, with only 5 people present. However, many partners will want to make it a special occasion. The Act allows local registration authorities to offer people the choice to be able to be registered as civil partners at a registration office or any other place which **they and the local registration authority agree** is to be the place of registration. The General Register Office for Scotland (GROS) has advised that "whilst there is no formal system for 'approved places', it would be possible for a local authority to agree that civil partnerships can be registered at any location which is an 'approved place' for marriages, or indeed at other locations specially agreed for that purpose." The Council already has a list of approved places where civil marriages can be solemnised for the registration district in terms of the Marriage (Approval of Places) (Scotland) Regulations 2002. It is recommended that the Council adopts the list of approved places created for civil marriages and also to afford temporary approvals of premises to be used for this purpose.

Authorisation of Registrars

GROS have asked that by 30 September 2005 each local registration authority should submit to them a list of all registrars that it would wish to be authorised on 5 December 2005. It is intended that all staff currently authorised to carry out civil marriages be authorised to carry out civil partnerships. It is recommended that the Director of Law and Administration is authorised to submit the list of registrars to GROS by 30 September 2005.

Monifieth/Sidlaw area and Registration Services (Scotland) Bill

Members should note that, until the Registration Services (Scotland) Bill is enacted, the registration of civil partnerships in the Monifieth/Sidlaw area will be the responsibility of Dundee City Council, including the agreement of any place of registration within that part of Angus.

4. FINANCIAL IMPLICATIONS

GROS is preparing the regulations which will allow local authorities to charge fees for performing the registration (along the lines of fee levels applying to civil marriages). It is anticipated that any additional costs to the Council will be met by increased fee income.

5. HUMAN RIGHTS IMPLICATIONS

The registration of civil partnerships will further support the convention right to family and home life and the right to enjoy convention rights free from discrimination.

6. CONSULTATION

The Chief Executive, the Director of Finance, the Director of Social Work and Health and Chief Registrar have been consulted in the preparation of this Report.

CATHERINE COULL
DIRECTOR OF LAW AND ADMINISTRATION

Note: The background paper, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) which was relied on to any material extent in preparing the above Report is:

Letter from Head of Registration Process Branch, General Register Office for Scotland to Head of Administration Services, Angus Council dated 4 April 2005, describing the preparations being made for the introduction of same-sex civil partnerships.

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