

# FREETHS

## Family Law

### Civil Partnership

A civil partnership is the legally recognised relationship between two members of the same sex who are living together. The law enabling the registration of such partnerships came into force on 5 December 2005.

#### Is civil partnership like marriage?

Yes and no. The eligibility criteria are broadly similar: each party must not already be married or a civil partner, must not be under 16 or be closely related. The standard procedure is that you have to give 15 days' notice to your local Register Office after which you can register your civil partnership by signing a Civil Partnership Schedule in front of the Registrar and two witnesses. There cannot, however, be a religious element to the procedure and as yet, there is no prescribed ceremony or wording. Both parties must, of course, be of the same sex: this is not an alternative to marriage for heterosexual couples.

#### Financial implications

Civil partners will be treated in the same way as married couples for all tax purposes and in relation to many benefits and Pension entitlement. Civil partners have a duty to maintain each other and any children of the partnership. They will also be able to acquire parental responsibility for their partners' children in certain circumstances and adopt a child jointly.

#### What about "divorce"?

A civil partnership can be ended only by death, dissolution or annulment. Dissolution will be a court-based process as with divorce and you will need to seek legal advice for guidance. The grounds for dissolution will be very similar to those for divorce:

- Unreasonable behaviour
- Two years' separation (with consent)
- Five years' separation (without consent)
- One partner has deserted the other for two years

A civil partner will not be able to apply for a Dissolution Order until a year has elapsed since the formation of the partnership. Dissolution Orders will initially be conditional and finalised six weeks later, similar to the divorce procedure. The courts will have the power to make provision for the division of property (including pensions), the maintenance of either civil partner and residence and contact with, and maintenance of, any children of the partnership. The type of Orders that can be made, and the matters which must be taken into account in so doing, are very close to those set out in divorce legislation.

If we can help you with any of these issues please call to speak with Rachael Oakes, who is the head of our family team on **0845 128 6960** or at [rachael.oakes@freeths.co.uk](mailto:rachael.oakes@freeths.co.uk).



#### Freeths family team

From Left to Right: Judith Speed, Gemma Nicholls-Webber, Rachael Oakes, Tom Burgess, Claire Colbert & Diana Copestake