EXPLANATORY MEMORANDUM TO

THE CIVIL PARTNERSHIP (REGISTRATION ABROAD AND CERTIFICATES) (AMENDMENT) ORDER 2014

2014 No. 1107

1. This explanatory memorandum has been prepared by the Foreign and Commonwealth Office (FCO) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 To amend the Civil Partnerships (Registration Abroad and Certificates) Order 2005 ("the 2005 Order") to alter the requirements to provide details of "residence" in relation to the parties to the proposed consular civil partnership and their witnesses to a requirement to provide details of "address".

2.2 To reduce the residency requirement before a United Kingdom national may apply for a certificate of no impediment for an overseas relationship under local law from 21 days to three days and the notice period before the certificate may be issued from 21 days to seven days. This mirrors provisions for certificates of no impediment in relation to marriages under local law set out in the Consular Marriages and Marriages under Foreign Law Order 2014 ("the 2014 Order").

2.3 To update requirements on practical requirements for consular civil partnership procedures (storage of notices and opening hours) to mirror the provisions already established for consular marriages.

3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

4. Legislative Context

4.1 The 2005 Order, made under the Civil Partnership Act 2004, sets out the procedure whereby United Kingdom nationals may enter into a consular civil partnership. It also contains certain provisions in respect of United Kingdom nationals entering into a civil partnership overseas under local law.

5. Territorial Extent and Application

5.1 This instrument applies to all of the United Kingdom.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

- ***What is being done and why***

7.1 The 2005 Order requires United Kingdom nationals applying to register a consular civil partnership to state their residence. In practice the term "residence" means "address", which is the term used in the 2014 Order. For purposes of clarity and consistency, the FCO wishes to amend the wording in the 2005 Civil Partnership Order to mirror that of the 2014 Order.

7.2 The 2014 Order sets out new residency and notice requirements for United Kingdom nationals applying for a certificate of no impediment for an overseas marriage under local law, shortening these from 21 days residency followed by 21 days notice, to three and seven days respectively. This Order will similarly amend the residency and notice periods for United Kingdom nationals applying for a certificate of no impediment for an overseas civil partnership under local law. This will ensure consistency of service for United Kingdom nationals wishing to register an overseas relationship under local law with those wishing to enter into a marriage under local law.

7.3 This Order makes a number of additional minor changes to the procedures for the storage of civil partnership registrations, and when a British consulate overseas can register a civil partnership, to bring these into line with procedures for consular marriage overseas laid down in the 2014 Order.

- ***Consolidation***

7.4 This is only the third Order which amends the 2005 Order and therefore it is not considered necessary to consolidate the legislation at this time.

8. Consultation outcome

8.1 No consultation has been carried out in relation to this Order.

9. Guidance

9.1 The FCO will issue guidance to customers through the Gov.UK website.

10. Impact

10.1 There will be no impact on business, charities or voluntary bodies.

10.2 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 There is no requirement for a monitoring or review process. Once the Order comes into effect, the current service offered by the FCO will be amended accordingly.

13. Contact

Margaret Purdasy at the Foreign and Commonwealth Office Tel: 0207 008 3124 or email: Margaret.Purdasy@fco.gov.uk can answer any queries regarding the instrument.