EXPLANATORY MEMORANDUM TO THE

REGISTRATION OF CIVIL PARTNERSHIPS (FEES) ORDER 2005

2005 No. 1996

1. This explanatory memorandum has been prepared by the Office for National Statistics and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 The new civil partnership regime becomes available on 5 December 2005. Entering into a civil partnership will require certain formalities to be gone through which will in turn require the services of local authority staff or the Registrar General for England and Wales. This instrument sets out the fees the parties to the partnership have to pay to cover the cost of those services.

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

3.1 None.

4. Legislative Background

4.1 This is the first exercise of the power in the Civil Partnership Act 2004, section 34.

5. Extent

5.1 This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1 The Financial Secretary confirms that the provisions of the Registration of Civil Partnerships (Fees) Order 2005 are compatible with the Convention rights.

7. Policy background

7.1 The Civil Partnership Act 2004 establishes a new legal relationship (a civil partnership) which comes into existence when two people of the same sex go through certain registration formalities. These formalities are similar to the formalities which lead to a civil marriage.

7.2 Some of the formalities, for example giving formal notice of their intention to register as civil partners, will require the participation of local authority staff. Other formalities will require the involvement of the Registrar General for England and Wales.

7.3 The equivalent marriage formalities have always required the payment of a fee to cover the cost of the services provided, and that principle is now applied to the formalities of the civil partnership registration process.

7.4 The fees have been set a level matching those set for the equivalent civil marriage matter, some of which are being increased by an order (the Registration of Births, Deaths and Marriages (Fees) (Amendment) Order 2005) being made and laid contemporaneously with this instrument.

8. Impact

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

9. Contact

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