



Andrea Woelke

Andrea is an accredited expert in family law with particular expertise in international family law, child abduction and cohabitation. He takes the view that family law does not have to be about litigation in the courts, stuffy procedures and language only lawyers understand. If court proceedings are necessary he takes a robust approach without losing the overall picture of the issues including the costs of the litigation.

Andrea is a trained collaborative lawyer and works together with a variety of mediators.

Andrea is Chairman of the Lesbian and Gay Lawyers Association and author of the leading textbook on Civil Partnership.

There is more free information and advice on these and other topics online

www.alternativefamilylaw.co.uk

email or call to find out more without any obligation

Alternative Family Law

3 Southwark Street
London SE1 1RQ

T: 020 7407 4007

F: 020 7407 4008

E: andrea@alternativefamilylaw.co.uk



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This is an outline of the law, practice and procedure in England. It should not be taken as specific advice. All families and couples are different. The law may have changed since this was written and we therefore accept no liability for inaccuracies. Where examples are given, your personal circumstances may vary slightly, but the difference may be significant for the outcome of the legal process. Contact us for specific advice on your own circumstances.



International Civil Partnership



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Foreign Registered Partnerships

If you are a same-sex couple and you are registered partners or in a civil union or married abroad, this probably counts as a civil partnership here in the UK and you do not need to re-register your relationship.

For this to count, firstly, you have to have complied with all the formal requirements in the country where you registered, both been single when you registered and had capacity to enter into the registration.

Secondly, the relationship must either be listed in Schedule 20 to the Civil Partnership Act as amended or fulfil the general conditions, which provide that it must be for life, must not be possible for people to register who are not single and you must legally be treated as a couple once registered. Most overseas regimes probably fulfil the general conditions, except perhaps some largely symbolic registrations, for instance with the mayor in various municipalities in the US. There are special rules if you are related, changed gender and so on.

If one of you is a British Citizen, you can go to the Consulate in that country where you registered and get a certificate showing that you are civil partners for a fee of £23.50. Under no circumstances should you dissolve your overseas registered partnership with a view to re-registering later here. This could have drastic consequences, for example if something happened to one of you in the meantime and the survivor would not inherit the pension.

Where can we register?

You can register your civil partnership in England. You must go the register office where you live to give notice, but you can choose to register somewhere else. You can also register in hotels, castles etc. which are approved for registrations. Alternatively you can register in Scotland even if you do not live there.

If one of you is a British Citizen and you live abroad, you may be able to register at the British Embassy or High Commission if you cannot register with the authorities of that country. This is only available in a few places and you should contact the Consulate there. If you are a member of the armed forces you may be able to register on a ship or abroad where you are stationed.

Of course you can register abroad with the authorities of another country. From an English law point of view that will be recognised even if you are not citizens of that country or live there. However, the particular country may only allow their own citizens or people resident there to register or get married (for example Spain for the latter case). You will need to check that out with the country in question. Some companies offer “weddings abroad” but this may only be a commitment ceremony that does not count here. You should ensure that the registration they offer abroad counts here.

What is our status here?

If you registered abroad and your partnership is recognised in the UK, you count as civil partners. The English law on civil partnership will apply. This is very much the same as the law on marriage. So if you were going to separate and ask the English courts for a dissolution, they would apply English law and not the law of the country where you registered. If you signed a pre-registration agreement or contract in that country, this may not count here. The rules on whether you can apply in the English courts for a dissolution are complicated, but generally if you both live here, you can dissolve your civil partnership here.

English law will not always recognise the foreign dissolution of a registered partnership, even if you registered the partnership there. So if you have registered abroad and separated, you must get specialist advice to ensure that you count as single under English law before you can register a new civil partnership or get married.

If you are not English domiciled or you have property abroad, you should not rely on your civil partnership status and you should make wills in any event. You will need specialist advice. We can refer you to suitable specialists.

Can I register a civil partnership here even if I am not British?

Anybody can register a civil partnership in the UK. There is no requirement that you must both be British and in fact you could both have another nationality and come here only to register.

There are, however, immigration issues you need to consider. Unless you are a citizen of an EU or EEA country or Switzerland or you have permanent residence in the UK, you will need a “certificate of approval” from the Home Office to register. Until late 2006 these were only granted to people who had a visa for more than 6 months and had more than 3 months remaining on their visa. The courts then ruled on this and the Home Office should now also grant you a certificate if you do not meet these criteria, although you may have to provide more evidence that your relationship is genuine. However, depending on the visa you have now you may have to go back to your home country after the registration to apply for a visa to stay in the UK as a civil partner.

You can also get a visa as a proposed civil partner to come here to register. You would then not need a certificate of approval. You should contact an immigration specialist lawyer to get detailed advice on this issue. We can refer you to a specialist.