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FACT SHEET from Phillips Solicitors

Civil Partnerships

Background

The Civil Partnership Act is possibly one of the most dramatic, progressive pieces of social policy legislation and its provisions are wide-reaching. Since December 2005 couples in a same sex partnership have been able to register their relationship through a formal civil ceremony. Registration ensures partners acquire various rights and responsibilities towards each other, both during the relationship and on separation. Most importantly, registration gives them the legal status previously reserved for married couples; however the legal consequences are significant.

Who can register a civil partnership?

The parties must be

- of the same sex
- not already be in a civil partnership or marriage
- over 18 (or 16 with appropriate consent)
- not within the prohibited degrees of relationship (not related)

What legal rights and responsibilities does it confer?

- a duty to provide reasonable maintenance for your civil partner and any children of the family
- ability to apply for parental responsibility for your civil partner's child
- equitable treatment for the purposes of assessment for child support, life assurance, tax (including inheritance tax), employment and pension benefits, inheritance of a tenancy agreement
- access to fatal accident compensation
- protection from domestic violence; and from discrimination on the grounds of their sexual orientation
- recognition for immigration and nationality purposes
- Wills are revoked when you enter a civil partnership and your partner can sue the other's estate if they are not a beneficiary under the Will. If there's no Will then the partners benefit in the same way as spouses

Before entering into any legal contract, it makes good sense to take specialist legal advice. Many married couples opt to have a Pre-marital Agreement, setting out agreed terms of what should happen if the marriage breaks down. Whilst not enforceable by the Court, any such agreement will be taken into consideration by the Court if it is called upon to decide financial or child matters in the event of divorce. The same will apply to civil partnerships and you should consider a Pre-Civil Partnership Agreement.

Phillips solicitors has a dedicated team of experienced family lawyers who can advise on all aspects of family law. All initial telephone enquiries are dealt with by a specialist in the team so that the person best suited to your particular needs is able to help you.

Phillips Family Law team can be contacted on 01256 460830.

www.phillips-law.co.uk