

CIVIL PARTNERSHIP

Since December 2004 it has been possible for same sex couples to register their partnership and so acquire rights and responsibilities that are almost the same as married couples.

Some key points

- Both parties must sign the civil partnership document in the presence of each other, a civil partnership registrar and two witnesses
- The ceremony cannot be a religious ceremony – but you can arrange a separate blessing or religious ceremony
- People who are already married or in a civil partnership, certain relatives and children under 16 cannot register

Civil partnerships can only be dissolved by court process on the ground of irretrievable breakdown. The grounds for dissolving a civil partnership are the same as for divorce except for adultery. Adultery is a specific legal term which refers to heterosexual sex. It cannot therefore be used as a ground for dissolving a civil partnership. If your partner is unfaithful the grounds for dissolution may therefore be unreasonable behaviour.

For more information on dissolution of civil partnerships see [Divorce and dissolution of civil partnership](#)

Your rights

If you're in a civil partnership you have rights to claim maintenance, lump sum payments, property transfer, pension sharing and pension attachment should you break up and start proceedings for separation, dissolution or nullity. See [Financial arrangements on divorce and dissolution of civil partnership](#)

You can acquire parental responsibility of your civil partner's child by agreement or court order and once you have parental responsibility or permission from the court can apply for residence or contact. See [Arrangements for children after divorce, dissolution of civil partnership, or separation](#)

In general, civil partners are treated as married people for the purposes of entitlement to welfare benefits.

Entering agreements

It is possible to enter into a civil partnership agreement that is the equivalent of an engagement and which would enable you to make a claim if the relationship breaks down provided the application is made within three years of termination of the agreement.

You can also enter into a pre civil partnership agreement, like a pre-marital agreement, setting out what the partners would want to happen if the partnership broke down. At present the court has the final say but it will take a pre civil partnership agreement into account provided each partner was fully informed of the other's circumstances and the implications and no pressure was brought to bear by one on the other to sign it. Each person should also take legal advice before signing the agreement.

About wills

- Any will you have already made is automatically revoked on registration as it is upon marriage
- If no will has been made civil partners automatically inherit under the intestacy rules. They can claim under the Inheritance (Provision for Family and Dependents) Act if they can show that a will or the intestacy rules do not make reasonable provision for them. They can succeed to their partner's tenancy on their partner's death
- Transfers between civil partners are exempt from inheritance tax

The contents of this fact sheet are general principles and do not constitute legal advice. Every case is different and there is no substitute for individual legal advice.

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