



CIVIL PARTNERSHIP (CONVERSION TO MARRIAGE) REGULATIONS 2016

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Statutory Document No. 2016/0207

*Civil Partnership Act 2011*

CIVIL PARTNERSHIP (CONVERSION TO MARRIAGE) REGULATIONS 2016¹

Made: 19 July 2016
Coming into Operation: 22 July 2016

The Clerk of the Rolls makes the following Regulations under section 27A of the Civil Partnership Act 2011¹.

PART 1 – INTRODUCTION

1 Title

These Regulations are the Civil Partnership (Conversion to Marriage) Regulations 2016.

2 Commencement

These Regulations come into operation on 22 July 2016.

3 Interpretation

In these Regulations —

“**the 1984 Act**” means the Marriage Act 1984;

“**the 2011 Act**” means the Civil Partnership Act 2011;

“**conversion**” means the conversion of a civil partnership into a marriage under section 27A of the 2011 Act;

“**conversion declaration**” has the meaning given in regulation 4(2);

“**conversion register**” has the meaning given in regulation 22(1);

“**Isle of Man civil partnership**” means a civil partnership formed by two people registered as civil partners of each other in the Island under Part 2 of the 2011 Act;

¹ Section 27A was inserted by the Marriage and Civil Partnership (Amendment) Act 2016

“**prescribed fee**” means the fee prescribed by an order made under section 32(2) of the 2011 Act;

“**civil partnership register**” means the register referred to in section 28(4) of the 2011 Act;

“**registrar**” means a registrar of marriages;

“**registrar’s office**” means an office provided under section 2(6) of the Civil Registration Act 1984.

PART 2 — CONVERSION IN THE ISLE OF MAN

4 Conversion declaration

- (1) The parties to an Isle of Man civil partnership are to be regarded as having converted their civil partnership to a marriage when, having followed one of the procedures mentioned in regulation 6 —
 - (a) at the invitation of the registrar, and in the presence of a registrar and of each other, each of them has signed the conversion declaration; and
 - (b) the registrar has also signed the conversion declaration in the presence of the parties.
- (2) In this Part, “**conversion declaration**”, in relation to a conversion, means a document containing —
 - (a) the information recorded by the registrar in accordance with regulation 5(1);
 - (b) a declaration in the following terms: “I solemnly and sincerely declare that we are in a civil partnership with each other and I know of no legal reason why we may not convert our civil partnership into a marriage. I understand that on signing this document we will be converting our civil partnership into a marriage and you will thereby become my lawful wife [or husband].”; and
 - (c) a declaration that the party believes that all of the information and evidence given for the purposes of the conversion is true.
- (3) As well as signing the conversion declaration as mentioned in paragraph (1)(a), the parties may, if they wish, say the words of the declaration in paragraph (2)(b) to each other in the presence of the registrar.

5 Information to be provided to the registrar

- (1) Before the parties to a civil partnership may convert their civil partnership into a marriage, the information in paragraphs (2) and (3) must be provided by the parties in accordance with regulations 7, 8, 9, 10 or 11 (as

the case requires) and recorded by the registrar on the conversion declaration.

- (2) Each party must provide the following details pertaining to that party —
 - (a) forenames;
 - (b) surname;
 - (c) date of birth;
 - (d) sex;
 - (e) condition (marital status);
 - (e) occupation;
 - (f) address;
 - (g) the father's full name and occupation, subject to paragraph (4); and
 - (h) the mother's full name and occupation, subject to paragraph (5).
- (3) The parties must jointly provide details of —
 - (a) the date and place of the formation of the parties' civil partnership;
 - (b) the place at which it is proposed that the conversion declaration will be made.
- (4) The information to be recorded by the registrar by virtue of paragraph (2)(g) is as follows —
 - (a) if the father of either party is deceased, the registrar must record the word "deceased" after the father's surname;
 - (b) if either party wishes to record a step-father's name instead of the father's name, the registrar must record the word "step-father" after the surname, provided he is or has been married to the mother.
- (5) The information to be recorded by the registrar by virtue of paragraph (2)(h) is as follows —
 - (a) if the mother of either party is deceased, the registrar must record the word "deceased" after the mother's surname;
 - (b) if either party wishes to record a step-mother's name instead of the mother's name, the registrar must record the word "step-mother" after the surname, provided that she is or has been married to the father.
- (6) Where it appears to the registrar that a party is unable to provide certain of the details required by paragraph (2), the registrar may convert the civil partnership without those details if it is reasonable to do so.
- (7) The registrar must record the date on which the information in paragraphs (2) and (3) is recorded on the conversion declaration.

6 Conversion procedures

The parties to a civil partnership may convert their civil partnership into a marriage in accordance with, as applicable —

- (a) the standard procedure (regulation 7);
- (b) the procedure for housebound persons (regulation 8);
- (c) the procedure for detained persons (regulation 9);
- (d) the special procedure (which is for cases where a person is seriously ill and is not expected to recover) (regulation 10); or
- (e) the two stage procedure (regulations 11 to 13).

7 Standard procedure for conversion

- (1) For the parties to a civil partnership to convert their civil partnership into a marriage in accordance with the standard procedure —
 - (a) they must attend together in person before a registrar to provide the information required by regulation 5(2) and (3);
 - (b) each party must give the registrar the evidence specified in Schedule 1 relating to the name, address and date of birth of that party;
 - (c) the parties must jointly give the registrar the evidence specified in Schedule 1 relating to the formation of their civil partnership; and
 - (d) the parties must pay to the registrar the prescribed fee.
- (2) A conversion in accordance with the standard procedure must take place at a registrar's office.

8 Procedure for housebound persons

- (1) This regulation applies if the parties to a civil partnership wish to convert their civil partnership into a marriage at the place where one of them is housebound.
- (2) A person is housebound at any place if, in relation to that person, a statement is made by a registered medical practitioner that, in his or her opinion —
 - (a) because of illness or disability, that person ought not to move or be moved from the place where he or she is at the time the statement is made; and
 - (b) it is likely to be the case for at least the following three months that because of the illness or disability that person ought not to move or be moved from that place.
- (3) The procedure under which the parties may convert their civil partnership into a marriage is the same as the standard procedure, except that —

- (a) the details and evidence required by regulation 7(1)(a) to (c) must be accompanied by a statement made under paragraph (2) (a “medical statement”), which must have been made not more than 14 days before the day on which the medical statement is received by the registrar;
 - (b) the registrar must attend the parties together at the place at which one of the civil partners is housebound in order to convert the civil partnership;
 - (c) if the conversion does not take place within three months after the date on which the medical statement was made, the registrar may require the civil partners to provide a new medical statement before any conversion in accordance with the procedure for housebound persons; and
 - (d) the fact that the registrar has received the medical statement must be recorded in the conversion register.
- (4) A medical statement may not be made in relation to a person who is detained as described in regulation 9.

9 Procedure for detained persons

- (1) This regulation applies if the parties to a civil partnership wish to convert their civil partnership into a marriage at the place where one of them is detained (within the meaning of section 20(2) of the 2011 Act).
- (2) The procedure under which the parties may convert their civil partnership into a marriage is the same as the standard procedure, except that —
 - (a) the details and evidence required under regulation 7(1)(a) to (c) must be accompanied by a supporting statement, which must have been made not more than 21 days before the day on which the supporting statement is received by the registrar;
 - (b) the registrar must attend the parties together at the place identified in the supporting statement in order to convert the civil partnership;
 - (c) if the conversion of the civil partnership does not take place within three months after the day on which the supporting statement was made, the registrar may require the parties to provide a new supporting statement before any conversion in accordance with the procedure for detained persons; and
 - (d) the fact that the registrar has received the supporting statement must be recorded in the conversion register.
- (3) A supporting statement, in relation to a detained person, is a statement made by the responsible authority which —
 - (a) identifies the establishment where the person is detained; and

- (b) states that the responsible authority has no objection to the registrar attending the establishment to convert the person's civil partnership into a marriage.
- (4) Here "**the responsible authority**" has the same meaning as in section 20(6) of the 2011 Act.

10 The special procedure

- (1) This regulation applies if the parties to a civil partnership wish to convert their civil partnership into a marriage under the special procedure, which applies where one of the parties is seriously ill and is not expected to recover.
- (2) For the parties to convert their civil partnership into a marriage in accordance with the special procedure, one of them must —
 - (a) attend in person before the registrar to provide the details required by regulation 5(2) and (3) in respect of both parties;
 - (b) pay the prescribed fee; and
 - (c) provide such evidence as the registrar may require in order to be satisfied as to the matters in paragraph (3).
- (3) The matters referred to in paragraph (2)(c) are —
 - (a) the name, address and date of birth of each of the parties;
 - (b) the formation of their civil partnership; and
 - (c) the condition in paragraph (4) is satisfied.
- (4) The condition referred to in paragraph (3)(c) is that one of the parties —
 - (a) is seriously ill and is not expected to recover;
 - (b) cannot be moved to a registrar's office; and
 - (c) understands the nature and purport of signing the conversion declaration.
- (5) The certificate of a registered medical practitioner is sufficient evidence of any or all of the matters referred to in paragraph (4).
- (6) The registrar must attend the parties at any place at which the seriously ill party referred to in paragraph (4) is present in order to convert the civil partnership.
- (7) A conversion in accordance with the special procedure must take place within one month of the date recorded by the registrar in accordance with regulation 5(7).
- (8) The fact that the conversion was carried out in accordance with the special procedure must be recorded in the conversion register.

11 The two stage procedure

- (1) This regulation and regulation 12 or 13, as the case requires, apply if the parties to a civil partnership wish to convert their civil partnership into a marriage at one of the places mentioned in regulation 12(1) or 13(1).
- (2) For the parties to convert their civil partnership into a marriage in accordance with this regulation and regulation 12 or 13 —
 - (a) they must attend together in person before a registrar to provide the information required by regulation 5(2) and (3);
 - (b) each of the parties must give the registrar the evidence specified in Schedule 1 relating to his or her name, address and date of birth;
 - (c) they must jointly give the registrar the evidence specified in Schedule 1 relating to the formation of their civil partnership; and
 - (d) they must pay to the registrar the prescribed fee.
- (3) A conversion in accordance with this regulation and whichever of regulations 12 and 13 is applicable, must take place within one year of the date recorded by the registrar in accordance with regulation 5(7).

12 Conversion on secular premises

- (1) This regulation applies if the parties to a civil partnership wish to convert their civil partnership into a marriage —
 - (a) in a registrar's office (otherwise than in accordance with the standard procedure in regulation 7); or
 - (b) on premises approved for the solemnization of marriages under section 19(1)(c), (d), (e) or (f) of the 1984 Act² ("**approved premises**").
- (2) The registrar referred to in regulation 11(2) must arrange with the parties, on payment by the parties of the prescribed fee for a conversion on secular premises (in addition to the prescribed fee payable under regulation 11(2)(d)), to attend at a place mentioned in paragraph (1) to sign the conversion declaration in accordance with regulation 4(1).
- (3) No religious service may be used at a conversion in accordance with this regulation.
- (4) The prescribed fee for a conversion on secular premises referred to in paragraph (2) is payable to the Chief Registrar.

13 Conversion on religious premises

- (1) This regulation applies if the parties to a civil partnership wish to convert their civil partnership into a marriage in a building registered for the

² Section 19 was substituted by the Marriage and Civil Partnership (Amendment) Act 2016

solemnization of marriages of same sex couples under section 29A or 29D of the 1984 Act³.

- (2) The registrar referred to in regulation 11(2) must arrange with the parties, on payment by the parties of the prescribed fee for a conversion on religious premises (in addition to the prescribed fee payable under regulation 11(2)(d)), to attend at a place mentioned in paragraph (1) to sign the conversion declaration in accordance with regulation 4(1).
- (3) The prescribed fee for a conversion on religious premises referred to in paragraph (2) is payable to the Chief Registrar.

14 Ceremony following conversion

- (1) A registrar may provide a ceremony following a conversion in such form as may be agreed with the parties, on payment of the prescribed fee.
- (2) No religious service may be used at a ceremony on secular premises.
- (3) Where a ceremony is conducted in a registrar's office, or any other place which is a building, the doors of the office or building must be open during the ceremony.

15 Verification and amendment of contents of conversion declaration

- (1) Before the conversion declaration is signed by the parties, the registrar must confirm with the parties that the information entered on the declaration is complete and correct and if it is not, amend it as necessary.
- (2) Any amendment of the information on the conversion declaration must be initialled by the party to whom that information relates.
- (3) Where either of the parties sign the conversion declaration by making a mark or by signing in characters other than those used in the English or Manx languages, the registrar must enter against the mark or signature the words "The mark (or signature) of..." inserting the forenames and surname of the party.

16 Duty to register marriage resulting from conversion

- (1) As soon as practicable after the conversion declaration is signed, the registrar who has signed the conversion declaration in accordance with regulation 4(1)(b) must register the following details in the conversion register —
 - (a) the date and place of registration of the marriage (see paragraph (2));

³ Sections 29A and 29D were inserted by the Marriage and Civil Partnership (Amendment) Act 2016

- (b) the date from which the marriage is to be treated as having subsisted by virtue of section 27A(4) of the 2011 Act⁴;
- (c) the condition (marital status) of each of the parties, which is to be registered as “civil partner”;
- (d) the following details pertaining to each of the parties —
 - (i) full name;
 - (ii) age;
 - (iii) sex;
 - (iv) occupation;
 - (v) current residence;
 - (vi) subject to paragraph (3), the father’s full name and occupation; and
 - (vii) subject to paragraph (4), the mother’s full name and occupation.
- (2) In paragraph (1)(a), the date and place of registration of the marriage means the date on, and place at which the conversion declaration is signed, whether or not the marriage was registered on that date and at that place.
- (3) The information required by paragraph (1)(d)(vi) is as follows —
 - (a) if the father of either party is deceased, the registrar must enter the word “deceased” after the father’s surname;
 - (b) if either party wishes to record a step-father’s name instead of the father’s name, the registrar must enter the word “step-father” after the surname, provided he is or has been married to the mother.
- (4) The information required by paragraph (1)(d)(vii) is as follows —
 - (a) if the mother of either party is deceased, the registrar must enter the word “deceased” after the mother’s surname;
 - (b) if either party wishes to record a step-mother’s name instead of the mother’s name, the registrar must enter the word “step-mother” after the surname, provided she is or has been married to the father.
- (5) The parties to the conversion are entitled, once the marriage has been registered, to a certified copy of the entry relating to it in the conversion register on payment, to the registrar, of the prescribed fee.
- (6) A registrar must not register any marriage resulting from a conversion to which he or she is a party.

⁴ Section 27A was inserted by the Marriage and Civil Partnership (Amendment) Act 2016. Section 27A(4) provides that where a civil partnership is converted into a marriage under section 27A, the resulting marriage is to be treated as having subsisted since the date the civil partnership was formed.

17 Completion of declaration and registration in Manx Gaelic

The conversion declaration and the conversion register must be completed in English, and may also be completed in Manx Gaelic if —

- (a) the civil partners both so elect, and provide the required details in both languages; and
- (b) the registrar by whom the conversion is completed can understand and write Manx Gaelic.

18 Verification of information and evidence

- (1) A registrar may obtain information from the Chief Registrar relating to persons seeking to convert a civil partnership for the purposes mentioned in paragraph (2).
- (2) The purposes for which information may be obtained are —
 - (a) to verify the formation and existence of the civil partnership;
 - (b) to verify any of the information and evidence provided by the civil partners.
- (3) A registrar may interview each of the persons seeking to convert a civil partnership into a marriage individually.
- (4) Nothing in this regulation limits any other power under which information may be disclosed or obtained.

19 Duty to annotate civil partnership records

- (1) As soon as practicable after a marriage is registered in accordance with regulation 16(1), the Chief Registrar must ensure that any records of the civil partnership held by him (which does not include the indices made under regulation 13(1) of the Registration of Civil Partnerships Regulations 2011⁵), are annotated with the date and place of the conversion.
- (2) After a marriage is registered in accordance with regulation 16(1), the Chief Registrar or a registrar may not issue any of the certified copies or certified extracts within paragraph (3) relating to a civil partnership that has been converted into a marriage, unless the copies or extracts include the annotation made under paragraph (1).
- (3) Paragraph (2) applies to any certified copy or certified extract of an entry in the civil partnership register issued pursuant to regulation 13 or 14 of the Registration of Civil Partnerships Regulations 2011⁶.

⁵ SD No. 159/11

⁶ Regulation 2 of SD No. 159/11 provides that “certified copy” means a copy of an entry in the civil partnership register which contains all the information recorded in that entry; and “certified extract” means a copy of an entry in the civil partnership register which does not include the addresses of the civil partners as recorded in that entry.

20 The conversion register

- (1) The Chief Registrar must provide a system for keeping any records that relate to conversions and are required by this Part of these Regulations to be made ("the conversion register").
- (2) That system may, in particular, enable those records to be kept together with other records kept by the Chief Registrar.

21 Searches of indices of conversion records kept by the Chief Registrar and issue of copies

- (1) The Chief Registrar must cause indices of all entries in the conversion register to be made and to be kept in the General Registry.
- (2) Any person is entitled to search the indices of the conversion register at any time when the General Registry is open for that purpose, and to have a certified copy of any entry in the conversion register, on payment of the prescribed fee.
- (3) All certified copies given in the General Registry must be signed by the Chief Registrar or a person authorised by the Chief Registrar.
- (4) Any certified copy signed by the Chief Registrar or a person authorised by the Chief Registrar shall be received in evidence of the marriage to which it relates without any further proof of the entry.
- (5) No certified copy purporting to have been given by the General Registry is to be of any force or effect unless it is signed in accordance with paragraph (3).
- (6) For the purpose of discharging the duty in paragraph (1), and the duty in section 49(1) of the 1984 Act (duty to keep an index of certified copies of entries in marriage register books), the Chief Registrar may keep a joint index of entries in the conversion register and certified copies of entries in marriage register books.

22 Searches of indices of conversion records kept by registrars and issue of copies

- (1) Every registrar must cause indices of entries in the conversion register relating to all conversions registered in his or her office to be made and to be kept with other records in that office.
- (2) Any person is entitled at any time when a registrar's office is required to be open for the transaction of public business to search the indices, and to have a certified copy of any entry in the conversion register, on payment to the registrar of the prescribed fee.
- (3) A registrar must cause all certified copies given in accordance with paragraph (2), unless signed by the registrar, to be signed by a person authorised to issue the certified copy on the registrar's behalf.

- (4) Any certified copy signed by a registrar or a person authorised by a registrar shall be received in evidence of the marriage to which it relates without any further proof of the entry.
- (5) No certified copy purporting to have been given by a registrar shall be of any force or effect unless it is issued on a form supplied by the Chief Registrar and signed in accordance with paragraph (3).

23 Retention of documents relating to conversions

A registrar must —

- (a) forward the conversion declarations to the Chief Registrar at such time as the Chief Registrar may require; and
- (b) retain all other information and any medical or supporting statements provided to or obtained by the registrar in connection with a conversion, or proposed conversion, for a minimum period of 5 years.

24 Duties of registrar and authorised person

- (1) A registrar or any person authorised by a registrar must —
 - (a) immediately report any offence, or suspected offence, under the Perjury Act 1952 or the Forgery Act 1952 to the Chief Registrar in writing; and
 - (b) deliver to the Chief Registrar such documents in his possession relating to the offence as the Chief Registrar may require.
- (2) Nothing in this regulation limits any other power or duty under which offences, or suspected offences may be reported by a registrar or any person authorised to act on the registrar's behalf.

25 Correction of errors generally

- (1) An error in the conversion register may only be corrected in accordance with regulation 26 if the entry in the conversion register is complete.
- (2) For the purpose of these Regulations, an entry in the conversion register is complete when the registrar has discharged the duty under regulation 16(1) (duty to register marriage resulting from conversion).

26 Correction of errors

- (1) If one of the parties to the marriage or a registrar discovers any error in an entry in the conversion register which is complete, they must report it to the Chief Registrar giving such information as the Chief Registrar may require.
- (2) If the Chief Registrar receives from one of the parties to the marriage or from the registrar satisfactory evidence relating to an error caused by the

registrar when the information was recorded in the conversion register, the Chief Registrar may correct it, or may authorise the registrar to correct it. Any subsequent certified copy or certified extract issued must only show the information as corrected.

- (3) If the Chief Registrar receives from one of the parties to the marriage or from a registrar satisfactory evidence relating to an error caused by one of the parties when providing information to the registrar, the Chief Registrar may correct it, or may authorise the registrar to correct it, by making a marginal note to show the correct information, but the original entry must remain unchanged after that correction.

PART 3 – CONSEQUENTIAL AMENDMENT

27 Amendment of the Registration of Civil Partnerships Regulations 2011

Schedule 2 (which amends subordinate legislation in consequence of these Regulations) has effect.

MADE 19 JULY 2016

SCHEDULE 1

[Regulation 7]

EVIDENCE OF IDENTITY, ETC AND FORMATION OF CIVIL PARTNERSHIP**1 Evidence of name, etc of civil partners**

- (1) The evidence which must be provided for the purposes of regulations 7(1)(b), 8 and 9 (evidence of name, address and date of birth of each of the civil partners) is as follows.
- (2) To establish name and date of birth, one of the following documents must be provided:
 - (a) a birth certificate (together with another piece of evidence listed in this paragraph to establish current name, if changed since birth);
 - (b) valid passport;
 - (c) valid driving licence with photograph (full or provisional issued by the Isle of Man, United Kingdom or Channel Islands);
 - (d) valid HM Forces identity card issued by the United Kingdom;
 - (e) if none of the documents listed in (a) to (d) are available, such other document as the Registrar determines it is reasonable to accept in the particular circumstances of the case.
- (3) To establish address, one of the following documents must be provided:
 - (a) utility bill dated no more than three months before the date on which it is received by the registrar;
 - (b) bank or building society statement dated no more than one month before the date on which it is received by the registrar;
 - (c) a rates bill dated no more than one year before the date on which it is received by the registrar;
 - (d) valid driving licence (full or provisional issued by the Isle of Man, United Kingdom or Channel Islands) where the licence includes the person's address (whether or not it was also provided under paragraph (2));
 - (e) if none of the documents listed in (a) to (d) are available, such other document as the Registrar determines it is reasonable to accept in the particular circumstances of the case.

2 Evidence to establish formation of civil partnership

The evidence which must be provided for the purposes of regulations 7(1)(c), 8 and 9, to establish the formation of the civil partnership, is a certified copy of the entry in the civil partnership register made on the formation of the civil partnership.

SCHEDULE 2

[Regulation 27]

CONSEQUENTIAL AMENDMENT**Amendment of the Registration of Civil Partnerships Regulations 2011**

- (1) The Registration of Civil Partnerships Regulations 2011⁷ are amended as follows.
- (2) In regulation 15 (access to civil partnership records), after paragraph (5), insert —

(5A) Where a civil partnership is converted into a marriage under section 27A of the 2011 Act, no certified copy or certified extract of the entry relating to it in the civil partnership register may be issued unless it is annotated in accordance with regulations made under that section. **(2)**

⁷ SD 159/11; regulation 15 was amended by SD 0555/11.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.