

Parliamentary Brief



The Law Society

Civil Partnership Bill

House of Lords – Second Reading

22 April 2004

The Law Society welcomes the Government's introduction of the Civil Partnerships Bill. The Bill offers a system of registration to same sex couples which gives to them public recognition of their relationship and the rights and responsibilities previously only offered to opposite sex couples on marriage. The Society has long campaigned for a change in the law to offer such a system of registration to same sex couples.

The provisions of the Bill appear as far as possible to mirror the words of current statutes relating to marriage and divorce. Although this means that some of the wording of the Bill might not be ideal, we believe it is appropriate that the two schemes – registration and marriage – should be consistent. The Government may well wish to re-examine provisions relating to family law in the future and any amendments should be considered in the context of an overarching review of all law relating to relationship and relationship breakdown.

This Bill provides a legal framework in the event of a breakdown in a registered partnership. This will be a considerable improvement on the current situation, which relies on complex trust and property law provisions. It will be quicker, cheaper and easier to understand.

Financial provisions

We note that the Bill does not deal with taxation of registered cohabitants. We therefore await details of any taxation provisions. We will also be interested to learn the Government's intentions with regard to pensions (Clauses 187 & 188 of the Bill).

Opposite sex couples

Although it has been suggested that this scheme of registration should be opened to opposite sex couples we can see no advantage in this. Opposite sex couples have the option of a civil registration of marriage ceremony which provides the same rights and responsibilities.

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