

Frequently asked questions

Converting a civil partnership into marriage

Background

1. Why is this provision being offered?

Some of the couples who have formed civil partnerships may wish to be married now that the option to marry is available to same sex couples. This provision allows couples to transfer from one legal relationship (civil partnership) into another (marriage) without having to end their civil partnership.

2. What about couples who enter a civil partnership from now on? Will they also have the chance to convert their civil partnership into a marriage at a later date if they want to?

Yes. Even though couples now have the choice from the outset of forming a civil partnership or marrying, we will not be limiting conversions into marriage to couples who formed their civil partnership before 29 March 2014.

3. Will the civil partnership need to be dissolved before the conversion into marriage?

No. The effect of the conversion is for couples to transfer from one legal relationship (civil partnership) into another (marriage). The marriage will be treated as if it had existed from the day the civil partnership was formed, without the couple losing any of the rights or entitlements they have accrued from being in a civil partnership.

4. Is there any restriction on who can convert a civil partnership into marriage?

Yes. Conversions into marriage will only be possible for couples who registered their civil partnership in England and Wales or overseas in a consulate or armed forces base (where the civil partnership was registered according to the law of England and Wales).

5. What about those who have formed a civil partnership (or equivalent relationship) outside England and Wales (i.e. abroad or in Scotland or Northern Ireland)? Can they convert these into a marriage here?

See answer to Q4. For any other circumstances conversions are not possible and the couple should seek legal advice on the options available to them.

6. So if they can't convert into a marriage, can they just give notice of marriage here?

Same sex couples who have married abroad under foreign law are now recognised in England and Wales as being married.

A couple needs to be legally free to marry. If a couple is in a legal relationship which is valid in the country in which they formed it, their overseas civil union will be recognised as a civil partnership in England and Wales.

7. Are the draft regulations likely to change again?

Until the draft regulations have been approved by Parliament they are not the law. However, the policy has now been revised to take account of stakeholder and customer views and offers more choice for couples on how and where they convert their civil partnership into marriage. Further changes are unlikely so local authorities should now start planning on this basis.

Conversion process

8. What is the process for conversions into marriage?

Couples will be able to convert their civil partnership into marriage using a simple 'one stage' procedure, or a 'two stage' procedure where the conversion into marriage is followed by a ceremony.

- **The standard (one stage) procedure.** Couples attend any register office or local registration service point for an appointment with the superintendent registrar to complete a declaration with details about themselves and their civil partnership, together with evidence of their name, date of birth, address and civil partnership certificate. The couple and the superintendent registrar then sign the declaration. The couple can also opt to say the declaration wording aloud to one another, before signing, if they wish to do so. The conversion into marriage is registered on RON and a marriage certificate issued.
- **The 'two-stage' procedure.**

Stage 1.
Couples attend any register office or local registration service point for an appointment with the superintendent registrar to complete a declaration with details about themselves and their civil partnership, together with evidence of name, date of birth, address and their civil partnership certificate.

Stage 2.
The signing of the declaration, which can be followed by a ceremony, can take place at the same range of venues where a marriage of same sex couples can take place:

 - i) Register office*
 - ii) Approved premises
 - iii) Religious buildings registered for the marriage of same sex couples (including military, naval and air force chapels) where a ceremony under Section 46 of the Marriage Act 1946 is to immediately follow the conversion into marriage.
 - iv) Premises where a ceremony according to the Jewish faith or the Society of Friends is to immediately follow the conversion.

*We would expect couples who wish to sign their conversion declaration in a register office to follow the standard procedure. However, should a couple wish to sign the declaration in a register office which is in a different district from where they provided the details about themselves and their civil partnership then they can do so under the two stage procedure.

Under the two stage procedure the marriage resulting from the conversion would be registered when the superintendent registrar returns to their office (unless facilities exist to register it on RON at the venue) and the marriage certificate will be posted to the couple.

9. The addition of the two stage process is new. Why have the proposed provisions changed?

When the draft regulations for the conversion process were originally laid in July 2014 some concerns were raised regarding conversions only taking place in a register office.

Government has considered further and sought the views of stakeholders. Recognising the importance and significance that couples place on the occasion of converting a civil partnership into marriage the draft regulations have been revised to provide for conversions into marriage to take place at a wider range of venues. The new regulations, which are still subject to parliamentary approval, address most of the concerns that were expressed. This will allow couples who wish to celebrate their conversion into marriage with a ceremony in front of friends and family to do so immediately following and at the same place where the declaration is signed.

10. Does the couple need to give 'notice' of their intention to convert?

No. The process is converting an already existing legal relationship so unlike entering a new civil partnership or marriage, there is no notice procedure, residence requirement or waiting period, and no need for couples subject to immigration control to attend a designated register office.

All couples will need to provide evidence of their name, date of birth and address as well as evidence of their civil partnership when they attend to give the information to be entered onto the declaration. Couples should be advised in advance of their appointment the evidence they will need to provide

11. What if the appointment to provide the details to the superintendent registrar takes place at a local registration service point, and the signing of the declaration takes place at the register office for the district? Would this be under the 'two stage' process, and what fees would apply?

Yes. This would be a conversion into marriage under the two stage procedure. There would be a fee of £27 payable to the superintendent registrar who takes the details and checks the evidence. The fee for the superintendent registrar to attend the register office to sign the conversion declaration would be set locally. In such circumstances, couples should be reminded of the option to provide details to the superintendent registrar and sign the declaration at the same place under the standard 'one stage' procedure.

12. What constitutes a local registration service point?

For the purposes of conversions into marriage, a local registration service point is any premises provided by the local authority for the exercise of the superintendent registrar's functions e.g. taking notices of marriage. This does not include any parts of the building that are approved premises.

13. Can the conversion into marriage take place at any service point within a local authority?

Couples choosing to use the standard (one stage) procedure can provide the information and evidence to the superintendent registrar and sign the conversion declaration at a register office or service point where a superintendent registrar provides other services, for example takes notices of marriage. It is not possible under the standard (one stage) procedure to sign the declaration in parts of the service point which are approved premises. Those couples wishing to sign the declaration in approved premises would need to follow the two stage procedure.

14. For the two stage procedure, can the two stages take place in different districts?

Yes. A superintendent registrar in one district can take all the details from the couple and check the evidence and a superintendent registrar in a different district can sign the declaration, register the marriage resulting from the conversion and issue the marriage certificate.

15. Is there a time limit on when the declaration may be signed under the two stage procedure?

Yes. Once the details for the conversion into marriage have been provided to the superintendent registrar the conversion declaration must be signed by each party and the superintendent registrar or their deputies, in the presence of each other within 12 months of that date.

16. Can registrars complete a conversion into marriage as well as superintendent registrars?

No. Not unless they are also a deputy superintendent registrar. The conversion of a civil partnership into marriage can only be completed by superintendent registrars or their deputies.

17. If we have already taken bookings for conversions into marriage, should we go back to couples to advise them of the change?

You may wish to offer couples who have already booked their date the opportunity to take advantage of the alternative 'two stage' process, otherwise they may hear of it and assume it is available without arranging it in advance.

18. Do the parties need to sign the declaration at the same time?

Yes, the declaration must be signed by each party and the superintendent registrar in the presence of each other.

19. What about people who are seriously ill, housebound or detained?

There are separate procedures which allow for the declaration to be signed at the residence of a housebound or seriously ill person and the place of detention for a detained person.

Conversions into marriage on religious premises

20. Why does a conversion into marriage on religious premises need to be followed by a ceremony under Section 46 of the Marriage Act?

One of the things people asked for was a closer link between the conversion into marriage and an appropriate religious marriage ceremony. This approach will ensure that the religious protections afforded to religious organisations and individuals for the marriage of same sex couples extend to marriage services associated with conversions into marriage.

21. What evidence do I need to see for a conversion into marriage on religious premises?

The same consents are required as for a marriage of same sex couples. In addition, the trustees or governing body of the religious organisation would need to be satisfied that a ceremony under s46 of the Marriage Act 1949 is to immediately follow the conversion.

The necessary consents should be produced to the superintendent registrar who takes the information for stage 1, although the superintendent registrar who attends the conversion should also be satisfied that the consents are still in place at the time of the conversion into marriage.

22. Can the signing of the conversion declaration on religious premises be completed by the person who will be conducting the ceremony afterwards (e.g. Authorised Person, Rabbi)?

No. The signing of the declaration, on both secular and religious premises, must be completed by a superintendent registrar. Superintendent registrars will want to discuss with the person conducting the ceremony the arrangements for signing the declaration, for example, whether the person conducting the ceremony welcomes everybody before the declaration is signed.

23. Marriages according to the Jewish faith can take place anywhere. Are there any limitations on where a conversion into marriage can take place?

Yes. Conversion into marriage according to the Jewish faith will take place in a synagogue.

24. Does the superintendent registrar have to stay for the ceremony that follows a conversion on religious premises?

The conversion declaration will be signed before the religious ceremony commences. There is no need for the superintendent registrar to stay once the declaration is signed, but there is nothing to prevent them from doing so.

25. Does the superintendent registrar have to say anything?

No. The superintendent registrar's role is to ensure that the declaration is signed before the ceremony commences but there is nothing to prevent them from speaking.

Ceremonies following a conversion into marriage

26. Are there any restrictions on what can be included in a civil celebratory ceremony that follows a conversion into marriage?

The ceremony must not contain any religious content. Couples may discuss and agree an alternative form of words with the local authority providing the service but the words of declaration and contract must not be used, given that this is a non-statutory ceremony. Couples choosing to convert their civil partnership into marriage may place an importance on making commitments and promises to each other and the significance of being declared "husband and husband" or "wife and wife", which you may wish to consider when developing celebratory ceremonies.

27. What if the couple wish to sign the declaration as part of their ceremony?

It is the signing of the declaration that converts the civil partnership into marriage. The legislation requires that any ceremony must take place after (and not before) the declaration has been signed.

28. Can a ceremony follow a conversion for those who are detained or housebound?

Yes. For religious ceremonies the relevant governing authority would have to consent to its rites being used in a ceremony following a conversion into marriage.

Registration and certificates

29. What does the certificate of conversion into marriage look like? Is it a marriage certificate?

Once the marriage resulting from a conversion is registered, a marriage certificate may be issued. The certificate will indicate that the marriage is to be treated as having subsisted since the date of the civil partnership. It will also show the date the civil partnership was converted into a marriage. The conversion into marriage will be recorded electronically on RON and not entered into existing marriage registers. Superintendent registrars will be issued with separate marriage certificate stock specifically for this purpose. The certificates should not be referred to as "conversion certificates".

30. Will the details of the couples' mothers be shown on the marriage certificates – as is the case with civil partnerships, or only the fathers' details, as is currently the case for a marriage?

The information shown will be the same in this respect as all other marriage certificates, so mothers' details will not be shown.

31. A full civil partnership certificate can be issued only where the applicant provides the address of both parties. Following the conversion of the civil partnership into marriage, will anyone will be able to obtain a marriage certificate showing the address?

Yes, provided they can provide sufficient details to identify the entry from the index.

32. Will the civil partnership entry be annotated to show that it has been converted into a marriage?

Yes. This will be carried out centrally at GRO.

33. What happens to the signed declaration?

The signed declarations will be submitted to GRO quarterly along with any civil partnership schedules.

RON

34. Will I be able to use RON for the conversion into marriage process?

RON will be the legal register of marriages that result from conversions. The marriage can be registered on RON once the declaration is signed by the couple and the superintendent registrar. The completion of the declaration and the production of the marriage certificate following the conversion will however initially be administrative functions outside of RON. There will be options to use manual or type and print forms/certificates.

35. When will these administrative functions cease and print functions for conversions into marriage in RON become available?

GRO will revisit the RON printing aspects of conversions into marriage once the sham marriage development in RON is complete.

36. For the 'two stage' procedure, how will the declaration be transferred to the conversion district if it is completed manually?

Once the declaration is completed the superintendent registrar will need to send the declaration form to the superintendent registrar for the district where the conversion into marriage is to take place. This can be done by post or email and may depend on the method used to capture the information.

37. As the production of the marriage certificate will initially be manual can I issue the certificate once the declaration is signed without adding the information to RON?

No, RON is the legal register. The marriage certificate cannot be issued until the marriage resulting from conversion is registered and must be issued from that register i.e. by recording the information that is contained in that register onto the marriage certificate.

38. As the process will be partially technical and administrative, will I have to maintain manual statistics?

No, once the marriage resulting from conversion is registered in the register, RON will provide the option to run reports on the number and type of marriages resulting from conversions.

Fees

39. Why is there no fee, or a reduced fee, for the first 12 months?

Couples who formed their civil partnership before 29 March 2014 may have chosen to marry had the option been available. Where the couple chooses to convert their civil partnership to marriage by using the standard procedure, the Government has decided that the fee of £45 will not apply for the first 12 months where the civil partnership was formed before 29 March.

In order to provide the same benefit to all couples, those choosing the two stage procedure will have the overall cost of their conversion into marriage reduced by the same amount (£45). The mechanism for local authorities to recover the costs from central funds is being developed and will be communicated in due course

40. What about the marriage certificate? Is that free as well?

No. There is a fee of £4 for certificates ordered at the time the declaration is signed. Thereafter, the fee is £10.

Training

41. What training tools will be available?

A new page on the registrars' website has been developed. This will link you to all relevant material as it becomes available > <https://gro-extranet.homeoffice.gov.uk/governance-and-good-practice/conversions/>

Classroom training material, a new handbook detailing the conversion into marriage processes, a new e-learning module and RON user guide will be made available via this page once they are complete.

Further information

42. Where can the public obtain further information?

Gov.uk is the cross-government website containing information for the public. The Government Equalities Office (GEO) have recently updated their information page on the marriage of same sex couples:

<https://www.gov.uk/government/policies/creating-a-fairer-and-more-equal-society/supporting-pages/equal-marriage-for-gay-lesbian-bisexual-and-trans-people-and-protecting-lgbt-rights>

Stonewall, the lesbian, gay and bisexual campaigning and lobbying group, also have a Question and Answer section on their website;
http://www.stonewall.org.uk/what_we_do/parliamentary/9389.asp

They have also produced a guide to marriage for same sex couples, which is available on their website: register offices can if they wish choose to download this guide for display, and can order limited hard copies free of charge from

Stonewall by emailing A.Manji@stonewall.org.uk which may be useful for couples enquiring about converting their civil partnership to marriage.

[https://www.stonewall.org.uk/what we do/parliamentary/9389.asp](https://www.stonewall.org.uk/what_we_do/parliamentary/9389.asp)