

CIVIL PARTNERSHIPS

Your questions answered

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The Civil Partnership Act 2004 allows same sex couples in England and Wales to marry in all but the name.

The Act has created a new legal relationship which can be formed by two people of the same sex. Couples who enter into a Civil Partnership will have equality of treatment in a wide range of legal matters, which married couples already enjoy including:

- the same rights of occupation of the home;
- a duty to provide reasonable maintenance for each other and any children of the family;
- an ability to apply for parental responsibility for a Civil Partner's child; tax benefits already enjoyed by married couples and the same rights upon death of a partner.

Couples intending to register a Civil Partnership have to give formal notice of their intention to register a partnership at the appropriate register office. Fifteen days after giving notice, the couple will be able to register. The Civil Partnership is formed by signing a document in the presence of a registration officer and two witnesses, much as a civil marriage.

Civil Partners will be able to take their partner's name or change both their names or have a hyphenated name.

As with heterosexual marriages, there will be some relationships that break down. The law provides a system similar to divorce proceedings to deal with issues of separation called "dissolution".

Within the Family Team at Leeds Day we can help with all aspects of separation including the dissolution procedure, financial issues and matters relating to children of the family.

We take a sympathetic but swift approach and try at all times to deal with matters amicably but with ability to reach a fair and reasonable result.

As with the problems faced upon the break-up of a marriage, Civil Partnership or cohabitation can be eased in some ways by preparing for it beforehand. Whilst at present the law does not always accept that pre-marital or pre-cohabitation agreements are legally binding, opinions are changing.

It can be safely assumed that pre-registration agreements between Civil Partners will also be viewed the same way by the court. Such agreements can set out the provisions for financial division and childcare arrangements should the relationship breakdown, amongst other things. This allows for matters to be considered at the outset rather than upon breakdown of the Civil Partnership when tempers can be at boiling point.

Even if you do not have vast capital assets or children, but you want some quality advice regarding pre-registration agreements or dissolution of an existing Civil Partnership, contact the family law team at Leeds Day Solicitors.

If you think these cases might affect you, why don't you call one of our Family Team on 01480 454301



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The information contained in this note is correct to the best of our knowledge at the time of publication. It is intended as a general guide only and should not be taken as specific advice.

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