

Civil partnership

The introduction of the Civil Partnership Act 2004 paved the way for the first civil partnership ceremonies in December 2005, and same sex couples entering into a civil partnership now have parity with opposite sex couples who enter into a civil marriage, on a variety of legal matters.

Civil partners now have far more rights, but also potentially more responsibilities too. These include:-

- An obligation to provide maintenance for your civil partner and any children of the family;
- You may be able to apply for parental responsibility of your partner's child;
- If your civil partner has an accident which results in a fatal accident claim, you would be permitted to make a claim for compensation;
- Certain rights in respect of immigration and nationality;
- In the event that your civil partner dies without having left a will, you will be treated in the same way as a spouse would when assets are divided;
- You will be treated in the same way as a spouse in respect of tax, employment benefits, pension rights, tenancy agreements and child support.
- Protection from domestic violence

Of course, whilst many of the above are clearly beneficial, particularly in relation to inheritance and pensions, you must also realise that civil partnership is a serious commitment, because if a relationship breaks down, then it can only be ended when one of the parties applies for dissolution. The dissolution process is very similar to a divorce and can therefore be a financial as well as emotional burden.

You must be aware that the Civil Partnership Act allows for couples to make financial claims against each other in respect of property, capital, income and pensions and therefore it is important for civil partners to understand the commitment they are making when they register their civil partnership.

Perhaps you would like to consider making a pre-partnership agreement. This is particularly important where one of you already owns property. By entering into a pre-partnership agreement, you will be able to indicate to a court, your intentions as to the division of property at the time you entered into a civil partnership. You will not be able to avoid your partner making a financial claim against you in the event that the civil partnership breaks down, but at least a court will be aware of what the parties were thinking before the relationship deteriorated. As civil partnerships are fairly new at present, we are unsure what weight courts will attach to such agreements, but it seems likely that they will carry some influence.

It is also extremely important that you make a new Will. When you enter into a civil partnership, any previous will is automatically revoked. If you do not make a new Will, you will therefore be treated as dying intestate. If this is the case then the law decides how your assets are divided. This may not be the way you want them to be divided, particularly if you have children.

The rights relating to children have also changed. You will be able to adopt a child as a couple, rather than just one of you adopting. If your partner has a child, you may also be able to adopt that child, if you have permission of all other parties with parental responsibility. Even if you do not have parental responsibility, you will be regarded as a step-parent.

If you wish, you can also change your name when you enter into a civil partnership. You may wish to use just one partner's name or perhaps hyphenate your names.

Government agencies such as the DVLA or the Passport agency will accept civil partnership certificates in the same way as they accept marriage certificates as evidence of a change of name.

For advice on civil partnership or any other family matters contact **Gorvins Solicitors Family Team** at:

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