

CIVIL PARTNERSHIPS Vs MARRIAGE: MODERN DAY RELATIONSHIPS

The face of the 'modern family' has been in transition for some time. Same sex couples have been able to enter into a civil partnership in the UK since December 2005. A further 9 years on, same sex couples could then marry including converting their civil partnerships into marriages. This marked a significant change in family law as well as a moment of profound importance for the gay community.

Conversion of Civil Partnerships to Marriage

Statistics from the Office for National Statistics show that between the 10th December 2014 and the 30th June 2015, the number of conversions of civil partnerships to same sex marriages has declined. The peak was in December 2014. As the ONS identifies one possible reason is because when civil partnerships were first introduced this was the only option available to same sex couples to formalise their relationship.

Same sex Marriage and Religion

It is important to remember that whilst same sex couples are now able to enter into a civil marriage, the legislation does not compel religious organisations to conduct marriages between same sex couples. The Church of England is in fact legally banned from conducting marriages between same sex couples pursuant to the Marriage (Same Sex Couples) Act 2013. Same sex marriages cannot take place in Islamic mosques, Roman Catholic churches, Orthodox synagogues and Hindu temples.

You can only therefore enter into a marriage as a same sex couple if:

- The religious organisation allows the marriage of same sex couples to take place and,
- The premises have been registered for the marriage of same sex couples.

Research undertaken by York University and Leeds University shows that, *'Only 182 places of worship have registered to perform same sex marriage in England and Wales, meaning approximately 99.5% do not offer it'*. This in itself may therefore represent a disincentive to marriage for many same sex couples who wish to have a religious marriage in addition to a civil marriage and for whom a religious marriage is of crucial significance.

Opposite sex couples and Civil Partnerships

On the 27th June 2018, The Supreme Court delivered their judgment. Rebecca Steinfeld and Charles Keidan were successful in arguing that the current law discriminates against opposite sex couples who wish to enter into a civil partnership as opposed to marriage. The Court ruled that the bar on opposite sex couples entering into civil partnerships breached the Appellants' rights under the European Convention on Human Rights.

The couple felt that a civil partnership was a more accurate reflection of their values and beliefs and would enable them to formalise their relationship and subsequently afford them greater rights than what they currently enjoyed.

Whilst this may represent a significant step forward, it remains to be seen how Parliament will amend legislation either to introduce civil partnerships to opposite sex couples or whether civil partnerships will be abolished in their entirety.

For advice in relation to civil partnerships and family law matters, please contact Steven Barrett or Heather Weavill at Alison Fielden & Co on 01285 653 261.