



# **The Future Operation of Civil Partnership: Gathering Further Information**

Presented to Parliament

by the Secretary of State for International Development

by Command of Her Majesty

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1. The Civil Partnership Act 2004 enabled same-sex couples to obtain legal recognition of their relationship by registering a civil partnership at a time when marriage for same-sex couples was not available. The Marriage (Same Sex Couples) Act 2013 allowed same-sex couples to enter a marriage from 29 March 2014, or convert their civil partnership into a marriage from 10 December 2014.
2. The Government has consulted twice on the continued operation of civil partnerships: in 2012<sup>1</sup>, during the passage of the Marriage (Same Sex Couples) Bill, and again in 2014<sup>2</sup>. In those consultations, we invited views on three possible options; whether civil partnerships should be:
  - abolished
  - closed to new registrations
  - extended to allow opposite-sex couples to register a civil partnership
3. Taken together, there was no consensus about how civil partnerships should change. Due to the lack of available evidence in support of any of the above options, and the lack of consensus on a particular change, the Government decided not to make any changes to civil partnerships at the time.
4. This policy paper sets out how the Government will gather additional information. When this work is completed, the Government should have the information it needs to bring forward proposals for the future of civil partnerships.
5. We believe four elements of research are required to help us to assess whether there continues to be demand for civil partnerships amongst same-sex couples now marriages are available to them, and whether there is demand for civil partnerships amongst opposite-sex couples.

### **Trends in civil partnership and marriage amongst same-sex couples**

6. The Government is already looking at available data on the take-up of civil partnerships and marriage amongst same-sex couples.
7. This information is valuable in determining how the operation of civil partnerships should continue for two reasons:
  - If demand for civil partnerships remains low and this becomes a stable position, this might suggest that same-sex couples no longer see this as a relevant way of recognising their relationships, and that Government should consider abolishing or phasing out civil partnerships entirely.
  - If significant demand for civil partnerships remains over time, this may indicate that the institution still has relevance.
8. Two full years of relevant data is already available on civil partnerships. There were 890 civil partnerships registered in 2016 in England and Wales, down from

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<sup>1</sup> <https://www.gov.uk/government/consultations/equal-marriage-consultation>

<sup>2</sup> <https://www.gov.uk/government/consultations/consultation-on-the-future-of-civil-partnership-in-england-and-wales>

an average of 6,305 from 2007 to 2013. There was an increase of 3.4% in civil partnership formation in 2016 compared to 2015.

9. In considering the future of civil partnerships in Scotland, the Scottish Government have said that 5 years' data was needed to assess ongoing demand for civil partnerships amongst same-sex couples.<sup>3</sup>
10. Whilst there has clearly been a significant fall in the number of civil partnership formations since the introduction of marriage for same-sex couples, we do not know whether the current levels of demand will be sustained or change over time. Given the scale and significance of the decision as to the future of civil partnerships, we believe it is proportionate to gather more data so that we can be sure demand has stabilised. Our assessment is that by September 2019 we will have a proportionate amount of evidence to be confident in the on-going level of demand for civil partnerships amongst same-sex couples.
11. In assessing trends, we will collate data on civil partnerships amongst same-sex couples and marriage amongst same-sex couples. We will be looking to examine changes over time to see how the take up of civil partnerships has changed since marriage for same-sex couples was introduced. We will also look at what the characteristics are of same-sex people who take up civil partnerships and marriage, such as age and sex and whether this is changing over time.

### **Survey to assess demand for civil partnership and marriage amongst opposite-sex couples in the UK**

12. Change in demand for civil partnerships amongst same-sex couples may not, taken alone, be a good indicator of the demand amongst opposite-sex couples, given that this institution has never been available to them. We believe further work is required to establish the likely level of demand for civil partnerships among opposite-sex couples.
13. Our previous consultations did not suggest a significant number of opposite-sex couples wished to enter civil partnerships<sup>4</sup>. This might be because demand for civil partnerships is very low amongst opposite-sex couples.
14. It is possible, however, that those who would want to enter a civil partnership as an opposite-sex couple did not respond to the consultation. Demand for civil partnerships amongst opposite-sex couples may also have changed – either up or down – following the introduction of marriage for same-sex couples.
15. So that we can fully understand and compare the potential advantages and disadvantages of adopting each of the different options for changing the existing law, we also need an accurate and up-to-date assessment of the demand for civil partnership amongst opposite-sex couples. We intend to survey people in unmarried, opposite-sex relationships, as they are the group who would most likely be affected by a decision to extend civil partnerships to opposite-sex couples.

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<sup>3</sup> [https://consult.gov.scot/family-law/review-of-civil-partnership/user\\_uploads/00485582.pdf-1](https://consult.gov.scot/family-law/review-of-civil-partnership/user_uploads/00485582.pdf-1), page 3

<sup>4</sup> In the Government's 2014 consultation, only 871 people say they would prefer to enter a civil partnership than marry their opposite-sex partner.

16. Our preference has been to use an established survey to deliver representative estimates of demand among opposite-sex couples. This means we can undertake the work more quickly than establishing a new vehicle, helps us ensure value for money when undertaking this work, and will help to ensure the findings are robust. We have assessed a range of possible options, and decided to include questions in the 'ONS Opinions and Lifestyle Omnibus Survey' on this basis.
17. The questions will be included initially in the May 2018 ONS survey and will be repeated in subsequent surveys for approximately 10 months to secure a big enough sample. We intend to analyse findings in Summer 2019.

### **Research into the motivations of same-sex couples who choose civil partnership**

18. We want to understand why some same-sex couples continue to opt for civil partnership instead of marriage; this is an important part of the evidence base, especially if we decide to phase out or abolish civil partnerships, now that marriage is available to everyone.
19. Whilst civil partnership formations have declined significantly since the introduction of marriage for same-sex couples, a small number of same-sex couples continue to choose civil partnership instead of marriage as a way of gaining legal recognition for their relationship. A significant number of couples who formed civil partnerships before marriage was available for same-sex couples have also chosen not to convert their civil partnership into a marriage.
20. We intend to undertake research with people who are current civil partners to understand their views on civil partnership and marriage, and their future intentions and preferences.

### **Review of what has happened in other countries**

21. We believe the experience of other countries, and how they have managed either the expansion or withdrawal of civil partnerships or similar arrangements in their countries, could assist us in assessing what might happen in the UK, and give us evidence on likely demand amongst opposite-sex couples here for civil partnerships.
22. We will look to see what evidence is available from other countries. Where there is data available, we will examine what happened once new marriage and civil partnership policies were introduced, and the length of time until trends settle down following the introduction of a new marriage or civil partnership policy.
23. This is an important part of the evidence base, which would supplement the survey of likely demand in the UK: whilst drawn from a different social context, the experience of other countries gives real-world information on the choices couples actually make when offered the choice between marriage and another form of legal recognition, such as civil partnerships.

## **Building a cost model**

24. The Government undertook an impact assessment when it introduced the Civil Partnership Bill<sup>5</sup> and the Marriage (Same Sex Couples) Bill<sup>6</sup>. These impact assessments both estimated the expected costs that would fall on public bodies from introducing marriage for same-sex couples, such as adjustments to IT systems and administrative processes across central and local government. This information might be indicative of the one-off administrative costs that would be incurred if further changes were made to the operation of civil partnership.
25. The Government does not, however, have enough information about the likely demand for civil partnership amongst opposite-sex couples to estimate the total annual costs for operating civil partnerships in the longer term. Without a reliable estimate of the take-up of civil partnerships amongst opposite-sex couples, over and above the level of take-up that already exists for marriage, the Government cannot estimate the additional, annual costs of a change such as tax entitlements, pension and bereavement benefits.
26. Taken together, the existing impact assessments alongside the new evidence we are proposing to gather will enable us to attempt to estimate the potential costs of either abolishing or phasing out civil partnerships or extending them to opposite-sex couples. This information will be important in reaching a decision on what the future operation of civil partnerships should be.
27. When we have gathered the evidence outlined above, we will undertake economic modelling to estimate the full costs of abolishing, phasing out or extending civil partnerships.

## **Timing**

28. By September 2019 we will have access to four full years of data on civil partnership formation following the introduction of marriage for same-sex couples. We will also have completed the activities set out above, giving us the information we need to make a well-informed assessment of potential demand for civil partnerships by early 2020.
29. Once these activities are completed the Government would be able to bring forward a set of proposals for how the law should be changed as part of a full public consultation. At the earliest, we would anticipate being able to consult on the future operation of civil partnerships in 2020.

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<sup>5</sup> <http://webarchive.nationalarchives.gov.uk/+http://www.berr.gov.uk/files/file23829.pdf>

<sup>6</sup> <https://www.gov.uk/government/publications/marriage-same-sex-couples-bill>

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