RESEARCH PAPER 04/64
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The *Civil Partnership Bill* [HL]: background and debate

Bill 132 of 2003-04

This paper discusses the background and debate relating to the *Civil Partnership Bill* which is expected to have its Second Reading in the House of Commons after the summer recess. Explanatory Notes to the Bill have also been issued [Bill 132-EN].

The Government has stated that the purpose of the *Civil Partnership Bill* is to establish a new legal relationship for same-sex couples and to enable those couples who register as civil partners of each other to access many of the legal rights and responsibilities to which married couples are entitled. As a result of an amendment passed on Report in the House of Lords, the Bill would also enable certain close family members to register as civil partners of each other whether they are of the same sex or of the opposite sex.

This Paper outlines the background to the Bill, including Government policy, the territorial extent of the Bill and the current legal position regarding cohabitation. This Paper also considers the debate in the House of Lords relating to the scope of the Bill which resulted in the passing of the amendment referred to above.

This Paper should be read in conjunction with Research Paper 04/65 which summarises the main clauses of the Bill, including how the registration system would work in practice and the legal rights and responsibilities which the Bill would impose.

Lorraine Conway and Catherine Fairbairn

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Summary of main points

At present, same-sex couples do not have legal recognition of their relationship. The Government has stated that the purpose of the *Civil Partnership Bill* is to create equality and recognition for same-sex couples. The Bill would create a new legal status, similar but not identical to marriage, which would allow adult same-sex couples to gain formal recognition of their relationship.

The *Civil Partnership Bill* would enable same-sex couples to enter a civil partnership through a statutory, civil registration procedure. There would also be a statutory dissolution process to deal with situations where a civil partnership breaks down. Same-sex couples who enter a civil partnership would access a wide range of rights and responsibilities in many areas including property and financial arrangements; social security; children; housing and tenancies; employment and pension benefits; recognition under intestacy rules; life assurance; access to fatal accidents compensation; protection from domestic violence; and tax treatment.

In the House of Lords there was considerable debate on the question of whether the civil partnership scheme should be limited in ambit to unrelated same-sex couples, or whether it should also be available to a wider range of couples including relatives and carers and heterosexual couples. On 24 June 2004, an amendment was passed at Report Stage that would widen the scope of the civil partnership scheme and allow close relatives (whether of the same sex or of the opposite sex) who are over the age of 30 and have been living together continually for 12 years to form a civil partnership.

Following the passing of this amendment, the Government confirmed that they would not be proceeding any further with the many amendments they had previously tabled because they considered that the amendment "fundamentally alters the basis upon which the Government have brought forward the whole Bill". The Government has announced its intention to overturn the amendment in the House of Commons.

The *Civil Partnership Bill* would apply to the whole of the UK. The Scottish Parliament has agreed a Sewel motion to include Scottish provisions in the Bill although doubt has been expressed as to whether a further motion may now be needed as a result of the amendment. The Northern Ireland Assembly is currently in suspension but, in its absence, the Secretary of State for Northern Ireland has endorsed the same approach as Scotland, although there was considerable debate in the House of Lords about whether it was appropriate, in these circumstances, to extend the scope of the Bill to Northern Ireland.

This Research Paper outlines the background to the Bill, including Government policy, the territorial extent of the Bill and the current legal position regarding cohabitation. This Paper also considers the debate in the House of Lords relating to the scope of the Bill which resulted in the passing of the amendment referred to above. There is also a section which includes links to comment made by some interested parties. The detailed provisions of the Bill are considered separately in Library Research Paper 04/65.

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I Introduction and Background

A. Introduction

The *Civil Partnership Bill* was introduced in the House of Lords as Bill 53 of 2003-04 on 30 March 2004. It was passed on Third Reading in the House of Lords on 1 July 2004 and had its First Reading in the House of Commons on 5 July 2004 (Bill 132 of 2003-04).

Patricia Hewitt, Secretary of State for Trade and Industry, confirmed the purpose of the Bill in a written answer on 30 April 2004:

> **Mr. Leigh:** To ask the Secretary of State for Trade and Industry pursuant to the answer of 24 March 2004, *Official Report*, column 861W, on civil partnerships, whether legal rights and benefits to which married couples are entitled have not been included in the Civil Partnership Bill.
>
> **Ms Hewitt** *[holding answer 28 April 2004]:* The purpose of the Civil Partnership Bill is to establish a new legal relationship for same-sex couples and to enable those couples who register as civil partners of each other to access many of the legal rights and responsibilities to which married couples are entitled. The Government have therefore aimed to provide parity of treatment for civil partners.[1]

As a result of an amendment passed on Report, the *Civil Partnership Bill* would also enable two people to register as civil partners of each other where they are within the degrees of family relationship set out in Schedule 1, provided that they are both aged over thirty years and they have lived together for a continuous period of twelve years immediately prior to the date of registration. In this case, the two people could be of the same sex or of the opposite sex and they would be eligible to register as civil partners of each other, despite being within the prohibited degrees of relationship set out in paragraph 1 of Schedule 2.

During the Bill's Third Reading on 1 July 2004, Baroness Scotland of Asthal, Minister of State, Home Office, outlined the Government's position in respect of the new character of the Bill:

> […] It has never been the Government's policy to apply these provisions to the wider group who can form a civil partnership as a result of last week's amendment.
>
> The Government are not able to give an adequate explanation of the policy underlying these further or additional changes or their legal effect and

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[1] HC Deb 30 April 2004 c1364W

> consistency with other provisions on the statute book or in the Bill. A further difficulty is that before introducing the Bill, the Government consulted widely about their plans for the new legal relationship and the legal rights and responsibilities which should attach to it. This fundamental change, without any additional consultation, deprives the Government of important background to policy making.
>
> Those considerations will also make it difficult for the Government to comment on other issues raised by the Bill and other amendments which have been tabled today. However, we shall attempt to describe the crucial issues in outline. In a few cases that has meant that we have not been able to table minor amendments because they are closely linked to the substantive amendment, which the Government have decided not to move, for the reasons that I have just explained.
>
> It is the Government's intention to overturn last week's amendment in another place and then to table the remaining government amendments to the Bill, which have had to be put on hold for that reason. It will be a decision for the other place whether it feels it wants to do that.[2]

The Bill was brought to the House of Commons, without consequential amendments, on 5 July 2004 and is expected to have its Second Reading when the House of Commons reconvenes in September 2004.

The debate in the House of Lords was extensive and covered wide-ranging issues. Considerable disagreement was expressed, both to the basic principles underlying the Bill and to the operation of individual clauses. However, certain recurrent themes emerged at each stage of the debate including:

- The question of whether the civil partnership scheme should be limited in ambit to unrelated same-sex couples, or whether it should also be available to a wider range of couples including relations and carers and heterosexual couples.
- Whether the provisions of the Bill should apply at all to Northern Ireland given the suspension of the Northern Ireland Assembly.
- Whether the Bill was in essence a tax bill or a relationships bill.
- Whether it should be possible to have some form of religious ceremony to mark the registration of a civil partnership.
- How the system of registration and dissolution would apply in practice.

This Research Paper aims to put the Bill into context by summarising the background, including Government policy, the territorial extent of the Bill and the current legal

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[2] HL Deb 1 July 2004 c409

position. This Paper also outlines the debate in the House of Lords relating to the scope of the proposed civil partnership scheme. In some cases similar amendments were moved at more than one stage of the debate. This paper does not include reference to all the amendments moved and aims to give an indication of some of the arguments advanced rather than a comprehensive summary of each stage of the debate.

For a detailed summary of the main clauses of the Bill, including an explanation of how registration and dissolution of civil partnerships would work, the reader is referred to Research Paper 04/65. That Paper also considers the impact the Bill would have on tax; property and financial arrangements; children; housing, occupancy rights and tenancies; domestic violence, social security, tax credits and child support; pensions; employment; and the armed forces. Reference should also be made to the Full Explanatory Notes which were published with the Bill.[3]

B. Background

1. Government policy

Two separate bills came before Parliament during its 2001-02 session proposing reform of the law relating to cohabitants (whether opposite sex or same-sex) in England and Wales. The *Relationships (Civil Registration) Bill* was introduced to the House of Commons by Jane Griffiths, Labour MP, on 24 October 2001 under the ten minute rule.[4] It sought to provide for civil registration of a relationship between two people who are cohabiting and for such registration to afford certain legal rights. The Bill ran out of time during its Second Reading debate. The *Civil Partnerships Bill* was a Private Member's Bill introduced to the House of Lords by Lord Lester, the Liberal Democrat Peer, on 9 January 2002.[5] This Bill also sought to provide the framework for establishing a new kind of recognised legal relationship between two individuals, to be called a civil partnership. It set out the procedure for the registration of the partnership and the legal consequences that would follow. It also provided for the formal dissolution of a civil partnership either by mutual consent or by court order.[6] On 11 February 2002, Lord Lester stated that he would not be proceeding with his Bill in order to allow the completion of a cross-departmental Government review of civil partnerships.[7] Both Bills are discussed in detail in Library Research Paper 02/17.[8]

On 6 December 2002, Barbara Roche, then Social Exclusion Minister, announced that the Government would set out its plans for a civil partnership scheme for same-sex couples in

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3 Bill132-EN, http://www.publications.parliament.uk/pa/cm200304/cmbills/132/en/04132x--.htm
4 Bill 36 of 2001-02
5 HL Bill 41 of 2001-02
6 HL Deb 9 January 2002 c561
7 Press release from Lord Lester's office, 14 February 2002
8 *The Relationships (Civil Registration) Bill and the Civil Partnerships Bill*, Library Research Paper 02/17, 19 March 2002

the summer of 2003 in order "to bring law and practice into line with the reality of people's lives". Making this announcement, Barbara Roche said:

> […] Leading a government-wide review of partnership recognition I have been looking closely at the problems caused by this lack of legal recognition; the potential benefits of introducing a system of partnership registration for same-sex couples, with certain rights and responsibilities attached; and the practicalities of doing so.
>
> This work is not yet completed. We will publish our final plans for consultation in the summer. But this much is already clear. There are many thousands of gay couples who have been together for years, who look after each other, support each other, live their lives in exactly the same way as any other family. Yet the law – the state – does not recognise them as a partnership, as a family, while they are together or when one of them dies.
>
> Many gay people have been refused a hospital visit to see their seriously ill partner, or refused their rightful place at their partner's funeral, or evicted from their home after their partner's death, or forced to sell their home to pay inheritance tax duties.
>
> A partnership registration scheme would bring benefits to individuals who registered. I believe it would also bring benefits to the whole community. It would send a powerful message about the acceptability of same-sex relationships and about the unacceptability of the homophobia still far too prevalent in our society.
>
> The practicalities of introducing partnership registration for gay couples, with rights and responsibilities attached, are complex. But the case for doing it is clear and, I believe, strong.[9]

On 30 June 2003, the Government published a consultation paper, *Civil Partnership – A framework for the legal recognition of same sex couples*, outlining its proposals for a civil partnership registration scheme in England and Wales.[10] The Government proposed to create a new legal status of 'registered partner' for same-sex partners who register under the new scheme. In addition to making a commitment to each other, registered partners would also gain legal rights and responsibilities. During the three-month consultation period, the Government received over 3,000 responses. A report summarising the consultation findings was published in November 2003.[11] An intention to bring forward a *Civil Partnership Bill* was announced in the Queen's Speech on 26 November 2003.

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9 http://www.pm.gov.uk/output/page985.asp

10 Women & Equality Unit, *Civil Partnership - A framework for the legal recognition of same-sex couples*, 30 June 2003, http://www.womenandequalityunit.gov.uk/research/civ_par_con.pdf

11 Women & Equality Unit, *Responses to Civil Partnership - A framework for the legal recognition of same-sex couples*, November 2003, http://www.womenandequalityunit.gov.uk/publications/CP_responses.pdf

The *Civil Partnership Bill* [HL], a Government Bill, was introduced in the House of Lords on 30 March 2004. Announcing the Bill, Jacqui Smith, Deputy Minister for Women and Equality, said:

> The Civil Partnership Bill underlines the inherent value of committed same-sex relationships. It opens the way to respect, recognition and justice for those who have been denied it for too long.
>
> Same-sex couples often face a range of unnecessary problems in their everyday lives because of a lack of legal recognition of their relationships. The Civil Partnership Bill aims to eradicate this by providing same-sex couples with the opportunity to gain recognition of their relationship for the first time. It shows that we really value the diversity of the society we live in.[12]

In the course of debates in the House of Lords on the *Gender Recognition Bill*, Lord Filkin, Constitutional Affairs Minister, indicated that, if the *Civil Partnership Bill* passes, it would be implemented by about October 2005.[13]

2. Procedural aspects of the Bill

Following the passing of the amendment which is discussed below,[14] the Report Stage was immediately adjourned and when the sitting resumed, Baroness Scotland of Asthal confirmed that the Government would not now be proceeding any further with the many amendments they had previously tabled:

> The decision that the House has just made amending Clause 1 fundamentally alters the basis upon which the Government have brought forward the whole Bill and on which they have consulted widely before doing so. In those circumstances the Government feel unable to proceed with any of their amendments previously tabled and to contribute to the debate on other amendments, except to indicate that we oppose them.[15]
>
> (...)
>
> My Lords, I have made it plain that all the amendments which we seek to bring forward will be predicated on the definition of same-sex couples entering into the partnerships, not any other definition. All our amendments were predicated on that basis. It would be impossible for those amendments to be reconfigured in order to reflect the new construct which must be put on civil partnerships as a result of the amendment your Lordships have just passed.

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12 Department of Trade and Industry, "*Landmark Bill for Same-Sex Couples Published*", P/2004/129, 31 March 2004

13 HL Deb 29 January 2004 c402 & HL Deb 3 February 2004 c667

14 See section II A 2 *c* below

15 HL Deb 24 June 2004 c1408

> (...)
>
> We wish the Bill to be speedy in its transit through this House so that it can be properly considered. It was a matter for noble Lords to take the view and approach that they did and the consequences that flow from that. We now face those consequences.[16]

The Liberal Democrat Peer, Lord Lester of Herne Hill expressed his support for this approach:

> My Lords, on behalf of these Benches, we entirely agree with that view. We regard what has happened as a torpedoing of the Bill in the guise of noble motives.[17]

This gave rise to considerable debate about the way in which the Bill would now proceed and whether the House of Lords would ever have the opportunity to debate fully the amendments which would otherwise have been considered. Lord Higgins, Opposition Spokesperson for Work & Pensions, said:

> How do the Government now propose that the Bill will proceed? Does she propose that it will go to Third Reading or does she have some other procedure in mind? If the Government do not move any of their amendments and the Bill goes through totally unamended to another place, it will not be satisfactory for the other place simply to reverse our amendment and then for the Bill to return here merely on that reversal. We would need to have a completely new arrangement to cover the return of our amendment if, as seems likely, the Government succeed in reversing it. We need some view from the Government, either from the Chief Whip or otherwise, on the procedure which we will now follow.[18]

Lord Grocott, the Government Chief Whip, confirmed the position:

> My Lords, the procedure is absolutely and precisely as it always is; that is, the Bill goes through Report stage and Third Reading and then proceeds to the Commons. It is a Lords starter so it will go through all its stages in the Commons where the Government will put forward whatever amendments they want to put forward. The Bill will then return here and we shall deal with Lords consideration of Commons amendments in the normal way. The effect of our earlier vote, without wishing to be repetitive, has a knock-on effect on virtually everything on the Marshalled List for consideration today.
>
> The Bill will proceed in the normal way; that is, any Member of the House can move the amendment down in his name; they can be debated and the Government

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16 HL Deb 24 June 2004 c1409
17 HL Deb 24 June 2004 c1408
18 HL Deb 24 June 2004 c1410

> will give whatever response they feel appropriate. We have indicated that it might be minimal in view of the decision made earlier today. The short, simple and precisely accurate answer is to say that the Bill will continue to be considered in exactly the same as any other Bill.[19]

Lord Tebbit, the Conservative peer, considered that the House should adjourn:

> [T]he noble Lord nodded to the proposition that I made—that it is nonsensical to discuss the amendments. That means that no one has had an opportunity to table amendments that are relevant to the Bill as it is following the earlier vote. Surely any reasonable man would say, "Let us break off for a few days". At the end of that few days, the noble Lord, Lord Lester, with his customary ingenuity and remarkable legal ability, will have drafted new versions of his amendments that would fit to the Bill as it has been amended. Then we could get on and have some proper debates. The Government could come forward and tell us the implications of everything that is going on.[20]

However, Lord Lester of Herne Hill did not consider that it would be possible to draft the necessary amendments quickly:

> I introduced my Bill two and a half years ago and it rightly took the Government two years to produce an extraordinarily long Bill. That length of time was also right because the Bill had to cover the whole of marriage law in Northern Ireland, Scotland, England and Wales and apply it mutatis mutandis to same sex couples. If one were now to seek to alter the amendment and all of the other amendments to accommodate a wider range of relationships—an extraordinarily wide range that goes well beyond the object of the Bill—the consequence of that would be that it would take a team of Government lawyers, Ministers and their advisers not less than two years to produce not two volumes, but probably five volumes of a single Bill, even though the noble Lord, Lord Tebbit suggested that I was clever and could somehow do it. It would become an omnibus Bill, a portmanteau Bill, into which had been packed a wide range of other social relationships that were well beyond the needs of same sex couples.
>
> That is why I oppose the amendment and any other amendment predicated upon the Bill that has been changed by this debate.[21]

At Third Reading, Baroness Scotland of Asthal confirmed the Government's view of the effect of the amendment:

> Noble Lords will appreciate that the change which was voted on last week brought about some internal inconsistencies and anomalies for the scheme; for example, because of the change which your Lordships passed last week, a woman

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19 HL Deb 24 June 2004 c1410-11
20 HL Deb 24 June 2004 c1434
21 HL Deb 24 June 2004 c1437

> who formed a civil partnership with her grandfather would, under Clause 238(1), have her own mother as a step-daughter. Such unintended consequences run throughout the Bill as a result of the change made last week.
>
> (...)
>
> I shall give just one other example. Under the Bill as amended, a grandfather could leave a survivor's pension to a civil partner grandson. Of course, aside from the fundamental change to the principles underlying the pensions system in this country, this would have significant cost implications. Our estimate is that the cost would be in the region of £2.25 billion a year. I am, of course, aware that noble Lords opposite have expressed the wish, and the intention, to reduce the burden on the taxpayer. If that is seriously contemplated, one wonders how the dramatic increase in costs will be funded. We must look at consequences and deal with them.
>
> So, although we do not feel able to put down some of our amendments, the Government do want to respect this House and its decision. Therefore, we have brought back only those amendments that now make sense. If noble Lords opposite wish to move some of the amendments that the Government brought forward on Report, that is their prerogative, but it is a nonsense. If they do that, they will find that the synergy that was in the Bill has gone. As the concept of civil partnership has now been fundamentally redefined, the Government no longer consider it appropriate for civil partnership to entail all the consequences originally envisaged because we now have a different Bill.
>
> The Government also have serious concerns about the effect of the amendment on Report. We are considering the matter further, but we believe that it may mean that the Bill would not be compatible with the European Convention on Human Rights because of the onerous restrictions related to age, cohabitation and consanguinity that they impose on this new category of civil partner.[22]

3. The territorial extent of the *Civil Partnership Bill*

In the interests of creating parity across the UK, the Bill is intended to legislate for the whole of the UK.

The general approach is to make detailed provision for the formation and ending of civil partnerships, and for the legal consequences that flow from each, and to apply these separately in relation to England and Wales, Scotland, and Northern Ireland.

a. The situation in Wales

According to the Bill's Explanatory Notes, the Bill does not raise any general issues concerning devolution to Wales:

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[22] HL Deb 1 July 2004 c393-4

> In relation to matters falling within its functions in relation to Wales, the National Assembly for Wales will have power by order to amend subordinate legislation and make other supplementary provision in consequence of the introduction of civil partnership.[23]

b. The situation in Scotland

In Scotland, civil registration is a devolved matter. In June 2003, the Scottish Executive stated its position regarding the registration of civil partnerships in Scotland:

> Any similar new civil status in Scotland is a devolved matter for the Scottish Parliament and Executive. Many areas which might be affected by a new status are also devolved, such as family and property law. However, a number of the rights and responsibilities that might flow from registering a civil partnership arise in areas reserved to the UK Parliament under the Scotland Act 1998. Examples are immigration, social security benefits and pensions, child support, some public service pension schemes, injury benefit schemes and life insurance.
>
> It is for Scottish Ministers to consider the issue of civil partnership registration in Scotland. However, as indicated above, a number of the possible rights and responsibilities of registered partners relate to reserved matters. The Government attaches importance to maintaining integrity of treatment across Great Britain in relation to reserved matters. Therefore, the Government believes that people who register a civil partnership in England and Wales and subsequently move to Scotland should continue to be entitled to all the rights and responsibilities in reserved areas that flow from registration.[24]

On 10 September 2003, the Scottish Executive announced that in the event that civil partnership registration was introduced in England and Wales, same-sex couples should similarly be able to form a civil partnership in Scotland in order to access a comprehensive package of rights and responsibilities in both reserved and devolved areas. To this end, the Scottish Executive proposed seeking the agreement of the Scottish Parliament to the inclusion of Scottish provisions in a Westminster Bill. A consultation document was published by the Scottish Executive on 30 September 2003 and a summary of responses was published on 5 February 2004. The Executive reaffirmed its intention to introduce civil partnership in Scotland if it were introduced in England and Wales. On 3 June 2004 the Scottish Parliament agreed to the inclusion of Scottish provisions in this Westminster Bill as the simplest and most appropriate means of ensuring consistency between England and Wales and Scotland.

However, during the Bill's Third Reading in the Lords, Lord Evans of Temple Guiting, Government Whip and Government spokesperson for Constitutional Affairs & Trade and

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23 HL Bill 53-EN

24 Women & Equality Unit, *Civil Partnership – A framework for the legal recognition of same-sex couples, June 2003*

Industry, stated that, as a consequence of the amendments made during the Report Stage to broaden the scope of the Bill to extend civil partnerships to family members, the Scottish Executive might have to consider whether it needs to gain fresh authority:

> From the outset, the Scottish Executive has strongly supported the aims of the Civil Partnership Bill in seeking to provide legal recognition to same-sex couples in long-term, committed relationships. On that basis, the Scottish Executive, like the rest of the UK, carried out public consultation. The results were positive: 86 per cent of respondents agreed with the proposal to provide legal recognition to same-sex couples in Scotland and 74 per cent agreed with the proposed use of a Sewel Motion.
>
> As with the UK Government, the Scottish Executive does not support the new definition of civil partnership; it, too, considers that it will make the Bill unworkable. Unless the amendments are reversed, the Scottish provisions in the Civil Partnership Bill will be placed beyond the scope of a Sewel Motion and the Scottish Executive will have to consider whether it needs to gain fresh authority.
>
> As with other parts of the Bill, the government amendments to the Scottish provisions have not been laid, as they are consequential on the creation of a form of legal recognition for same-sex couples and do not reflect the current definition of civil partnership. As I have said before, the parts of the Bill that relate specifically to Scotland achieve the same effects as exist elsewhere in the Bill but have been drafted to reflect the special characteristics of Scottish law.[25]

c. The situation in Northern Ireland

On 19 December 2003, the Northern Ireland Office published a consultation document in which it set out its policy intentions on civil partnership. In this document, Ministers announced that they supported the introduction of civil partnerships in Northern Ireland and for this to be legislated for in the Westminster Bill. The consultation period closed on 5 March 2004. Northern Ireland Office Ministers have decided to take the proposal forward and establish a civil partnership registration scheme for Northern Ireland by means of the inclusion of the necessary legislative provisions in the *Civil Partnership Bill*.

Part 4 of the Bill deals with provisions relating exclusively to Northern Ireland. Some were included in the Bill as introduced in the House of Lords and others were added to the Bill by amendment. Whilst recognizing that there will be some differences between the provisions for Northern Ireland and England and Wales, the Government has said that "most of these differences are minor and of a procedural nature, and reflect the distinct legal system of Northern Ireland."[26]

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25 HL Deb 1 July 2004 c415
26 HL Deb 22 April 2004 c390

During its passage through the House of Lords, there was extensive debate on several occasions about whether the Bill should extend to Northern Ireland, particularly since the Northern Ireland Assembly is currently suspended. Much of the debate concerned the devolution aspect and the mechanics of applying the provisions of the Bill to Northern Ireland. However the debate also considered whether the very concept of civil partnership would be acceptable in Northern Ireland at all, given the claims made by some peers that views there were very different.

Amendments were tabled at each stage of debate either to exclude Northern Ireland from the scope of the Bill or at least to ensure that the commencement order to bring the Northern Ireland part of the Bill into effect would have to be approved by resolution of the Assembly once reconvened. Those who opposed such amendments argued on the grounds of human rights and the need to create parity of rights for all UK citizens.

It is not possible within the scope of this Paper to outline all the arguments made during House of Lords debates on whether the Bill should properly extend to Northern Ireland. The extracts reproduced below are intended simply to provide a flavour of the debate.

During Grand Committee, the power of a reconvened Northern Ireland Assembly to amend or overturn the Bill (if enacted) was raised:

> **Lord Monson:** We have not quite left Northern Ireland yet. This seems an opportune moment to raise a general question in respect of the Province and its legislation. […]
>
> If the Northern Ireland Assembly were ever to reconvene, would it have the power, if it so chose, to amend or repeal the legislation in so far as it embraces Northern Ireland? It may never so choose, but it would be interesting to know whether it would have that power.
>
> **Baroness Amos:** The Northern Ireland Assembly would have that power on the issues which were within its remit. [27]

In Grand Committee, the Conservative peer, Baroness O'Cathain moved an amendment which would have had the effect of removing Northern Ireland from the ambit of the scheme:

> Let us be under no misapprehension: there is no way that the Civil Partnership Bill would ever get through the Northern Ireland Assembly. In Northern Ireland, the level of objection to gay marriage would be overwhelming. I think the majority of people in Britain would oppose the Bill if they knew what it was

[27] HL Deb 17 May 2004 c 246GC

> about; in Northern Ireland the opposition would be almost universal—and yet the Bill seeks to impose civil partnerships on the Province.[28]

Baroness Scotland of Asthal explained why the Government had decided that the Bill should extend to Northern Ireland:

> A policy decision has in effect been made as a result of the consultation on whether to exempt Northern Ireland. The policy decision is that all British citizens have to be treated equally in this way. For reasons of social justice, we simply did not feel that it was possible or proper to exclude Northern Ireland from an opportunity that we were giving to the rest of the United Kingdom. The noble Baroness will know the particular sensitivities that flow both ways about difference of treatment and the sensitivity that surrounds our response. We have taken the decision, for reasons of equality and social justice, that we could not, in all conscience, maintain a distinction.
>
> We understand the sentiments that the noble Baroness has expressed. We understand why she said that the situation in Northern Ireland is different from that which prevails in England, Wales or Scotland, but it is right to remind your Lordships that there is 83 per support for the Bill in England and Wales right across the board. Eighty four per cent of individuals supported it and 74 per cent of organisations. Only 17 per cent did not support it or did not express an opinion. There is whole-hearted support for what the Government are doing right across the board in England, Scotland and Wales. We understand that Northern Ireland may fall into a different category, but, as a policy consideration, we have come to the conclusion that it would not be fair, just or proper to treat those who want a same-sex relationship in Northern Ireland differently from those who want that relationship in England, Wales or Scotland. This is, after all, still a United Kingdom.[29]

Baroness O'Cathain remained unconvinced:

> The noble Baroness, Lady Scotland, said that above all there is a desire to have parity of treatment. It is the desire of us in Westminster to ensure that the people of Northern Ireland have parity of treatment, irrespective of whether they want it or not. After all, the Bill is a fundamental rewriting of family law. For example, we have never sought to impose English divorce law on Northern Ireland. It has its own laws which reflect differences in culture and the strong religious faith. Why must we insist that they accept English—Westminster and London—ideas about how to deal with homosexual partnerships?
>
> I am sorry if this offends the noble Lord, Lord Goodhart, but homosexual practice is much less acceptable in Northern Ireland. That is a fact. One can say that that is narrow-minded, bigoted, unfair, uncaring and all of those things, but that is a fact.

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[28] HL Deb 10 May 2004 c44GC
[29] HL Deb 10 May 2004 c48GC

> We must not impose English civil partnership legislation, particularly while the Assembly is suspended.[30]

On Report, Baroness O'Cathain moved a group of amendments with the aim of introducing a sunrise clause in respect of the Bill's Northern Ireland provisions:

> In the early part of this year, the Government carried out a two-month consultation period in Northern Ireland by comparison with a three-month consultation period in England and Wales. Of the respondents to the Northern Ireland consultation, 86 per cent opposed the plan. The noble Lord, Lord Alli, commented in Grand Committee that he thought that the number of responses was small. In fact, if one compares the number with the responses to the England and Wales consultation, which I notice lasted a month longer, the proportion of the Northern Ireland population who responded was more than four times greater than that in England and Wales. [31]

She argued that the Bill was being forced upon Northern Ireland at a time when the Assembly is suspended:

> Of course, we do not need government consultation to tell us that the people of Northern Ireland are more conservative and more religious than those on the mainland. I suspect that that is one of the reasons why there was such overwhelming feeling against the Bill. In the England and Wales consultation process, 83 per cent of the people were in favour of the Bill. At the time, government Ministers trumpeted that to the press and said that it reflected "overwhelming public support". When the Northern Ireland consultation showed 86 per cent opposition to the Bill, suddenly public opinion became irrelevant to the Government. No government Ministers trumpeted that fact.
>
> The recent census shows that there were only 288 same-sex couple households in Northern Ireland. If the Government are right that only 5 per cent of same-sex couples will avail themselves of civil partnerships, Ministers want to railroad the Bill through the Assembly to change the whole of family law in the Province for the sake of 15 same-sex couples.
>
> I firmly believe that the people of Northern Ireland are entitled to their views; they are entitled to be listened to by the Government. At the moment they have no means of expressing their views to the Assembly about this highly controversial issue. Surely that is undemocratic, unfair and unjust.
>
> The Government may resent the fact that most politicians in the Province do not support gay rights, but if they believe in devolved government they must accept the views of that devolved government. The Scottish Parliament had the

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30 HL Deb 10 May 2004 c49GC
31 HL Deb 24 June 2004 c1416

> opportunity to debate these provisions when it passed a Sewel Motion on 3 June. Northern Ireland's politicians should be given the same opportunity.[32]

In response, the Green Party peer, Lord Beaumont of Whitley, counter-argued that the Bill was about human rights and justice:

> My Lords, the Bill is not about economics, whatever anyone may say, it is about human rights and justice. Gay people in Northern Ireland suffer more than usual from prejudice. They are as entitled as anyone else in what is still a United Kingdom to have their human rights protected.
>
> I hear from the Northern Ireland Gay Rights Association that it would feel extremely bitter if such people were to be excluded from a Bill which would acknowledge that there were and should be particular human rights in the rest of the United Kingdom and they were denied them.[33]

Lord Goodhart also stated the need for parity of rights for all UK citizens:

> My Lords, this issue caused a great deal of heat and perhaps not very much light in Grand Committee. We take the view that this Parliament is now responsible for the government of Northern Ireland because the Assembly has been suspended. In that case we have to take the decision whether these rights should be extended to people who live in Northern Ireland in the same way as they are extended to those who live in Great Britain.
>
> I entirely agree with the noble Lord, Lord Beaumont of Whitley. It seems to me that so long as we are responsible for human rights in Northern Ireland we cannot give rights to citizens this side of the Irish Channel which we do not extend to citizens who live in Northern Ireland. Therefore, in our view the amendment is misguided and we shall oppose it. [34]

Baroness Amos, the Leader of the House and Government Spokesperson for Northern Ireland, opposed the amendments on the basis that extending the Bill to Northern Ireland was in the interests of fairness and social justice.[35] Lord Lester of Herne Hill outlined the background as to why the Bill was not subject to pre-legislative scrutiny:

> My Lords, before the Bill was introduced there were discussions with the usual channels about whether there should be pre-legislative scrutiny. The Official Opposition party and my party agreed that there should not be pre-legislative scrutiny, even though the Government explained that there would be a particular problem about Northern Ireland. They explained to us, all cards face up on the tables, that it would take them a little longer to get the amendments on Northern

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32 HL Deb 24 June 2004 c1417
33 HC Deb 24 June 2004 c1418
34 HL Deb 24 June 2004 c1418
35 HL Deb 2 4 June 2004 c1424

> Ireland into the Bill, partly through consultation and the need to do the careful work.
>
> I then discussed the matter with the noble Baroness, Lady Wilcox. We both agreed that the argument in favour of pre-legislative scrutiny was not well founded, and that the sooner we got the Bill into and through the House and enacted by Parliament, the better.
>
> It is therefore unfair to the Government, our two parties having taken this approach, for noble Lords to seek to suggest, as I think was suggested, that in some way the Government have acted improperly in producing a lot of amendments in Grand Committee on Northern Ireland after the original Bill was introduced. We knew that perfectly well in advance. When those amendments were introduced, in order to achieve clarity of intelligence on all our parts, a special procedure was adopted at my suggestion whereby the whole Bill in an amended form would be provided to us informally with all the explanatory notes that Ministers had.
>
> We then had very full debates on all the Northern Ireland amendments. It is simply unfair and disingenuous now to complain. [36]

Responding to Lord Lester's explanation, the Crossbencher, Lord Kilclooney reiterated his view that extending the Bill to Northern Ireland was not a matter of human rights but of democracy and devolution.[37]

The amendments were withdrawn.[38] However, at Third Reading of the Bill, the Crossbencher, Lord Maginnis of Drumglass, tabled another amendment to exclude Northern Ireland from the effect of the Bill until the Assembly, having reconvened, has the ability to express its opinion on it:

> Not only do we have a Bill with which I profoundly disagree, but we also have a decision and an insistence by the Government that despite what the majority of people in Northern Ireland feel about this, and the need to have the substance and the consequences of this Bill debated in Northern Ireland, the matter will be left to a fairly brief and formal introduction by the Secretary of State. I believe that that is wrong. Northern Ireland's culture is very, very different from what I call the London club scene. I could say the same for other areas throughout Great Britain. Their overall culture is somewhat different from what I call, for want of a better phrase, the London club scene.[39]

In direct response, Lord Alderdice, the Liberal Democrat peer, argued that the application of the Bill was an issue of human rights and not devolution:

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36 HL Deb 24 June 2004 c1419
37 HL Deb 24 June 2004 c1419
38 HL Deb 24 June 2004 c 1425
39 HL Deb 1 July 2004 c398

> I shall speculate a little as to what might happen, given the speech of the noble Lord, Lord Kilclooney, who is a Member of the Northern Ireland Assembly. If the Bill were to be passed in its original form, one might say to the noble Lord, Lord Kilclooney, "Well, as a Member of the Northern Ireland Assembly you could perhaps bring forward a Private Member's Bill to reverse this". But he could not, because before a Private Member's Bill can be presented for First Reading in the Northern Ireland Assembly the Speaker has to ascertain whether or not the Bill conflicts with the European Convention on Human Rights. It would ill-befit me to speak for any future Speaker that there might or might not be, but I can say with some degree of surety that such a Bill would not have been given a First Reading during my own period as a Speaker because I have no doubt that it would contravene the European Convention on Human Rights. It would also contravene Section 75 of the Northern Ireland Act……..which specifically forbids any kind of discrimination on sexual grounds. That means that when the noble Lord, Lord Kilclooney, says that this is not a matter of human rights but a matter of devolution, he is entirely wrong in law. It is a matter of human rights.
>
> That brings me to the question of human rights and to the question of culture, religion and the views of local people. I do not presume—and it would be improper for anyone to presume—the outcome of a debate in any legislative assembly. That would not be proper, as the assembly would speak for itself. However, let us assume that the noble Lord, Lord Maginnis, was correct. I have struggled greatly with the notion of human rights for a number of years and one matter seems fundamental. It is about human rights—not Northern Irish rights, not Irish rights, not European rights. As the deputy president of Liberal International and the chairman of its human rights committee, I have spent much time confronting oppressors in Asia who describe "Asian rights" as being something culturally different from human rights and the West. I do not accept that. Human rights are rights that people have by dint of being born as human beings. So the idea that there should be a different set of human rights for people in Northern Ireland because of the culture is, to me, problematic—to the point where I have considerable doubts about a matter which I would otherwise support, the notion of a bill of rights for Northern Ireland. The strength of human rights is that they transcend local communities and national states and that those who abuse human rights should not be able to find sanctuary behind national boundaries. That is part of the purpose of this whole exercise, as far as I am concerned.[40]

This appraisal was endorsed by Lord Lester of Herne Hill:

> As has been said by the noble Lord, Lord Alderdice, who, in view of his office in the Assembly, has spoken with enormous authority – I speak as a lawyer – there is no doubt that the devolution legislation in the Northern Ireland Assembly Act

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[40] HL Deb 1 July 2004 c401-2

> limits the powers of the Assembly and the Northern Ireland administration, compelling them to act compatibly with the European Convention. This is not a transferred matter. Therefore, if these amendments were passed, there would be a blatant denial of equal protection in the law across the UK. That would be incompatible with the European Convention and the Human Rights Act.[41]

Also speaking on Lord Maginnis's amendment, Baroness Amos emphasized the need for this Parliament to continue to legislate for Northern Ireland while the Assembly remains suspended:

> With regard to the noble Lord's amendment, the continuing suspension of the Northern Ireland Assembly is unfortunate, and the Government continue to work with the parties in Northern Ireland to reach an agreement which will lead to the restoration of the Assembly. But we have said previously - I repeat the point - that good governance of Northern Ireland must continue. The people of Northern Ireland expect it and they are entitled to it during the period of suspension. We have made that commitment to the people of Northern Ireland and we shall not go back on that pledge now.
>
> […]
>
> While the Assembly remains suspended, legislation for Northern Ireland must be made by this Parliament. During the current period of suspension of the Assembly, this Parliament has passed a considerable body of new legislation applying in Northern Ireland, whether by Order in Council or by an Act of Parliament. On no occasion has it been put to the Government that commencement of legislation for Northern Ireland should be delayed until the Northern Ireland Assembly is restored. If it had, we would have resisted such a move, as we resist this attempt to delay the implementation of civil partnerships in Northern Ireland.
>
> The issue of delay has been raised in relation to this Bill only. If Members of this House really thought that the views of the elected Members of the Assembly were critical to the legitimacy of legislation applying to Northern Ireland, the issue would have been raised before when we discussed other pieces of legislation. If we were to accept that commencement of legislation for Northern Ireland passed by this Parliament should be subject to an indefinite delay, how would noble Lords explain to the people of Northern Ireland why they were being denied the benefit provided by recent legislation? I strongly oppose the amendments.[42]

Although Lord Maginnis withdrew his amendment he stated that he remained unconvinced by the arguments for extending the Bill to Northern Ireland:

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41 HL Deb 1 July 2004 c406
42 HL Deb 1 July 2004 c407-408

> My Lords, I have listened carefully and with interest to what noble lords have said. I am perhaps a little less convinced about what I have heard from the Government Front Bench. I shall simply make the point that good government is government that comes in response to the needs of the people. As to the way in which the Bill will be implemented in Northern Ireland without consultation with the Assembly, which I admit is now suspended, I do not believe that that is a good response to the people of Northern Ireland. However, I do not intend to waste the time of your Lordships' House and at this stage I beg leave to withdraw the amendment.[43]

C. The current legal position

1. Same-sex couples

In introducing this Bill, the Government was aiming to address the issue that same-sex couples face problems in their day-to-day lives because there is no legal recognition of their relationship. In many areas, each partner in the relationship is treated as a separate individual; they are not legally entitled to rights and responsibilities that could help them organise their lives together. The Government's position was given by Jacqui Smith MP, Deputy Minister for Women and Equality:

> Today there are thousands of same-sex couples living in stable and committed partnerships. These relationships span many years with couples looking after each other, caring for their loved ones and actively participating in society; in fact, living in exactly the same way as any other family. They are our families, our friends, our colleagues and our neighbours. Yet the law rarely recognises their relationship.
>
> Many have been refused a hospital visit to see their seriously ill partner, or have been refused their rightful place at their partner's funeral. Others find themselves unable to access employment benefits reserved only for married partners. Couples who have supported each other financially throughout their working lives often have no way of gaining pension rights. Grieving partners can find themselves unable to stay in their shared home or to inherit the possessions they have shared for years when one partner dies suddenly without leaving a will. In so many areas, as far as the law is concerned, same-sex relationships simply do not exist.
>
> That is not acceptable.[44]

Within the scope of this Research Paper it is impossible to list all the areas where the law fails to recognise same-sex relationships but, by way of illustration, the main areas of complaint are the lack of rights in relation to property, pensions, inheritance and tax.

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43 HL Deb 1 July 2004 c408
44 *Ibid*

a. Property rights

Unmarried couples, whether same-sex or heterosexual, have no guaranteed rights to ownership of each other's property on relationship breakdown. Nor do the courts have any power to override the strict legal ownership of property and divide it equitably when a cohabiting couple separate, as they may do on divorce. The courts may only make orders based on a determination of shares acquired in property (though the apparent intentions of the parties may be relevant in deciding this).

It is open to cohabiting couples to enter into a contract regulating their relationship and in particular their property rights. In addition, if a house or other property is bought jointly, it would be possible to make clear the basis of the joint ownership, and whether the property is owned equally or (say) in 30/70 shares.

b. Inheritance

Same-sex partners have no automatic inheritance rights over their partner's assets on death. Only if they are left anything in a will can they inherit; the rules of intestate succession provide nothing for unmarried partners, whether same-sex or heterosexual.

The *Inheritance (Provision for Family and Dependants) Act 1975* allows a person to make a claim against the estate of his or her deceased partner, if no provision (or inadequate provision) has been made for them either by will or by operation of the rules of intestate succession. However, for a same-sex partner to be successful in such a claim, he would have to show that he was being maintained, either wholly or partly, by the deceased. He would not be able to benefit from the relatively new provision which allows unmarried heterosexual partners to make such an application without proving dependency on the deceased.[45]

c. Pensions

A cohabitant cannot rely upon his or her former partner's contributions for the purposes of state retirement pensions, whereas a widow or divorcee may. Entitlement to occupational or private pension benefits will depend on the rules of the scheme concerned.

d. Taxation

All cohabiting couples are treated as unconnected individuals for taxation purposes and as such cannot benefit from the various spouse exemptions in the taxation system.

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[45] *Law Reform (Succession) Act 1995* ss 2(2) and 2(3)

e. Hospital visiting

There is no legal definition of 'next of kin' and same-sex couples can face difficulties in being recognised as the patient's partner, particularly if medical staff are unaware that the relationship exists or there is a conflict between the views of the partner and the patient's relatives.

f. Funeral arrangements

According to the Government, there have been many examples of the wishes of a long-term same-sex partner being ignored when funeral arrangements are made.[46]

For the Government, civil partnership registration would be an important equality measure for same-sex couples in England and Wales who are unable to marry each other.[47] During the Bill's Second Reading in the House of Lords, the Conservative peer, Baroness Carnegy of Lour, asked what proportion of committed same-sex couples is likely to take up the opportunity of a civil partnership.[48] In reply, Baroness Scotland of Asthal stated:

> My Lords, we anticipate that it may be between 5 and 10 per cent. The important thing is that those people who have committed long-term relationships should have the choice to consolidate that relationship and have it formally recognised if they so choose. But I need to make it absolutely clear that there will be no obligation upon anyone to register their relationship. It is simply that the rights and responsibilities that flow from such registration will be available only to those who make that choice. The Bill is an opportunity to give parity of treatment to those who wish to have it. [49]

2. Cohabiting heterosexual couples

Cohabitation is defined as an unmarried couple living together in a long-term sexual relationship. It is generally taken to mean a heterosexual couple living together as common law 'husband and wife'.

Government statistics show that cohabitation in the UK is increasing (see Section IV (B) below). Contrary to popular belief, cohabitation gives no special legal status to a couple, unlike marriage from which legal rights and duties follow. However, many cohabiting couples are unaware of this fact. According to a report from the National Centre for Social research, more than half of the population (57%) falsely believe there is something called 'common law marriage' which gives cohabiting couples the same legal rights as

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46 Women & Equality Unit, *Civil Partnership – A framework for the legal recognition of same-sex couples*, June 2003

47 *Ibid*

48 HL Deb 22 April 2004 c392

49 HL Deb 22 April 2004 c 392

married couples.[50] An outline of cohabitants' legal rights (or lack of them) in different situations is provided in Library Research Paper 02/17.[51]

The *Civil Partnership Bill* specifically excludes unrelated heterosexual couples from the option of registering a civil partnership. The Government's stated position is that heterosexual couples already have the option of marriage, and the legal consequences of a civil partnership are very similar:

> We have considered the position of opposite-sex couples, many of whom now choose to cohabit instead of marrying, and other people who live together in a close supportive household environment. The Government believes that these situations are significantly different from that of same-sex couples who wish to formalise their relationships but currently are unable to do so. [52]

The Government takes the view that opposite-sex couples do not have the same need for a civil partnership registration scheme:

> Opposite-sex couples already have the opportunity of obtaining legal (and socially recognised) status for their relationship by entering into a marriage, whether religious or civil. Some couples choose not to marry, and that is entirely a decision for them.[53]

The Government recognised the potential for difference in treatment for unmarried opposite sex couples:

> The Government recognises that unmarried opposite-sex couples share some of the problems faced by same-sex couples. Indeed, equality arguments may at first sight support making civil partnership registration available to opposite-sex couples. The creation of a new legal status that is open only to same-sex couples and not to opposite-sex couples would amount to a difference in treatment. However, the Government believes that this difference in treatment is justified because it would remedy an inequality that already exists between opposite-sex and same-sex couples.[54]

During the Bill's Second Reading, Baroness Scotland of Asthal stated that the Department of Constitutional Affairs is leading a cross-Government working group to

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50 National Centre for Social research, 18th Report, 2001-02 edition *British Social Attitudes: Public Policy Social Ties* at: www.natcen.ac.uk/news/news_bsa_pr2001.htm

51 *The Relationships (Civil Registration) Bill and the Civil Partnerships Bill*, Library Research Paper 02/17, 19 March 2002

52 Women & Equality Unit, *Civil Partnership – A framework for the legal recognition of same-sex couples*, June 2003

53 *Ibid*

54 *Ibid* p 18

explore how best to dispel the myths around 'common law marriage'.[55] A campaign, '*Living Together*', was launched on 15 July 2004 funded by the Department for Constitutional Affairs. The aim of the campaign is to raise public awareness about the rights and responsibilities of opposite-sex cohabitants.[56]

3. Family members and carers

The Law Commission published its report, *Sharing Homes*, in 2002. It concluded that:

> […] it is not possible to devise a statutory scheme for the determination of shares in a shared home which can operate fairly and evenly across all the diverse circumstances which are now to be encountered.[57]

From the outset, the Government has taken the view that the legal position of family members, siblings, and other people who share homes is a quite separate issue from that which the Bill seeks to address.

In its consultation paper, *Civil Partnership – A framework for the legal recognition of same-sex couples*, the Government stated its view that home-sharers, carers and siblings generally do not have the same case for being recognised as a couple.[58] There was considerable debate in the House of Lords on the problems faced by family members and carers, particularly with regard to inheritance tax. This is covered in more detail in section II of this Paper below.

4. The situation in Europe

Denmark introduced the first civil partnership status in 1989. A total of nine countries in the European Union now have provision for legally recognising those in committed same-sex partnerships. They are: Denmark, The Netherlands, Sweden, Finland, Belgium, Portugal, France, Germany and Spain. The rights and responsibilities attached to the different arrangements vary. In addition, some states in the US and Australia and provinces in Canada have introduced a form of civil partnership registration. Many of these partnership registration schemes are open only to same-sex couples, though some are also open to opposite-sex couples.[59]

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55 Women & Equality Unit, *Responses to Civil Partnership – A framework for the legal recognition of same-sex couples*, November 2003

56 Information about the campaign is available from 'advicenow' website at: http//www.advicenow.org.uk/go/livingtogether/index.html

57 Law Commission report, *Sharing Homes*, 2002

58 Women & Equality Unit, *Civil Partnership – A framework for the legal recognition of same-sex couples*, June 2003

59 See Table 1 of the consultation paper, *Civil Partnership – A framework for the legal recognition of same-sex couples, June 2003*

According to the Government, partnership registration schemes have also been established in a variety of places in England and Wales including London, Bath, Birmingham, Brighton, Darlington, Devon, Dorset, Leeds, Liverpool, Manchester and Swansea. However, these registration schemes have no legal status.[60]

II The Bill

A. What is a civil partnership?

1. The Bill

Clause 1 of the Bill provides that a civil partnership is a relationship between two people of the same sex or between two people of the categories set out in Clause 2:

- which is formed when they register as civil partners of each other in England and Wales; Scotland; Northern Ireland or outside the United Kingdom under an Order of Council made under the Bill (under provisions which allow for registration overseas at British consulates or by armed forces personnel); or

- which they are treated as having formed by virtue of having registered an overseas relationship (as defined in the Bill).

A civil partnership would be ended only by death, dissolution or annulment.

As a result of an amendment passed on Report, which is discussed below, **Clause 2** would allow the registration of a civil partnership between two family members, each of whom is over 30 years of age, who have lived together for a continuous period of twelve years immediately before the date of registration. **Schedule 1** sets out provisions for determining whether two people would be within the specified degrees of family relationship capable of registering a civil partnership and would have the effect of enabling an individual to register a civil partnership with another person from a range of close family members including parents, children, siblings, grandparents, aunts, uncles, nephews or nieces. In this case the two people would not need to be of the same sex, and so it would be possible, for example, for a father and daughter to register a civil partnership provided they met the conditions set out in Clause 2.

Different eligibility criteria would now apply to unrelated same-sex couples from those which would apply to two family members. The provisions differ slightly according to whether the registration would take place in England and Wales, Scotland or Northern Ireland.

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[60] Women & Equality Unit, *Civil Partnership – A framework for the legal recognition of same-sex couples, June 2003*

a. England and Wales

Clause 4 sets out the eligibility criteria.

Unrelated couples:

No two people would be eligible to register as civil partners of each other if:

- They are not of the same sex
- Either of them is already a civil partner or already married
- Either of them is under 16 or
- They are within the prohibited degrees of relationship

Clause 4 also introduces **Schedule 2** which includes further provisions relating to prohibited degrees of relationships including an absolute bar on civil partnerships between individuals and their parents, grandparents, adoptive parents, siblings, nephews and nieces.

Two family members:

No two people would be eligible to register as civil partners of each other if:

- Either of them is already a civil partner or already married or
- Either of them is under 16

Therefore, two family members, who wish to register under Clause 2, would not have to be of the same sex and could be within the prohibited degrees of relationship.

b. Scotland

The eligibility criteria for registration of a civil partnership in Scotland are set out in **Clause 84.** The criteria would be similar to those which would apply in England and Wales, save that in Scotland the reference to "prohibited degree" is replaced by a reference to "forbidden degree". There is also an additional requirement which would prevent the registration of a civil partnership, whether of unrelated same-sex couples or of two family members, if either of the partners is incapable of understanding the nature of civil partnership.

As a result of an amendment to Clause 84, as in England and Wales, two family members, who wish to register under Clause 2, would not have to be of the same sex and could be within the forbidden degrees of relationship.

Clause 84 and **Schedule 11** set out further provisions about forbidden degrees of relationships.

c. Northern Ireland

The eligibility criteria for registration of a civil partnership in Northern Ireland are set out in **Clause 134.** The criteria are similar to those which would apply in England and Wales, save that, as in Scotland, there is also an additional requirement which would prevent the registration of a civil partnership if either of the partners is incapable of understanding the nature of civil partnership.

Again, as a result of an amendment to Clause 134, as in England and Wales, two family members, who wish to register under Clause 2, would not have to be of the same sex and could be within the prohibited degrees.

Clause 134 also introduces **Schedule 13** which sets out further provisions about prohibited degrees of relationships.

2. House of Lords debate

There was extensive debate in the House of Lords on the question of who should be eligible to register a civil partnership and on the nature of a civil partnership. Opposing views were expressed as to whether the scheme should be limited to unrelated, same-sex couples or whether the scheme should be widened to include heterosexual couples and/or family members and carers. On Report, Baroness O'Cathain moved an amendment, which was passed on division, the effect of which would be to enable qualifying family members to register a civil partnership.

The debate also included a consideration of whether a civil partnership should be termed a "contract" rather than a "relationship" and whether a civil partnership would amount to a same-sex marriage in all but name.

a. Should heterosexual couples and/or family members be eligible to register a civil partnership?

At Second Reading, Baroness Scotland of Asthal, Minister of State, Home Office, set out the Government's purpose in introducing the Bill:

> Civil partnership would allow those same-sex couples who wish to do so to gain legal recognition for their relationship. This legal recognition would be accompanied by a set of rights and responsibilities to reflect the commitment that the couple had made to each other.[61]

Baroness Scotland also addressed the issue of whether a wider group of people should be included within the scope of Bill and set out the Government's reasons for excluding heterosexual couples and other home sharers:

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[61] HL Deb 22 April 2004 c387-8

> Perhaps I may turn to some of the issues that have been widely debated over the past two years. Noble Lords will recall that when the Civil Partnership Bill promoted by the noble Lord, Lord Lester of Herne Hill, sought to include opposite sex couples, there was a great deal of debate. The debate in this House focused heavily on that element of his Bill and many felt that this would undermine marriage. This Bill does not undermine or weaken the importance of marriage and we do not propose to open civil partnership to opposite sex couples. Civil partnership is aimed at same-sex couples who cannot marry.
>
> However, it is important for us to be clear that we continue to support marriage and recognise that it is the surest foundation for opposite sex couples raising children. We also recognise, as did many in this House, that a number of people face difficulties on the breakdown of a relationship or upon the death of one partner when the couple are not married. Many of these difficulties come as a complete surprise to couples who believe in the myth of so-called "common-law marriage". The Department for Constitutional Affairs is currently doing work that will address this myth, pointing out the differences in rights and responsibilities between married and unmarried couples, and suggesting ways that unmarried couples can protect themselves if things go wrong.
>
> Then there is the issue of other home sharers. Some people have discussed the position of family members, siblings, and people who share homes. This is a quite separate issue than that which the Bill seeks to address. Family members, be they parent and child or siblings, have a legally recognised relationship to each other. These relationships, which already afford certain rights, are widely acknowledged and accepted in society. A same-sex couple who have shared a relationship over many years can still be treated as complete strangers by the law.
>
> While home sharers may be concerned about financial issues, the full range of issues faced by same-sex couples is something entirely different. This Bill seeks to address issues for one group of people, namely same-sex couples. It is not a cure-all for the financial problems of those outside marriage. Noble Lords may know that other distinguished minds in the Law Commission have long wrestled with this issue. Having looked at it in great detail, they have concluded that the solution in every case depended on the nature of the relationship. That is why this Bill is specifically designed to look simply at same-sex couple relationships. That is its clear purpose and that is its clear content. [62]

Baroness Wilcox, Opposition Whip and Opposition Spokesperson for the Treasury, while expressing general support for the principle of the Bill, considered that the Bill should extend to a wider group of people:

> The Bill as it stands does not deal with the circumstances of people living together platonically. Many of us know of circumstances in which people have

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[62] HL Deb 22 April 2004 c388-9

> made enormous sacrifices quietly and greatly contributed to society—for example, sons who have looked after ageing fathers, people with carers who have looked after them for many years, very often living in the same house. We believe that it is perfectly legitimate to raise this issue when discussing the principle of a Bill, the aim of which, after all, is to tackle practical issues of discrimination.
>
> I have listened to the Minister's stern words on these other kinds of home-sharing relationships. I understand that there is a view that including such relationships dilutes the importance of other same-sex relationships. But, as my colleague, Alan Duncan, said—and he will be taking the Bill through another place for us—we want to press this because we think these people are unfairly disadvantaged. We want the Government to consider them afresh and further; and to extend the recognition of interdependency to another section.[63]

Lord Goodhart, Liberal Democrat Spokesperson for the Lord Chancellor's Department, supported the Government's approach. He said:

> The noble Baroness, Lady Wilcox, speaking on behalf of the Conservative Party, said that pension and tax benefits should be extended not only to those who have a sexual relationship but to members of family and friends living together for purposes of care and companionship and that they too should be covered by the Bill. I cannot agree with that view. There is a case for some form of tax relief and pension benefits for other relationships, but that is another issue and not the issue for the Bill. Tax and pension rights changes are consequential on the Civil Partnerships Bill and are not its main purpose.[64]

The Conservative peer, Baroness O'Cathain expressed her opposition to the Bill and her view that, if it were to become law, the scope of the Bill must be widened:

> I realise that I am probably in a very small minority of noble Lords who are going to oppose the Bill.[65]
>
> If the Bill is to become law, it must be amended radically to benefit far more people. There are many non-sexual relationships where people depend on each other for companionship, as has already been dealt with, and share the costs of living, which has not. It is obviously cheaper for two to live together than separately. The Bill does nothing for such people, however. According to the 2001 census, fewer than 80,000 people live as part of a same-sex couple, whereas 4.6 million people live together in non-sexual co-dependent relationships—almost 60 times as many.[66]

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63 HL Deb 22 April 2004 c393
64 HL Deb 22 April 2004 c396-7
65 HL Deb 22 April 2004 c403
66 HL Deb 22 April 2004 c407

Also at Second Reading, Baroness Buscombe, Opposition Spokesperson for Legal Affairs and Culture, Media and Sport supported the limited remit of the Bill:

> One of my main concerns about this Bill and that of the noble Lord, Lord Lester, is their narrow remit. They confer rights and responsibilities only on same-sex couples. However, after much consideration of this important issue—most, if not all, noble Lords have referred to it today—I have concluded that it is a subject for another Bill. I agree with the noble Lord, Lord Alli, on that; it is a separate issue.
>
> Many different kinds of relationship need similar support. I discussed them at some length yesterday with Ben Summerskill of Stonewall. Stonewall has stated, quite clearly, that it has,
>
> "sympathy with people whose lives are entwined but who are not in a sexual relationship. This is particularly the case in relation to a shared home and inheritance tax".
>
> However, I agree with Stonewall when it states that,
>
> "we strongly believe that the package of rights and responsibilities contained within the Bill, when taken as a whole, are unsuitable for people such as siblings or carers. Rules governing issues such as formation and dissolution together with the possibility of more than two people being involved (e.g. three siblings)"—
>
> how would one legislate for that situation through this Bill?—
>
> "mean that the issue should be considered separately".
>
> I am pleased to learn that the Government are already looking at that issue. My noble friend Lady Wilcox expressed the Conservative Party view that we should look at those areas in this Bill. In that case, I look forward to considering any amendments that we put forward to confront that difficult problem, but it will be hard to convince me that it will work in the framework of this Bill.[67]

In Grand Committee, Lord Lester of Herne Hill expressed regret that the Bill would not protect opposite-sex couples who are unmarried in the way that it protects same-sex couples but, nevertheless, expressed support for the Government's approach:

> I do not think it right or sensible to use these proceedings to carry out general law reform. It seems to me that we need to confine reform to the mischief with which the Bill seeks to deal—that is, the mischief that homosexual couples cannot marry and are unprotected in a variety of ways, especially in relation to their property rights.[68]

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[67] HL Deb 22 April 2004 c411
[68] HL Deb 10 May 2004 c3GC

Also in Grand Committee, the Conservative peer Lord Tebbit moved an amendment which would have deleted the words "of the same sex" from Clause 1, thus opening up the possibility of heterosexual couples being eligible to register a civil partnership. He said that by restricting civil partnerships to same-sex couples, the Bill was fundamentally discriminatory.[69]

Lord Lester of Herne Hill replied to this proposed amendment:

> I am not arguing in favour of the amendments tabled by the noble Lord, Lord Tebbit—that the Government should somehow now accept common-law marriage—as that would simply be impractical. The change to the Bill would be so massive, in terms of law reform, that it would be beyond its scope and kill it altogether. However, I ask the Minister whether she can give a fair wind to the notion that we will not simply warn common-law marriage couples that there is no such thing in law and that they had better get married if they want to. We should do what Canada and many other countries have done, which is to reform cohabitation law. I do not believe that that will undermine marriage in this country any more than it has done in other jurisdictions, such as Canada.
>
> Therefore, I support the spirit behind the part of the amendment which seeks to remove the difference of treatment. I fully understand that there are serious Treasury reasons why that would not be very welcome as it stands and, as I said, I recognise the practical problems. However, I believe that the difference of treatment cannot be justified on the simple argument that, in theory, a heterosexual couple can marry.[70]

Baroness Scotland explained the Government's position:

> After consultation with family lawyers, it is our understanding that civil partnerships would be unlikely to help opposite-sex couples where one member of the couple was unwilling to marry the other—not least because the rights and responsibilities in same-sex partnerships are similar, although not identical, to those entered into by married couples. Therefore, if people are unlikely to want to enter one, they are unlikely to want to enter a partnership. The noble Lord is right to identify the major problem—that of shouldering the financial responsibilities that flow from marriage. Many people do not want to do that and therefore they do not get married.[71]

On Report Lord Goodhart moved an amendment to clarify the nature of a civil partnership as "mutually committed", which he considered would also establish that it would not be appropriate for anyone other than committed same-sex couples:

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69 HL Deb 10 May 2004 c27GC
70 HL Deb 10 May 2004 c30GC
71 HL Deb 10 May 2004 c33GC

> The present Bill contains no similar definition of what constitutes a relationship that is registerable as a civil partnership. This absence has led, in Committee and again in amendments tabled for the present stage, to suggestions that access to civil partnership should be widened beyond exclusively committed same-sex couples to a wider group of home sharers and close relatives. These amendments make it clear that a civil partnership involves a commitment akin to that entered into by marrying heterosexual couples, and is therefore not appropriate to be extended to the relationship of home sharers or close relatives, who—under the amendments tabled at this stage—are of different sexes.[72]

The Crossbencher, Lord Northbourne, supported the importance of commitment.[73]

However Baroness Scotland of Asthal said:

> […] the fact that they agree to support each other and to take on the many obligations in respect of each other that attach to their new status of civil partner speaks for itself and is evidence of the level of commitment that they are both agreeing to take on.[74]

The amendment was withdrawn.

b. Attempts in Grand Committee to widen the scope of the civil partnership registration scheme

In Grand Committee, Baroness O'Cathain moved an amendment which would have included within the civil partnership registration scheme "family members, disabled people and their carers and pensioners... [who] have lived together in the same house or flat for seven years".[75]

Lord Tebbit supported the proposed amendment:

> Let us consider, however, that the central argument of this Bill is that same-sex couples would be prohibited entering into marriage so there should be something for them. The Bill provides it. What about those who are still prohibited; for example, a mother and a daughter? Why should they not be able to register a partnership in order that they may benefit from the same tax concessions as would be granted in this case? There is no way in which the mother and daughter can achieve those advantages. Nor can brothers, nor sisters, nor father and son. Those are all expressly excluded. They are all brushed aside. They are a difference that does not matter, because the Bill remedies one inequality. By so doing, it creates an another enormous inequality. I absolutely support my noble friend Lady O'Cathain in seeking to improve the Bill by making sure we do not

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72 HL Deb 24 June 2004 c1355
73 HL Deb 24 June 2004 c1357
74 HL Deb 24 June 2004 c1358

> have a new category of people who suffer disadvantage—a disadvantage from which they cannot escape.[76]

Lord Goodhart pointed out the difficulties with the proposed amendment, for example, what would happen in the case of trios:[77]

> It is nothing more than a tax reduction scheme. If tax reduction is desirable under the circumstances, it should be based on the fact of co-residence and not on the adoption, or entering into, of some special contract of this kind. Furthermore, the contract that the noble Baroness, Lady O'Cathain, envisages, does not extend to the case of those who probably need it most—that is the unmarried, heterosexual couple who could, under this amendment, only claim on each other's death either if one was disabled and the other was caring for them, or if both were over the age of 70.
>
> The defects of these amendments are so obvious that it is clear that the motive behind them is to undermine the whole scheme of civil partnerships, so that they will cease to hold any attraction of special legal recognition for homosexual couples and will simply become a vehicle for tax avoidance. In those circumstances, my noble friend and I have no hesitation whatever in offering no support to these amendments. We shall oppose them as strongly as we can.[78]

Baroness Scotland of Asthal set out the provision already enjoyed by siblings and those who live together:

> A wide category of provision is already made for siblings and for those who live together. The issues faced by same sex-couples are very different from that category. Perhaps I may give some examples. Siblings are recognised in the intestacy rules in a way that same-sex couples are not. Siblings already have succession rights in the case of secure and introductory tenancies if they resided with the tenant for 12 months preceding the tenant's death. In the case of Rent Act tenancies, siblings have succession rights if they resided with the tenant for two years preceding the tenant's death. Usually, there is a question over a close relation's ability to attend a funeral or to visit a sick person in hospital. Those are not issues which arise.
>
> The position of carers and companions over 70 who share a home is different again. For example, should they really have joint financial responsibilities which could be set aside only after court proceedings for dissolution? We already have a difficulty persuading people that they wish to undertake the care of those in need. If they are to be financially and otherwise responsible for them as well, and have to bind themselves and be financially responsible for discharging their care, we

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75 HL Deb 10 May 2004 c11GC
76 HL Deb 10 May 2004 c13GC
77 HL Deb 10 May 2004 c14GC
78 HL Deb 10 May 2004 c15GC

> may well find that fewer carers than there are at present will wish to enter into that estate.[79]

This amendment was withdrawn.[80]

Baroness Wilcox moved a probing amendment in Grand Committee which would have had the effect of allowing those within the prohibited degrees to register a civil partnership:

> How can it be right for a pair of gay civil partners to be given the same protection against inheritance tax as a married couple on the grounds of their chosen relationship and their inability to marry and yet right for an elderly sister or a 60 year-old son who has spent a lifetime caring for a parent to be brutally tossed out of the home in which they have spent their lives by the capricious operation of inheritance tax when a loved one dies? Such people cannot marry each other. They have committed to each other across decades. Surely their devoting cries out to have a mechanism of partnership for its recognition. Surely the injustice done to them by inheritance tax taking away their lifelong home, as we debated, cries out to be addressed just as much as the cases before us in the Bill.[81]

Lord Lester of Herne Hill commented on the proposed amendment:

> The primary purpose of the Bill is not about taxation. I am astonished and depressed to hear again and again the purposes of the Bill being reduced to coarse materialism.[82]

Lord Alli gave his opinion of the purpose of the proposed amendment:

> [I]t has become clear with this amendment and the others in the group that the noble Baroness is unfortunately allying herself with those in her party who seek to torpedo the Bill. These are seductive arguments, and I have given my support to pursuing them outside the Bill. There are many deserving causes such as carers and spinster sisters, and inheritance tax is an important issue. But this is not an inheritance tax Bill, and trying to convert it into such plays into the hands of those would have the Bill destroyed. In fact, the noble Baroness, Lady O'Cathain, said on Monday that this was not a relationship Bill but a tax Bill. I genuinely believe that that is where the noble Baroness is coming from. I said that I did not believe that inheritance tax was the principal concern of the Bill.
>
> (...)

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79 HL Deb 10 May 2004 c20GC
80 HL Deb 10 May 2004 c26GC
81 HL Deb 12 May 2004 c118GC
82 HL Deb 12 May 2004 c119GC

> I do not wish to engage in arguments about whether one group is more deserving than another. Same-sex couples who are currently invisible in the eyes of the law are a deserving group. The Bill deals with exactly that. Discussions about other groups are not for this Bill. I accept that there is a need to press the Government to look at some of those cases, but not in this Bill.[83]

However, the Crossbencher, Lord Northbourne, supported the Baroness Wilcox:

> Perhaps I can intervene from the Cross Benches to say that the Conservative Party is not alone in being concerned about the situation of other members of the family. I very much regret that the noble Lord, Lord Lester, did not have the courage to stick to his original Bill when those issues might have been dealt with. However, I would not like the Conservative Party to be attacked on the basis that it is just causing trouble, because it is not; this is a very real issue. I do not think that I need to say more at the moment.[84]

Lord Goodhart considered the purpose behind the proposed amendments:

> Not a single argument has been put forward by anyone on the Conservative Benches or by the noble Lord, Lord Northbourne, from the Cross-Benches, as to why there should be any extension to other people—for instance, people within the prohibited degree—except that it will save them from inheritance tax, which has now become a problem because of the increase in house prices. The arguments are purely on the basis that if those people are not allowed to enter into civil partnerships they will suffer a tax burden that they might otherwise be able to avoid. It is purely and simply a tax avoidance issue.
>
> There is a seriously arguable case that there are circumstances—for example, that of a carer looking after an elderly parent—where some form of tax relief would be justified. But this is not the Bill or the occasion on which that issue should be raised. If the Conservative amendments should succeed, we would be left with a situation where some people who ought to benefit from tax relief would fail to do so; for example, because they are married to someone else.[85]

Baroness Scotland set out a reason for the inclusion of the provisions relating to prohibited degrees:

> By applying these prohibited degrees of relationship in the Civil Partnership Bill, the Government aim to reinforce their policy of supporting stable families, ensuring that the trust and integrity of family relationships are not put at risk. [86]

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[83] HL Deb 12 May 2004 c120-1GC
[84] HL Deb 12 May 2004 c121GC
[85] HL Deb 12 May 2004 c126GC
[86] HL Deb 12 May 2004 c129GC

c. Baroness O'Cathain's amendment passed on Report

Baroness O'Cathain returned to the issue of widening the scope of the Bill on Report when she tabled a further amendment to extend the scheme to family members who have lived together on a long term basis. The scope of the amendment was narrower than that of the amendment moved in Grand Committee because it did not seek to include unrelated carers, the age limit for eligibility was increased to 30 and the length of time the family members were required to share a home before being eligible was increased to 12 years. Similarly, however, the purpose of the amendment was to open the scope of the scheme so that family members who fulfilled the other eligibility criteria would not have to be of the same sex.

Baroness O'Cathain refuted the Government's view that this Bill was not the place to address the issues relating to relationships other than same-sex ones:

> Where then is the place for dealing with them? What prospect is there that the Government will introduce a Bill specifically to deal with the needs of two family members to live together? We have been given slight and vague promises, but we need more categorical statements about if, when and where. I suggest frankly that there is no realistic prospect of such a Bill. If we want to protect such people, we must amend this Bill today.[87]

The Bishop of Rochester supported the amendment:

> By focussing so much on same sex couples not related to one another, whether in a sexual relationship or not, the Bill neglects provision for the significant number of close relatives who choose to live together for mutual support or to care for each other. If the Bill is about dealing with the difficulties faced by those in long term relationships, then how can it be just to ignore the case of two sisters living together for support and protection? If we are addressing injustice, can we overlook the plight of the daughter who dedicates her life to caring for an elderly parent? What is the status of vulnerable adults who live with a parent or another relative?
>
> In this day and age it is important to affirm the family and to support those who make sacrifices, sometimes almost beyond our ken, to care for members of their families. If the intention of the Bill is really to address unfairness—and I have heard that said so often—rather than introduce social engineering through the back door, the Minister, the Government and noble Lords will have no hesitation in considering the amendments with sympathy. […] [88]

It was Lord Tebbit's view that the exclusion of family members from civil partnerships would create new inequalities:

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87 HL Deb 24 June 2004 c1364
88 HL Deb 24 June 2004 c1366

> […] as the Bill is presently drafted and as Ministers want it, it discriminates against family members who are listed in Part 1 of Schedule 1, and it discriminates by prohibiting the option of civil partnerships to persons of opposite sex. No adequate reason has been given for that. I believe that it is completely wrong. I believe that it is wrong when parents and children are excluded. I find it hard to see that the bonds by which they are united are weaker than those which may band homosexual couples, or indeed other couples of the same sex. [89]

Lord Alli quoted the Solicitors Family Law Association as having opposed the extension of the scope of the Bill. Lord Alli questioned the motive for the amendment:

> But I have to say to the noble Baroness, as I said to her in Grand Committee, that if an amendment looks like a wrecking amendment, feels like a wrecking amendment and looks as though it will wreck the Bill, she should not be surprised if some of us oppose it.
>
> I hear noble Lords shout "no", but the noble Baroness's principal position, and that of the noble Lord, Lord Tebbit, on homosexuality is clear. They have never voted for a piece of legislation which encourages any kind of equalisation of rights for homosexuals.[90]

The Conservative peer, Lord Crickhowell, commented on this assertion:

> I warmly supported the Bill at an earlier stage for exactly the reasons that the noble Lord, Lord Alli, supported it. I had great sympathy with his prime object in the Bill. I therefore was upset by his contribution and the suggestion that those who support the amendment were supporting a wrecking amendment. He made a great mistake in making that suggestion because I believe that many noble Lords have great sympathy with the part of the Bill which was his object, but who also believe that the case advanced by my noble friend is a case that deserves support.[91]

Lord Goodhart confirmed that the Liberal Democrats opposed the amendment and pointed to the practical anomalies which would ensue:

> My Lords, we on these Benches object strongly to all the amendments in this group. The noble Baroness, Lady O'Cathain, said that this is not a gay marriage Bill. We say that it is not a tax relief Bill either. There is a strongly arguable case for some kind of relief from inheritance tax for family members who have been carers to enable them to continue living in the house where they have carried out their caring duties. But that is a different argument and this is not the place or the time for that argument. This Bill is inappropriate for dealing with that issue.

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89 HL Deb 24 June 2004 c1368
90 HL Deb 24 June 2004 c1370
91 HL Deb 24 June 2004 c1376

> Even the movers of the amendment do not suggest that it should be possible, at the same time, to combine a civil partnership and a marriage. Among other things, that means that tax relief would not extend to a married child caring for a parent, which is a very common situation. The country is, after all, full of grandparents. That would be so even if the child who was caring was separated but not divorced.
>
> A daughter looking after elderly married parents could not enter into a civil partnership with either of them. She would have to wait until one of them died, by which time the other might not have the mental capacity to enter into one. It would also mean that if one member of a family civil partnership wished to enter into a marriage, he or she could not do so without going to the court to get an order dissolving the civil partnership. A dissolution order must show that the civil partnership has irretrievably broken down. That would not necessarily be the case—a daughter might well want to marry a man who is willing to move in with her and to help care for her parents. That shows that the Bill is wholly unsuitable because it shows up all sorts of unnecessary anomalies.[92]

Lord Kilclooney, the Ulster Unionist peer, stated that more than 90% of the people of the UK would be discriminated against if the Bill as drafted became law.[93]

The Conservative, Lord Mackay of Clashfern, supported the amendment and said:

> The noble Lord, Lord Alli, pointed out that the Law Commission had said how difficult it was to deal with the various situations of shared ownership. Of course, I am conscious of that fact. This is a modest amendment in that sense; it does not try to deal with everything. It deals only with a fairly small group, by comparison with the whole, of those who are disadvantaged; namely, those who are have lived together for 12 years and who are over 30 years of age. That will not encompass everyone, but it is a good start. Your Lordships should support these amendments and leave it for later stages of the Bill, if the Government wish, to seek to cater for the detail in a different way to these amendments. The five great departments involved are able to do that.[94]

The Bishop of Worcester expressed a concern with the scope of the proposed amendment:

> I find it difficult to accept the notion—and I speak out of a long theological tradition here—that one should have to register in order to have the privileges that come from being a family member. It seems to me that I am a member of the family of which I am a member not from any choice, registration, or covenant, but by virtue of a given relationship that I have. In the amendment as she has now drawn it, there is the confusion of two different objectives; one to support the

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92 HL Deb 24 June 2004 c1373-4
93 HL Deb 24 June 2004 c1378
94 HL Deb 24 June 2004 c1380

> family, and I wholly support that, and the other to support and honour caring relationships, and I wholly support that. If you are going to do the second, it seems to me that a far wider group of people should be included, as in the initial Committee amendments. If you are going to support the family, it should precisely not be necessary for people to register partnerships in order to achieve the benefits of family membership.[95]

Baroness Wilcox, the Conservative peer, supported the amendment:

> I repeat that these people are debarred from marrying each other just as surely as gay couples. They include the best of our country; namely, sons who have lived for years caring for an aged father, daughters who have done likewise, and unmarried sisters who have shared the same home for, in some cases, 60 or so years. To ask for justice for them is not to wreck the Bill. To recognise what they have given, give and will give is not to wreck the Bill. To confer the right to this status on them does not undermine marriage or the validity of civil partnerships for gay couples.[96]

Baroness Scotland of Asthal highlighted some of the practical difficulties she felt would ensue if the amendment were made:

> No pensioner would get an income-related benefit such as pension credit from the state if their civil partner son could support them. No brother could get an income-related disability benefit if his civil partner sister could support him. No unemployed adult son could get jobseeker's allowance if his civil partner mother could support him, and no son could fail to pay child support if his mother could meet the Bill. I could go on.
>
> All such benefits would belong not to the individual but to the relationship, which in social security terms would put the clock back to the 1930s. I know that that is not the intention of the noble Baroness. So that is in part why we say, "not this Bill".
>
> The noble Baroness has given voice to many issues in relation to those who care. But we must also recognise that these provisions would apply to all families and all estates. The reality of that is that the greatest estates in this country could be passed from father to son or son to sister without there ever being payment of inheritance tax.[97]

The amendment was passed on division by a majority of 148 votes to 130.

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95 HL Deb 24 June 2004 c1381
96 HL Deb 24 June 2004 c1383
97 HL Deb 24 June 2004 c1384-5

d. Should a civil partnership be referred to as a relationship or as a contract?

In Grand Committee, Lord Higgins, Opposition Spokesperson for Work and Pensions, questioned whether it was appropriate to refer to a civil partnership as a relationship:

> It seems to us that the word "relationship" is inappropriate for two conflicting reasons. First, it may be that a relationship already exists between two people and a civil partnership will not necessarily alter that fact, although it may of course follow after it. Secondly, the kind of relationship is not specified and could be one that is not a civil partnership. The clause as it stands states that,
>
> "A civil partnership is a relationship",
>
> and it seems to us that the word "contract" would be more appropriate in the present circumstances, particularly given the complicated and legal specifications which appear in subsequent clauses.[98]

Lord Lester of Herne Hill disagreed with the proposed amendment:

> I believe that turning them into contracts downgrades the loving, committed relationships of homosexual couples. It runs against the purpose of the Bill, which is to recognise and celebrate the validity of same-sex relationships.[99]

Baroness Scotland of Asthal set out the Government's view:

> In the Government's view, a civil partnership is a legal relationship which is formed when two people register their names as civil partners of each other. It is that simple but solemn procedure which brings a civil partnership into being. By taking the step of entering into that relationship the couple would gain rights and undertake responsibilities which are set down by the law, not chosen by agreement between them.
>
> We do not see that relationship as being based on a contract. It is a fundamental part of a contract that you can put anything in that you like and have any limitations you like. You can cut it and turn it any way you wish. That is not what we propose here. For those who enter into this relationship and then have their agreement to so enter registered, there will be state-identified consequences which they cannot get out of. That is very clear, and that is the difference. [100]

Lord Higgins returned to this issue at Third Reading:

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98 HL Deb 10 May 2004 c2GC
99 HL Deb 10 May 2004 c4GC
100 HL Deb 10 May 2004 c7GC

> Since the Bill now defines civil partnerships much more widely than before, the expression "contract" rather than "relationship" seems even more appropriate,[101]

Lord Lester of Herne Hill replied:

> [T]he noble Lord is perfectly logical and correct in saying that once one moves away from the notion of couples, the notion of a relationship becomes a strange one, because one can move from the notion of status and relationship to one of simple contract. That debases the entire purpose of the Bill. It is because we on these Benches strongly object to the way in which the Bill has been wrecked that we object to this consequential amendment.[102]

Baroness Scotland confirmed that the Government did not support the proposed amendment:

> [W]e still believe that "relationship" is of real importance and signifies a difference from a mere "contract". We are dealing with intimate connections between people and we do not think that "contract" accurately expresses what we are seeking to uphold. The very nature of last Thursday's amendment emphasised that we are talking about the tender relationships that can happen within families, relationships of support. They are relationships. They are not contracts and we think that it would be inappropriate to describe them as such. It demeans the quality of the relationships that we hope that people in these partnerships will be able to enjoy.[103]

e. Would a civil partnership between a same-sex couple be a same-sex marriage in all but name?

At Second Reading, the Bishop of Oxford, expressed concern about the way in which civil partnerships would mirror marriage:

> Nevertheless, it is a concern to some in the Churches that the legislation enshrined in the Bill parallels that for marriage at almost every point. There is an ambiguity here that some find worrying, and there are fears that the Bill could undermine the institution of marriage and its special place in the law of this country.[104]

Baroness O'Cathain expressed her view of the nature of the Bill at Second Reading:

> [D]espite what has been said already in this debate, I firmly believe that this Bill creates gay marriage. This is a gay marriage Bill. The Government may call it civil partnership but in reality it is a form of marriage for same-sex couples. Indeed, the right reverend Prelate the Bishop of Oxford said that he would wish

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[101] HL Deb 1 July 2004 c391
[102] HL Deb 1 July 2004 c392
[103] HL Deb 1 July 2004 c395
[104] HL Deb 22 April 2004 c399

> the same wording to be used introducing the relationship between same-sex people as is used in marriage.
>
> A civil partnership can only take place between two people of the same sex who are not already married. It must be solemnised in front of a registrar in the presence of two witnesses, exactly like marriage. It will entitle the parties to all of the legal and welfare rights of a married couple. For example, civil partnerships will mean exemption from inheritance tax and capital gains tax. As my noble friend, Baroness Wilcox says, the necessary changes will be made in the first available Finance Bill, which seems rather strange. A civil partnership can only be ended by a court order on the same grounds as divorce.
>
> In the other place, the Government have admitted that they believe all the "significant rights and responsibilities" have been addressed to bring them into line with married couples—that is from House of Commons Hansard on 20 October 2003, cols. 491–492. The Explanatory Notes are even more telling—Paragraph 703 makes it clear:
>
> "The procedures for civil partnership registration in England and Wales are modelled on the proposed procedures for civil marriages outlined in the public consultation document . . . published by the Office of National Statistics, and the procedures for dissolution, annulment and financial provision on dissolution are modelled on the arrangements for bringing a marriage to an end.".
>
> The Government may deny this, but I am sure that the man in the street will see this as being a gay marriage. The Government's friends and the media generally seem to call it that. The Guardian on 30 June called civil partnership:
> "legal marriage in all but name".[105]

During the Bill's Report Stage, the Bishop of Rochester also expressed concern that the formation of a civil partnership too closely resembled marriage:

> Whatever the source of individual phrases, whether it is the Book of Common Prayer or the Marriage Act, the public doctrine of marriage in this country, as I understand it, remains grounded in the Christian tradition. Any legislation must take account of that fact. If that is the case, could not the social justice and compassionate aspect of the Bill have been achieved through legislation that does not look so much like marriage? I do not blame people who are confused by the Government's intention. In the Bill the requirements of age, of prohibited degrees of relationship, of dissolution and nullity mirror those in matrimonial law. […][106]

However, in the context of a debate on an amendment relating to dissolution of a civil partnership, Lord Filkin acknowledged the parallels with the marriage regime while also pointing to the unique nature of the scheme:

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[105] HL Deb 22 April 2004 c403
[106] HL Deb 24 June 2004 c1366

> For reasons of principle, equity and practice in law, we felt that it was good to follow the principles of marriage law except where there was good reason not to do so.[107]
>
> (...)
>
> [...]I want to put our position very clearly. This is a new legal status that gives rights and responsibilities to people in same-sex committed relationships. We think that that is fundamentally right as part of what a civilised society should do. We do not see it as analogous to marriage. We do not see it as a drift towards gay marriage. We see it as having value, merit, meaning and purpose in its own right.[108]

Lord Lester of Herne Hill commented on this approach:

> I personally would very much like to see gay marriage, for all kinds of reasons. On the other hand, at this stage, are the Government and Parliament not entitled to say, "At this stage in our lives, we will respect the strong feelings of the population about the use of the word marriage. Therefore, the right thing to do now is to provide the proper rights and obligations that mirror marriage without using that label, to which there attaches all kinds of religious and symbolic importance, in order to be able to provide the protection"?[109]

III Statistics

A. Inheritance Tax and house prices[110]

The number of estates liable for inheritance tax has increased in recent years. In 1996/97, the estimated number of estates on which inheritance tax was paid on death was 15,000, representing 2% of deaths in that year. In 2004/05 Inland Revenue project that around 33,000 estates will be liable for inheritance tax, 5% of deaths. Projected receipts for 2004/05 are £2.8 billion. The table below shows inheritance tax receipts and the number of estates paying inheritance tax on death since 1990/91.

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[107] HL Deb 12 May 2004 c177GC
[108] HL Deb 12 May 2004 c178-9GC
[109] HL Deb 12 May 2004 c178GC
[110] This section was written by Bryn Morgan, Economic Policy and Statistics Section

Table 1

Inheritance tax receipts: 1990/91-2003/04

	Receipts	Estates paying IHT on death	
	£ million	thousands	as % of deaths
1988/89	1,071	23	4%
1989/90	1,232	24	4%
1990/91	1,262	21	3%
1991/92	1,299	19	3%
1992/93	1,211	18	3%
1993/94	1,333	19	3%
1994/95	1,411	21	3%
1995/96	1,518	22	3%
1996/97	1,558	15	2%
1997/98	1,684	18	3%
1998/99	1,786	18	3%
1999/00	2,047	21	3%
2000/01	2,221	22	4%
2001/02	2,355	23	4%
2002/03	2,354	25	4%
2003/04 (a)	2,501	30	5%

Notes: (a) provisional

Sources: Inland Revenue Tables 1.2 & 1.4
National Statistics series BBDA

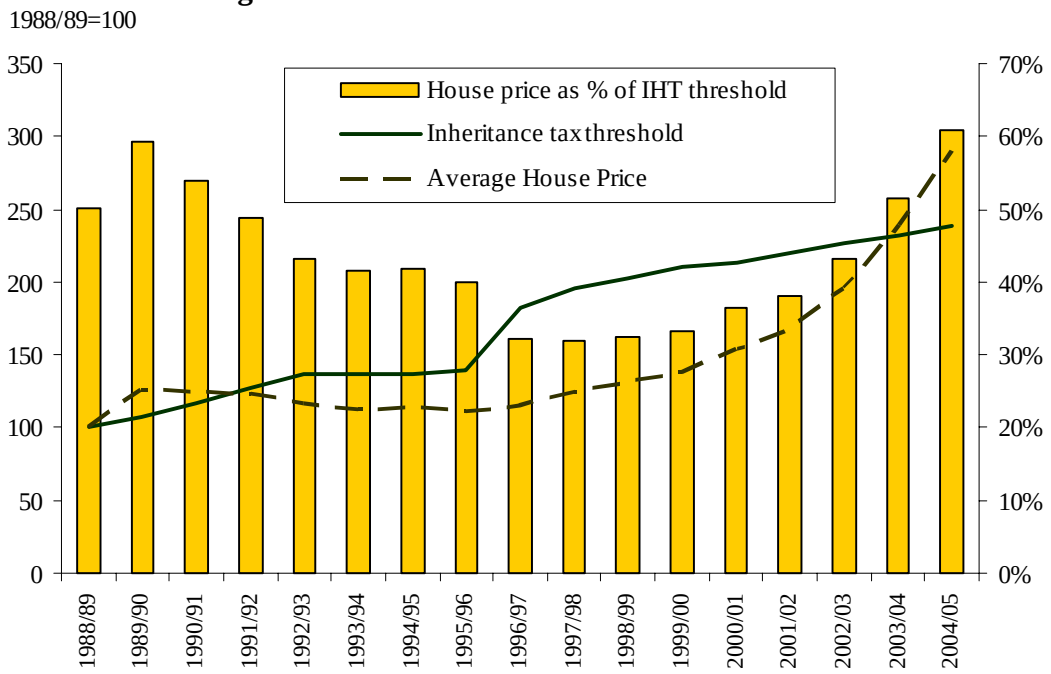
The lower threshold for inheritance tax for 2004/05 is £263,000. Since 1997/98 the inheritance tax lower threshold has increased with inflation in each year, except 2002/03 when it increased to £250,000 instead of the indexed threshold of £247,000.

It has been argued that in recent years more estates have become liable for inheritance tax because of increases in house prices. House prices have increased faster than general inflation since 1996/97, although the reverse was true in the early 1990s. The chart below shows indexes of average house prices (for second-hand dwellings) and the inheritance tax lower threshold since 1988/89.

The average price of a second-hand dwelling in the first quarter of 1990/91 was 50% of the lower threshold for inheritance tax for that year. By 1996/97 this had fallen to 32% but in 2004/05 it stands at 61%. Other evidence to support the assertion that more estates are being assessed for inheritance tax because of increasing house prices comes from the distribution of the value of house sales. In 1996, 8% of houses sold in England and

Wales cost more than £200,000. By the last quarter of 2003 this had increased to 24%. For the same dates, the percentages selling for over £300,000 were 1% and 8%.[111]

Average House Prices and IHT thresholds since 1988/89



Sources: Halifax House Price Index (using quarter 2 data), HC Deb 27 Feb 2004 c575W; HM Treasury

B. Cohabitation statistics [112]

Statistical information relating to cohabitation has been available in national level studies since the 1976 Family Formation Survey. Since 1979, the General Household Survey (GHS) has provided the main source of survey data on *current* cohabitation, as well as information on the prevalence of cohabitation resulting in eventual marriage. Some typologies of cohabitation have been rather subjective. For example, while Schoen and Weinick identified that cohabitation was a distinctive type of relationship, they nevertheless regarded it as a 'looser bond' than marriage rather than being an 'informal marriage' in itself.[113] Some early surveys even rejected the cohabitation 'events' reported by some of respondents on the grounds that they were not sufficiently 'marriage like'.[114] Today, there is a much broader understanding of cohabitation, such that a variety of

[111] *Residential Property Price Report*, HM Land Registry, October to December 1997 and 2003

[112] This section was written by Ross Young, Social and General Statistics Section

[113] Schoen, R. and Weinick, R., "Partner choice in marriages and cohabitations", *Journal of Marriage and Family* (1993), vol. 55, pp. 408-14

[114] for example, see Dunnell, K., *Family Formation 1976* (1979) cited in Murphy, M., "Editorial: Cohabitation in Britain" *Journal of the Royal Statistical Society: Series A* (2000), vol. 163(2), p123

different living arrangements are regarded as 'equivalent' in contemporary surveys, for instance:

- A couple who have arranged their wedding move into their joint marital home several months early to prepare it.
- A person on a working holiday decides that as s/he is spending so much time at their partner's flat, it would be more convenient to move in until returning home.
- A couple who are ideologically opposed to the formal institution of marriage are living in a long-relationship with their children.[115]

It would be reasonable to describe all three of these situations as 'cohabitation events'. Cohabitation among couples of the same sex is considered later in this section.

The 2001 Census of Population identified that there was some variation in the extent of cohabitation across the constituent countries of the United Kingdom. Marriage (and re-marriage) was more prevalent in Northern Ireland than in England, Wales and Scotland. The 2001 Census found that there were slightly over 4 million people aged living in cohabiting relationships in England and Wales, around 8% of the population. Around one-half of cohabiters were aged between 20 and 34. Two-fifths of the population of England and Wales, around 20 million people, were married or re-married at the time of the 2001 Census (40%), slightly fewer were single (19.8 million; 39%), and 2.4 million (5%) were divorced.[116]

In Scotland, 327,000 people reported that they were living as cohabiters in 2001, representing 8% of the Scottish population.[117] In Northern Ireland, the proportion of people cohabiting was much lower at 4.3%, approximately 54,000 people. Over one-half of the population of Northern Ireland were either married or remarried.[118]

The 2002 General Household Survey identified a number of key findings relating to cohabitation:

- Overall, 12% of both men and women aged 16 to 59 were cohabiting.
- Among women aged 16 to 59, those in their twenties were more likely to be cohabiting than any other age group.
- The same was true for men in their twenties. 25% of men aged 25 to 29 were cohabiting.
- Divorced men were more likely to be cohabiting than single or separated men. This trend was not evident among women.

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[115] *Ibid.*, p123-4
[116] Office for National Statistics *Census 2001: National Report for England and Wales* (2003)
[117] General Register Office for Scotland *Scotland's Census 2001: Key Statistics for Council Areas and Health Board areas* (2003)
[118] Northern Ireland Statistics and Research Agency *Northern Ireland Census 2001: Key Statistics* (2002)

- Around three-quarters of all cohabiters were single while one-fifth of cohabiters were divorced.
- Older people who were cohabiting were more likely to be divorced than younger cohabiters.

Over time, the General Household Survey has found that the proportion of married women aged between 18 and 49 has declined significantly, from 74% in 1979 to 49% in 2002, while the proportion of single women has doubled, from 18% (1979) to 38% (2002). The incidence of cohabitation among non-married women rose from 11% in 1979 to 29% in 2002.

In 2002, around one-half of all women had no dependent children living with them. Married (52%) and separated (60%) women were more likely to have a dependent child living with them than single (23%), cohabiting (36%) or divorced women (44%).

Among adults aged 16 to 59, 15% had at least one completed cohabitation that did not result in marriage. 12% of adults reported having had one of these relationships, 3% had two relationships, and 1% reported three or more completed cohabitations. There were no significant statistical differences between men and women in this regard.

Around one-in-ten (9%) of currently *married* men aged 16 to 59 reported that they had had at least one previous cohabitation that did not result in marriage, compared to 23% of currently *cohabiting* men. For women, these proportions were 7% and 18% respectively.

70% of first cohabitations that have not resulted in marriage began by the age of 25. Among adults aged between 16 and 59 who reported at least one previous cohabitation, it was found that first cohabitations not ending in marriage were most likely to begin between the ages of 20 and 24. Women were twice as likely as men to have started a first cohabitation which did not end in marriage at a younger age. 35% of women began a relationship by the age of 19 compared with 17% of men.

Ermisch and Francesconi suggested that there was some evidence that the average duration of cohabiting relationships was lengthening. GHS data had shown a substantial increase in both the incidence of cohabitation and the average length of relationships. Between 1979 and 1989 the median length of cohabitation 'spells' reported by women aged between 18 and 49 increased only from 20 months to 23 months.[119] By 1995, these cohabitation spells had increased to 34 months.[120] The 2002 General Household Survey found that the mean length of first cohabitations not ending in marriage was 39 months compared to 33 months for the second cohabitation. First and only cohabitations tended to

[119] Ermisch, J. and Francesconi, M., *Cohabitation in Great Britain: Not for long but here to stay*, Working Paper 98-1 – ESRC Research Centre on Micro-social Change (1998), also *Journal of the Royal Statistical Society: Series A* (2000), vol. 163(2), pp. 153-71

[120] Murphy, M., "The evolution of cohabitation in Britain", *Population Studies* (2000), vol. 54, pp. 43-56

be longer than those that were the first of two or more cohabitations (41 months compared to 31 months). Women were more likely to have a longer mean length of first cohabitation (41 months) than men (36 months).[121]

1. Public opinion towards cohabitation

The 2000 British Social Attitudes Survey found that public opinion towards marriage and cohabitation had changed over time. In 1989, around three-quarters of survey respondents subscribed to the view that "people who want children ought to get married". By 1994, this had fallen to 57% and to 54% by 2000. Opinion tended to vary by age such that older respondents agreed with this statement significantly more than younger people. In 2000, only one-third (33%) of 18-to-24 year olds thought that people who wanted children should get married, compared to 85% of respondents aged over 65. The survey also found "widespread acceptability of cohabitation and, indeed, its desirability as a precursor to marriage". The 2000 study identified that two-thirds of respondents (67%) felt that it was "all right for a couple to live together without intending to get married" and 56% agreed that it was "a good idea for a couple who intend to get married to live together first".

Opinion towards cohabitation also tended to vary according to the religious background and marital status of respondents. Among those belonging to the Church of England, 65% felt that people should get married if they want children compared to 38% who reported no religion. This view was also shared by a majority of married people (62%) compared to just 23% of cohabiters. Overall, the 2000 survey found that:

> Marriage is still widely valued as an ideal, but is regarded with much more ambivalence in terms of its role in partnering and (especially) parenting. Views have changed markedly over time and, for many, marriage is no longer seen as having any advantage over cohabitation in everyday life…Cohabitation is now widely accepted both as a prelude to marriage and as an alternative to it, even where there are children. This is especially so for younger people, and it is likely that this is partly a generational effect which will persist over time…Britain will probably move towards a Scandinavian pattern, therefore, where long-term cohabitation is widely seen as quite normal, and where marriage is more of a lifestyle choice rather than an expected part of life.[122]

2. Same-sex cohabitation statistics

Couples where both partners are of the same sex also cohabit. However, unlike opposite-sex cohabitation, there is a paucity of official statistics relating to same-sex couples. It is difficult, therefore, to assess with any degree of accuracy whether the incidence of same-sex cohabitation is increasing or not, and how this compares to over-time trends in opposite-sex cohabitation. While the Office for National Statistics has published counts

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[121] For a discussion of the historical trends in cohabitation and changing attitudes using General Household Survey data see Haskey, J., "Cohabitation in Great Britain: past, present and future trends – and attitudes", *Population Trends 103*, Spring 2001, pp. 4-25

[122] Barlow, A., Duncan, S., James, G. and Park, A., "Just a piece of paper? Marriage and cohabitation", *British Social Attitudes: the 18th Report* (2001), p. 51

from the 2001 Census for individuals living in same-sex relationships by local authority district, it has not published any further data analyses identifying the overall socio-demographic characteristics (e.g. age, ethnicity, gender, religion) of those living in these partnerships, and has made no announcement of any plans to do so.

People living in same-sex couples by local authority, 2001
Local authorities in England and Wales with highest proportion of people living in same-sex couples

	Number	*%*
Brighton and Hove	2,554	1.3%
City of London	72	1.2%
Islington	1,180	0.8%
Lambeth	1,716	0.8%
Tower Hamlets	1,004	0.7%
Camden	1,046	0.7%
Hackney	1,028	0.7%
Southwark	1,230	0.6%
Westminster	890	0.6%
Haringey	952	0.6%
Lewisham	1,070	0.6%
Wandsworth	1,134	0.5%
Waltham Forest	894	0.5%
Richmond upon Thames	642	0.5%
Blackpool	516	0.5%
Manchester	1,290	0.4%
Hammersmith and Fulham	568	0.4%
Bournemouth	534	0.4%
Hounslow	672	0.4%
Kensington and Chelsea	522	0.4%
Lewes	274	0.4%
Cambridge	270	0.3%
Merton	506	0.3%
Ealing	800	0.3%
Newham	584	0.3%
England and Wales	**78,522**	**0.2%**

Source: Office for National Statistics, *2001 Census of Population*

The 2001 Census of Population identified that there were 78,522 people in England and Wales who were cohabiting in same-sex relationships, representing 0.2% of the population and 2.0% of all cohabiters. The local authorities with the highest reported number of individuals living in same-sex relationships are shown in the table above. Brighton and Hove had the highest proportion of people in England and Wales who were cohabiting in a same-sex relationship (1.3%). Of the 25 local authorities with the highest proportions, nineteen were in London. As with other measures, these data may be affected by under-reporting in that some respondents may be living as a same sex-couple yet choose not to report their living arrangements as cohabiting.

IV Comment from interested parties[123]

This section of the Research Paper includes links to comments and responses made by some interested parties and includes these organisations' description of themselves. Where responses are not available online, organisations may be willing to provide written copies via the contact details given on their homepage.

Equality Commission for Northern Ireland

An independent public body established under the *Northern Ireland Act 1998* which works towards the elimination of discrimination and promotes equality of opportunity.

Response March 2004:
http://www.equalityni.org/uploads/word/CivilPartnershipNIFinal0403.doc

Northern Ireland Human Rights Commission

The Commission came into existence on 1 March 1999 to promote awareness of human rights and advise on what steps need to be taken to fully protect them.

http://www.nihrc.org/index.htm

One plus One

An independent research organisation whose role is to generate knowledge about marriage and relationships.

http://www.oneplusone.org.uk/

London Advice Services Alliance

A development and resource agency for advice and information providers; funded by London's local councils.

http://www.lasa.org.uk/

Solicitors Family Law Association

An association of over 5000 solicitors committed to promoting a non-confrontational atmosphere in family law.

Response March 2004: http://www.sfla.org.uk/mediadisplay.php?id=62

[123] Section III was compiled by John Woodhouse, Home Affairs Section

Response to Lords amendment: http://www.sfla.org.uk/mediadisplay.php?id=64

National Association of Citizens Advice Bureau

The Citizens Advice Bureau Service offers free, confidential, impartial and independent advice.

Press release July 2004: http://www.nacab.org.uk/prelfull.ihtml?id=0000202

CARE

A Christian charity involved in caring, campaigning and communicating across the UK.

Response June 2003:
http://www.care.org.uk/policy/Family%20-20DTI%20Civil%20Partnerships%20June%2020031.pdf

Catholic Bishops' Conference of England and Wales

Response April 2004: http://www.indcatholicnews.com/civprt.html

Stonewall

Founded in 1989 as a lobbying group to argue the case for equality for homosexuals and lesbians; welcomed the Bill. Pre-white paper briefing June 2003:
http://www.stonewall.org.uk/docs/Pre_White_Paper_briefing_June_2003.doc

Response August 2003:
http://www.stonewall.org.uk/docs/Stonewall_response_August_2003.doc

Briefing for Lords second reading April 2004:
http://www.stonewall.org.uk/docs/Lords_Second_Reading_Apr_2004.doc

Briefing for Lords report June 2004:
http://www.stonewall.org.uk/docs/Lords_Report_June_04.doc

Lesbian and Gay Christian movement

'Praying for an inclusive Church'.

Response to Lords amendment: http://www.lgcm.org.uk/press/press30.html

Letter to Archbishop of Canterbury 2004:
http://www.lgcm.org.uk/html/news.htm#CivilPartnershipBill

Press release March 2004: http://www.lgcm.org.uk/press/press27.html

Christian Voice

An organisation to uphold Christianity as the faith of the United Kingdom; to be a voice for Biblical values in law and public policy and to defend and support traditional family life.

Briefing paper April 2004:
http://www.christianvoice.org.uk/Briefing%20papers/ART852.pdf

Age Concern

An organisation supporting people aged over fifty, providing information and campaigning on issues such as age discrimination.

Response September 2003:
http://www.ageconcern.org.uk/AgeConcern/media/Ref1803CivilPartnership.pdf

Law Commission

An organisation set up in 1965 to keep the law of England and Wales under review and to recommend reform when it is needed.

'Sharing homes' discussion paper November 2002:
http://www.lawcom.gov.uk/files/lc278.pdf

Church of England Archbishops Council

Response to consultation paper: http://www.cofe.anglican.org/papers/civilpartnership.doc

Christian Institute

A charity to promote the Christian faith in the UK.

Response to consultation: http://www.christian.org.uk/civilpartnerships/ci_response.pdf

‘Marriage in all but name’:
http://www.christian.org.uk/civilpartnerships/marriage_in_all_but_name.pdf

‘Counterfeit marriage: how civil partnerships devalue the currency of marriage’, January 2002
http://www.christian.org.uk/pdfpublications/counterfeit-marriage.pdf

Liberty

An organisation working to promote human rights and protect civil liberties.

Response September 2003:

http://www.liberty-human-rights.org.uk/resources/policy-papers/policy-papers-2003/pdf-documents/sept-2003-civil-partnerships-response.pdf

Unison

Britain's biggest trade union, with 1.3 million members – people working in the public services and the essential utilities.

Response to consultation: http://www.unison.org.uk/out/pages_view.asp?did=676

Lesbian and Gay Lawyers Association

A group of lesbian and gay lawyers who meet for seminars, conferences and social gatherings.

Response to consultation:
http://www.lagla.org.uk/files/lagla_civil_partnership_response.pdf

Association of London Government

An organisation consisting of the 32 London boroughs and the Corporation of London; develops policies and lobbies on behalf of Londoners.

Response September 2003:
http://www.alg.gov.uk/upload/public/attachments/137/L9-9-03_8app_Civ_Parts.doc