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Civil partnership or marriage?

For couples not keen on the institution of marriage or the traditional wedding ceremony, but who want to formalise their commitment to each other, civil partnerships might have an appeal. The good news is that they are now open to everybody, irrespective of gender. But is it the right option for you and your partner?

Largely the same

From a legal perspective, civil partnerships and marriages are largely the same, including when they break down. As with divorce, the court plays a significant role in reaching a final settlement and separating assets.

Widows and widowers are entitled to the same benefits, including an exemption from paying inheritance tax. Marriage allowance, not having to pay capital gains tax on the transfer of property between you and the rules applying to pensions, are also the same. If it's the wedding ceremony and traditional vows that put you off, no such event is required by law when entering into a civil partnership.

What does it mean for parents?

A child born to a couple in a civil partnership is deemed a 'child of marriage' on their birth certificate. If the child was born before the union, their birth will need to be re-registered and a new birth certificate ordered. Unlike in marriage, a civil partnership will not automatically grant parental responsibility over a partner's children. A couple can, however, apply to the courts for this.

Plan to emigrate?

If you're considering working abroad for a time, or emigrating for the longer-term, it's worth checking whether the country recognises civil partnerships. Would you be willing to give up your rights?

Pre and post nuptials

Whether you opt for marriage or a civil partnership, discussing assets with your partner early on can prevent difficult and challenging issues down the line. If you've inherited assets, own a business or have children from a previous relationship, you might want to consider a pre-nuptial agreement. It should be negotiated in plenty of time and signed at least 28 days before the ceremony. Too late? A post-nuptial agreement could help account for changes to your financial circumstances.

What's the alternative?

There is often a misconception that cohabiting couples have similar rights to those whose relationships have been formalised in the eyes of the law. The myth of the 'common law spouse' is an unfortunate one, leaving many surprised when they discover their limited rights in the face of a relationship breakdown or the death of a partner. Cohabitation agreements offer a solution somewhere between living together, marriage and civil partnerships.

An expert legal adviser can help you and your partner explore the best options for you. For more information, or to discuss your family law needs, please contact:

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