

REPORT BY THE EQUALITY OF OPPORTUNITY COMMITTEE

Civil Partnerships Order

The Committee considered the Order to amend legislation to allow civil partnerships in Wales at its 22 September 2005 meeting.

The Civil Partnership Act will come into force on 5 December 2005. Civil partnerships are a non-devolved matter, and to effect them in Wales, Assembly delegated legislation has to be changed to include references to civil partnerships.

The Committee responded to UK Government consultation on civil partnerships in 2003, welcoming the proposals, which it felt would do much to redress current inequality in the legal rights and responsibilities of same-sex couples, and were long overdue.

The following issues were raised in discussion of the introduction of civil partnerships in Wales:

- The Committee welcomed the Civil Partnerships Act, which gives same-sex partners the opportunity to enjoy the same rights and responsibilities as people in heterosexual marriages.
- Civil partners will have the right to be treated in the same way as married couples in a wide range of legal matters, including tax, inheritance tax intestacy, employment benefits, most state and occupational pension benefits and income-related benefits.
- The Department for Trade and Industry and the Department for Work and Pensions were running a public information campaign and Stonewall Cymru's website also contained information on civil partnerships, including information on all the register offices in Wales.
- **Civil partnership ceremonies** - The Act does not provide for ceremonies, so local authorities are not under any duty to allow more than the signing of a register. However some local authorities in Wales have already taken steps to ensure that a ceremony is or will be in place, and at least one council has consulted extensively with its local lesbian, gay and bisexual forum on how they would like civil partnerships to be delivered. The Local Authorities Co-ordinators of Regulatory Services, which co-ordinates the delivery of regulatory services, was working on the development of a model ceremony. The Committee was concerned that all local authorities should implement civil partnerships enthusiastically and be proactive in offering proper ceremonies to celebrate the registering of civil partnerships. It welcomed the Minister's

recognition that this was a matter of local democracy as well as legal obligation, and her commitment to raise the issue of promoting best practice with the Minister for Local Government and Public Services.

- **Next of kin** - The rights guaranteed to married couples regarding next of kin will be the same as for civil partners. The concept of next of kin has very limited meaning in the context of healthcare, because, under the law, no adult can give consent for treatment on behalf of another adult. Medical professionals will consider the best interests of the patients. However, it was noted that same-sex partners could sometimes be excluded from decision making, consultation, and even visitation rights in healthcare settings where there was no basis to do so. Whilst guidance has been issued to all healthcare workers on best practice in treating same-sex couples, more needed to be done in promoting cultural sensitivity and understanding around these issues.
- **Benefits** - A number of benefits and tax issues were still unclear and that would need individual consideration. The Department for Work and Pensions and the Department of Trade and Industry will issue guidance around benefits because it is not generally known that, following the introduction of civil partnerships, cohabiting same-sex couples will also now fall under the same benefit arrangements as cohabiting heterosexuals. Therefore, the relationship of dependency is imported, which will mean joint assessment in terms of benefits, incapacity benefits, employment and family tax credits and so on. Stonewall Cymru called for a strong public information campaign on the issue and moving to a situation where rights and responsibilities and duties and benefits fall on the individual rather than their status as a civil partner or otherwise. The Department for Work and Pensions would not be clawing back individual benefits from before the date of the assessment.
- **Employment rights and provision of services** - The Committee welcomed engagement with employers and private sector service providers to ensure that employees and customers who became civil partners were treated in the same way as married couples, for example in relation to private health care packages. It sought assurances that customers would receive proper information on services, for example from the financial services industry in relation to pension rights, from December.
- **Name changes** - For civil partners who might wish to change their name, the DTI had established with the United Kingdom Passport Service and the Driver and Vehicle Licensing Agency that they will accept civil partnership certificates in the same way as they accept marriage certificates as having evidential value.
- **International recognition** - if the relationship of same-sex couples registered abroad and coming to the UK meets certain conditions as set out in the Civil

Partnership Act 2004, they will be treated as civil partners in the UK without having to register again. DTI offered to write to the Committee to clarify the situation in relation to the status of civil partners who registered in the UK and then moved to another country.

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Chair, Equality of Opportunity Committee