Subsidiary Legislation made under s.40A.

Conversion of Civil Partnership Rules 2018

LN.2018/114

Commencement **24.5.2018**

Amending enactments		Relevant current provisions	Commencement date
LN. 2020/353	Sch. 2		15.10.2020
2022/243	Sch. 2		11.8.2022
2023/205	Sch. 2		21.7.2023
2024/125	Sch. 2		1.8.2024
2024/219	Sch. 2		1.1.2025
2025/179	Sch. 2		1.8.2025
2026/240	Sch. 2		1.8.2026

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ARRANGEMENT OF REGULATIONS.

Regulation

1. Title and commencement.
2. Interpretation.
3. Procedures for conversion of civil partnership.
4. Conversion of civil partnership into marriage.
5. Verification and amendment of contents of conversion declaration.
6. Duty to register conversion.
7. Standard procedure for conversion.
8. Procedure for housebound persons.
9. Procedure for detained persons.
10. The special procedure.
11. The two stage procedure.
12. Conversion at approved premises.
13. Duty to annotate civil partnership records.
14. The conversion register.
15. Searches of indexes of conversion records kept by the Registrar and issue of copies.
16. Retention of documents relating to conversions.
17. False statements, etc., with reference to conversion of civil partnership.
18. Correction of errors generally.
19. Correction of errors.

SCHEDULE 1

SCHEDULE 2

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In exercise of the powers conferred upon him by section 40A of the Marriage Act, and all other enabling powers, the Minister responsible for personal status has made the following Rules–

Title and commencement.

1. These Rules may be cited as the Conversion of Civil Partnership Rules 2018 and shall come into operation on the day of publication.

Interpretation.

2. In these Rules–

"civil partnership" has the meaning given to it under section 4 of the Civil Partnership Act 2014;

"conversion" means the conversion of a civil partnership into a marriage under section 40A of the Marriage Act;

"conversion declaration" has the meaning given in rule 4(1)(b);

"conversion register" has the meaning given in rule 14(1);

"prescribed fee" means the fee prescribed in Schedule 2 of these Rules;

"Register" means the register of marriages maintained by the Registrar and includes the register of civil partnerships;

"Registrar" has the meaning given to it under section 2 of the Marriage Act.

Procedures for conversion of civil partnership.

3.(1) The parties to a civil partnership may apply to convert their civil partnership into a marriage in accordance with, as applicable−

(a) the standard procedure (rule 7);

(b) the procedure for housebound persons (rule 8);

(c) the procedure for detained persons (rule 9);

(d) the special procedure (which is for cases where a person is seriously ill and is not expected to recover) (rule 10); or

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(e) the two stage procedure (rules 11 and 12).

(2) No religious service is to be used at a conversion.

Conversion of civil partnership into marriage.

4.(1) The parties to a civil partnership will have converted their civil partnership into a marriage when−

(a) they have completed the applicable procedure mentioned in rule 3(1)(a) to (e);

(b) at the invitation of the Registrar, and in the presence of the Registrar and of each other, each of them has signed a declaration (the "conversion declaration") containing the details and declarations referred to in sub-rule (2); and

(c) the Registrar has signed the conversion declaration in accordance with sub-rule (3).

(2) The conversion declaration must contain−

(a) the following details pertaining to each of the parties−

(i) forenames;

(ii) surname;

(iii) date of birth;

(iv) sex;

(v) rank or profession;

(vi) address (permit of residence if applicable); and

(vii) subject to sub-rule (4), father's forename, surname, and rank or profession;

(b) the date and place of the formation of the civil partnership;

(c) a declaration in the following terms: "I solemnly and sincerely declare that we are in a civil partnership with each other and I know of no legal reason why we may not convert our civil partnership into a marriage. I understand that on signing this document we will be converting our civil partnership into a marriage and you will thereby become my lawful spouse"; and

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(d) a declaration that the party believes all of the information and evidence given for the purposes of the conversion declaration is true.

(3) After the conversion declaration has been signed under sub-rule (1)(b), it must also be signed, in the presence of the parties, by the Registrar.

(4) Pursuant to sub-rule (2)(a)(vii) and rule 6(1)(d)(vi) if the father of either party is deceased, the Registrar must enter the word "deceased" after the father's surname.

Verification and amendment of contents of conversion declaration.

5.(1) Before the conversion declaration is signed under rule 4(1)(b), the Registrar must confirm with the parties that the information entered on the declaration is complete and correct and if it is not, amend it as necessary.

(2) Any amendment of the information on the conversion declaration must be initialled by the party to whom that information relates.

(3) Where either of the parties sign the conversion declaration by making a mark or by signing in characters other than those used in the English language, the Registrar must enter against the mark or signature the words "The mark (or signature) of..." inserting the forename and surname of the party.

Duty to register conversion.

6.(1) As soon as practicable after the Registrar has signed the conversion declaration as mentioned in rule 4(3), the Registrar must register the following details in the conversion register–

(a) the date of the conversion;

(b) the date from which the marriage is to be treated as having subsisted by virtue of section 40A(5) of the Marriage Act (the date on which the civil partnership was formed);

(c) the condition of each of the parties, which is to be registered as 'civil partner';

(d) the following details pertaining to each of the parties—

(i) forename;

(ii) surname;

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(iii) age;

(iv) rank or profession;

(v) address (permit of residence if applicable); and

(vi) subject to rule 4(4), father's forename, surname, and rank or profession.

(2) The parties to the conversion are entitled, at the time the conversion takes place, to apply for a certified copy of the entry relating to it in the conversion register on payment, to the Registrar, of the prescribed fee.

(3) The Registrar must not register any conversion to which he is a party.

Standard procedure for conversion.

7.(1) A conversion in accordance with the standard procedure must take place at a Registry Office.

(2) For two people to convert their civil partnership into a marriage in accordance with the standard procedure, they must–

(a) attend together in person before the Registrar;

(b) give the Registrar the details required to complete the conversion declaration;

(c) provide the Registrar with the evidence specified in Schedule 1 relating to–

(i) the name, address and date of birth of each of the civil partners; and

(ii) the formation of their civil partnership; and

(d) pay to the Registrar the prescribed fee.

(3) The Registrar may interview each of the persons seeking to convert a civil partnership into a marriage individually.

Procedure for housebound persons.

8.(1) This rule applies if two people wish to convert their civil partnership into a marriage at the place where one of them is housebound.

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(2) A person is housebound at any place if, in relation to that person, a statement is made by a registered medical practitioner that, in his or her opinion–

(a) because of illness or disability, that person ought not to move or be moved from the place where he or she is at the time the statement is made; and

(b) it is likely to be the case for at least the following three months that because of the illness or disability that person ought not to move or be moved from that place.

(3) The procedure under which the two people concerned may convert their civil partnership into a marriage is the same as the standard procedure, except that–

(a) the details required to complete the conversion declaration must be accompanied by a statement made under sub-rule (2) (a "medical statement"), which must have been made not more than 14 days before the day on which the medical statement is received by the Registrar;

(b) the Registrar may attend the civil partners together at the place at which one of the civil partners is housebound in order to convert the civil partnership;

(c) if the conversion does not take place within three months after the date on which the medical statement was made, the Registrar may require the civil partners to provide a new medical statement before any conversion in accordance with the procedure for housebound persons;

(d) the fact that the Registrar has received the medical statement must be recorded in the conversion register; and

(e) the civil partners must pay to the Registrar the prescribed fee, and the fee referred to in rule 7(2)(d) does not apply.

(4) A medical statement may not be made in relation to a person who is detained as described in rule 9.

Procedure for detained persons.

9.(1) This rule applies if two people wish to convert their civil partnership into a marriage at the place where one of them is detained.

(2) "Detained" means detained–

(a) as a patient in a hospital (but otherwise than by virtue of the Mental Health Act 2016); or

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(b) in a prison or other place to which the Prison Act 2011 applies.

(3) The procedure under which the two people concerned may convert their civil partnership into a marriage is the same as the standard procedure, except that–

(a) the details required to complete the conversion declaration must be accompanied by a supporting statement (see sub-rule (4)), which must have been made not more than 21 days before the day on which the supporting statement is received by the Registrar;

(b) the Registrar may attend the civil partners together at the place where one of them is detained in order to convert the civil partnership;

(c) if the conversion of the civil partnership does not take place within three months after the day on which the supporting statement was made, the Registrar may require the civil partners to provide a new supporting statement before any conversion in accordance with the procedure for persons who are detained;

(d) the fact that the Registrar has received the supporting statement must be recorded in the conversion register; and

(e) the civil partners must pay to the Registrar the prescribed fee, and the fee referred to in rule 7(2)(d) does not apply.

(4) A supporting statement, in relation to a detained person, is a statement made by the responsible authority which–

(a) identifies the establishment where the person is detained; and

(b) states that the responsible authority has no objection to the Registrar attending the establishment to convert the person's civil partnership into a marriage.

(5) "The responsible authority" means–

(a) if the person is detained in a hospital, the hospital's manager or such other person for the time being in charge of that hospital;

(b) if the person is detained in a prison or other place to which the Prison Act 2011 applies, the Superintendent or other officer for the time being in charge of that prison or other place.

The special procedure.

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10.(1) This rule applies if two people wish to convert their civil partnership into a marriage under the special procedure, which applies where one of the parties is seriously ill and is not expected to recover.

(2) For two people to convert their civil partnership into a marriage in accordance with the special procedure, one of them must–

(a) give the Registrar the details required to complete the conversion declaration;

(b) provide such evidence as the Registrar may require in order to be satisfied–

(i) of the name, address and date of birth of each of the civil partners;

(ii) of the formation of their civil partnership;

(iii) that one of the civil partners–

(aa) is seriously ill and is not expected to recover;

(bb) cannot be moved to the Registry Office; and

(cc) understands the nature and purport of signing the conversion declaration; and

(c) pay to the Registrar the prescribed fee.

(3) The certificate of a registered medical practitioner is sufficient evidence of any or all of the matters referred to in sub-rule (2)(b)(iii).

(4) The Registrar may attend the civil partners at any place at which the seriously ill party referred to in sub-rule (2)(b)(iii) is present in order to convert the civil partnership.

(5) The Registrar may interview each of the persons seeking to convert a civil partnership into a marriage individually.

(6) A conversion in accordance with the special procedure must take place within one month of the day on which the requirements set out in sub-rule (2) are completed.

(7) The fact that the conversion was carried out in accordance with the special procedure must be recorded in the conversion register.

The two stage procedure.

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11.(1) This rule and rule 12 apply if the parties to a civil partnership wish to convert their civil partnership into a marriage at a place previously approved by the Registrar ("approved premises").

(2) For the parties to convert their civil partnership into a marriage in accordance with this rule and rule 12–

(a) they must attend together in person before the Registrar to provide–

(i) the information required by rule 4(2)(a) and (b); and

(ii) confirm the place at which it is proposed that the conversion declaration will be made;

(b) each of the parties must give the Registrar the evidence specified in Schedule 1 relating to his or her name, address and date of birth; and

(c) they must jointly give the Registrar the evidence specified in Schedule 1 relating to the formation of their civil partnership.

Conversion at approved premises.

12.(1) This rule applies if the parties to a civil partnership wish to convert their civil partnership into a marriage at approved premises.

(2) The Registrar must arrange with the parties, on payment by the parties to the Registrar the prescribed fee for a conversion on approved premises, to attend the approved premises to sign the conversion declaration in accordance with rule 4(1).

(3) No religious service may be used at a conversion in accordance with this rule.

Duty to annotate civil partnership records.

13.(1) As soon as practicable after a conversion is registered in accordance with rule 6(1), or the Registrar is notified of a conversion pursuant to any enactment, the Registrar must ensure that any records of the civil partnership held by him are annotated with the date and place of the conversion.

(2) After a conversion is registered in accordance with rule 6(1), or the Registrar is notified of a conversion pursuant to any enactment, the Registrar may not issue any of the certified copies or certified extracts relating to a civil partnership that has been converted into a marriage, unless the copies or extracts include the annotation made under sub-rule (1).

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The conversion register.

14.(1) The Registrar must provide a system for keeping any records that relate to conversions and are required by these Rules to be made ("the conversion register").

(2) That system may, in particular, enable those records to be kept together with other records kept by the Registrar.

Searches of indexes of conversion records kept by the Registrar and issue of copies.

15.(1) The Registrar must cause indexes of all entries in the conversion register to be made and to be kept in the Registry Office.

(2) Any person is entitled to search the indexes of the conversion register at any time when the Registry Office is open for that purpose, and to have a certified copy of any conversion declaration contained in the conversion register, on payment to the Registrar of the prescribed fee.

(3) The Registrar must cause all certified copies given in the Registry Office to be sealed or stamped with the seal of that Office.

(4) Any certified copy stamped with the seal of the Registry Office is to be received in evidence of the marriage to which it relates without any further proof of the entry.

(5) No certified copy purporting to have been given by the Registry Office is to be of any force or effect unless it is sealed or stamped in accordance with sub-rule (3).

(6) For the purposes of discharging the duty in sub-rule (1), and the duty in section 23(3) of the Marriage Act (duty to register in the Marriage Register Book every marriage contracted in his presence and all statements of marriages transmitted to him), the Registrar may keep a joint record of entries in the conversion register and in the Marriage Register Book.

Retention of documents relating to conversions.

16. The Registrar must retain all other information and any medical or supporting statements provided to or obtained by him in connection with a conversion, or proposed conversion, for a minimum period of 5 years.

Duties of the Registrar.

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17.(1) The Registrar must immediately report any offence, or suspected offence to the Royal Gibraltar Police and inform the Minister for personal status in writing, and must retain such documents in his possession relating to the offence as he may require.

(2) Nothing in this rule limits any other power or duty under which offences, or suspected offences, may be reported by the Registrar.

False statements, etc., with reference to conversion of civil partnership.

18.(1) A person commits an offence if–

(a) for the purposes of converting a civil partnership into a marriage, that person–

(i) makes or signs a declaration required under these Rules; or

(ii) gives a declaration so required,

knowing that declaration is false; or

(b) for the purpose of a record being made in the Register relating to the conversion of civil partnerships into marriage, that person

(i) makes a statement as to any information which is required under these Rules; or

(ii) causes such a statement to be made,

knowing that the statement is false.

(2) The provisions contained in the Crimes Act 2011 in relation to false statements under section 463 have effect as if this rule were contained in it.

Correction of errors generally.

19.(1) An error in the conversion register may only be corrected in accordance with these Rules if the entry in the conversion register is complete.

(2) For the purpose of these Rules, an entry in the conversion register is complete when the Registrar has discharged the duty under rule 6(1) (duty to register conversion).

Correction of errors.

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20. Correction of an error in an entry in the conversion register which is complete is to be done in accordance with section 24(1) of the Marriage Act.

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SCHEDULE 1

Rule 7

1. The evidence which must be provided for the purposes of rules 7(2)(c)(i), 8, 9, 10 and 11 (evidence of name, address and date of birth of each of the civil partners) is as follows–

(a) To establish name and date of birth, one or more of the following documents must be provided–

(i) birth certificate (together with another piece of specified evidence to establish current name, if changed since birth);

(ii) valid passport;

(iii) valid EEA identity card;

(iv) valid identity or civilian registration card;

(v) if none of the documents listed in (i) to (iv) are available, such other documents as the Registrar determines it is reasonable to accept in the particular circumstances of the case.

(b) To establish an address, one or more of the following documents must be provided–

(i) valid 6 month permit of residence (if applicable);

(ii) utility bill dated no more than three months before the date on which the conversion declaration is made;

(iii) bank or building society statement dated no more than one month before the date on which the conversion declaration is made;

(iv) a rates bill dated no more than 6 months before the date on which on the conversion declaration is made;

(v) if none of the documents listed in (i) to (iv) are available, such other documents as the Registrar determines it is reasonable to accept in the particular circumstances of the case.

2. The evidence which must be provided for the purposes of rules 7(2)(c)(ii), 8, 9, 10 and 11 to establish the formation of the civil partnership, is a certified copy of the entry in the Register made on the formation of the civil partnership.

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SCHEDULE 2

PURPOSE	FEE (£)	REMARKS
1. Certified copy of any entry in the conversion register	19.00	Rule 6(2)
2. Standard procedure conversion	124.00	Rule 7(2) (d)
3. Procedure for housebound persons	123.00	Rule 8(3)(e)
4. Procedure for detained persons	145.50	Rule 9(3)(e)
5. Special Procedure	18.50	Rule 10(2)(c)
6. Conversion at approved premises: (i) during normal working hours (ii) outside normal working hours	 186.50 309.50	Rule 12(2)
7. General search of indexes of the conversion register	55.00	Rule 15(2)
8. Fee for changing the date of a conversion after it has been scheduled and paid for.	53.00	

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