

A BILL

entitled

CIVIL UNION ACT 2016

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WHEREAS it is expedient to provide for the formalisation and registration of a relationship between same sex adult couples, to be known as a civil union, and to make connected and related provision;

Be it enacted by The Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and the House of Assembly of Bermuda, and by the authority of the same, as follows:

### *Preliminary*

#### Citation

- 1 This Act may be cited as the Civil Union Act 2016.

#### Interpretation

- 2 In this Act—
  - “civil partner” means a party to a civil union;
  - “civil union” means a civil union formalised and registered in accordance with this Act;
  - “civil union celebrant” means a person appointed under section 26 or licensed under section 32 or 33;
  - “Deputy Registrar” means a person appointed under section 29;
  - “General Register of Civil Unions” means the register kept under section 22;

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“licence for civil union” means a licence issued by the Registrar under section 10;

“Minister” means the Minister responsible for the Registrar-General;

“overseas relationship” has the meaning given in section 37 and Schedule 2\*\*\*;

“prescribed” means prescribed by regulations made under this Act;

“prohibited degrees of civil union” has the meaning given in section 7 and Schedule 1;

“Registrar” means the Registrar of Civil Unions who shall be—

- (a) the Registrar-General; or
- (b) such other public officer as may be appointed by the Minister to carry out the functions of the Registrar in relation to this Act;

“special licence” means a special licence issued by the Minister under section 11.

### Overview of civil union

- 3 (1) Two persons may enter into a civil union under this Act if—
- (a) they are of the same sex;
  - (b) they are both over the age of 18 years;
  - (c) neither is currently married, in a civil union or overseas relationship; and
  - (d) they are not within the prohibited degrees of civil union.
- (2) A civil union may be formalised by the Registrar or, if the Registrar has issued a licence or the Minister has issued a special licence, by a civil union celebrant (see sections 14, 15 and 35).
- (3) After a civil union is formalised, it must be registered under section 22.
- (4) The dissolution of a civil union is governed by the Matrimonial Causes Act 1974, as applied by section 40.
- (5) This section is a summary only and subject to the provisions of this Act.

### *Capacity*

#### Civil union for same sex couples only

- 4 A person is prohibited from entering into a civil union with a person of the opposite sex.

#### Age of eligibility

- 5 A person who has not reached the age of 18 years is prohibited from entering into a civil union.

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### Requirement not to be already married or in civil union

- 6 (1) A person who is married is prohibited from entering into a civil union.
- (2) A person who is in a civil union is prohibited from entering into another civil union.
- (3) A person who is in an overseas relationship is prohibited from entering into a civil union.
- (4) Nothing in this section prohibits the parties to an overseas relationship registering it as a civil union in Bermuda in accordance with section 38.

### Prohibited degrees of civil union

- 7 (1) Two people who are within the prohibited degrees of civil union, as set out in Schedule 1, are prohibited from entering into a civil union with each other.
- (2) Subsection (1) is subject to paragraph 4 of Schedule 1.

### *Notice and issue of licence*

### Notice of civil union and statutory declaration

- 8 (1) If two people intend to enter into a civil union, one of them shall appear personally before the Registrar and give notice in the prescribed form of the intended civil union.
- (2) The person giving notice must also make a statutory declaration in the prescribed form before the Registrar declaring that the person believes that—
- (a) the parties are of the same sex;
  - (b) the parties are both over the age of 18 years;
  - (c) neither party is currently married, in a civil union or overseas relationship;
  - (d) the parties are not within the prohibited degrees of civil union or, if they are, a court order has been made under paragraph 4 of Schedule 1 dispensing with the prohibition; and
  - (e) there is no other lawful impediment to the intended civil union; and
  - (f) the particulars in the notice are true.
- (3) If both of the parties to an intended civil union are ordinarily resident outside Bermuda, the requirements of this section are satisfied if—
- (a) one of the parties posts the notice in the prescribed form to the Registrar; and
  - (b) one of the parties, at any time before the licence is issued or (if the Registrar is to formalise the civil union) the civil union is formalised, makes a statutory declaration as to the matters in subsection (2).
- (4) The person giving notice under this section must pay the prescribed notice fee.

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### Registration and publication of notice

9 (1) On receiving notice of the intended civil union, the Registrar shall enter the particulars contained in the notice and the date of the receipt of the notice in a register (the "Civil Union Notice Register"), and shall keep the notice posted in a conspicuous place in the office of the Registrar-General for a period of not less than fourteen days from the date of the receipt thereof.

(2) The Registrar shall also within three days of the receipt of the notice of intended civil union cause a notice in the prescribed form to be published twice in any newspaper published and circulated in Bermuda.

(3) Any expenses incurred by the Registrar in the publication of such a notice of civil union shall be paid to the Registrar by the person who gave the notice.

### Issue of licence to enter into civil union

10 (1) After the posting and publication of the notice of intended civil union as required by section 9, and at any time not later than three months nor earlier than fourteen days after the receipt of the notice of civil union, the Registrar on the application of either of the parties to the intended civil union, shall—

- (a) if no lawful impediment has been shown to his satisfaction why a licence for civil union should not issue; and
- (b) if no caveat has been entered against the issue of a licence or if a caveat so entered has been removed (see sections 17 and 18),

issue to the applicant a licence for civil union in the prescribed form.

(2) The Registrar shall not issue a licence for civil union until the expenses of advertisement have been paid as required by section 9(3).

### Special licence

11 (1) Notwithstanding anything in this Act, the Minister may in the case of any intended civil union dispense with the giving of notice of civil union and with the issue of a licence for civil union by the Registrar, and may grant a special licence in the prescribed form authorising the formalising of the civil union before the Registrar or a civil union celebrant.

(2) An application for a special licence may be made by a party to the intended civil union to the Minister and it shall be submitted to the Registrar together with the affidavit referred to in subsection (5).

(3) The Registrar shall, if satisfied that there is sufficient information for the consideration of the Minister, forward the application and all other relevant documents to the Minister together with his recommendation thereon.

(4) The Minister shall not grant a special licence under this section unless—

- (a) it appears to him that the intended civil union is not prohibited by this Act;

- (b) there are special or exceptional circumstances justifying the grant of a special licence; and
  - (c) an affidavit is produced to him as mentioned in subsection (5).
- (5) One of the parties to the intended civil union shall make an affidavit deposing to the following matters—
- (a) that the parties are of the same sex;
  - (b) that the parties are both over the age of 18 years;
  - (c) that neither party is currently married, in a civil union or overseas relationship;
  - (d) that the parties are not within the prohibited degrees of civil union or, if they are, that a court order has been made under paragraph 4 of Schedule 1 dispensing with the prohibition; and
  - (e) that there is no other lawful impediment to the intended civil union.

**Licence and special licence lapse within three months**

12 Where an intended civil union does not take place within three months after the date of the issue of any licence or special licence relating to the intended civil union, the licence or special licence shall be void, and the civil union shall not be entered into under the authority of that licence or special licence.

**Licence authorises but does not oblige**

13 A licence or special licence authorises, but does not oblige, a civil union celebrant to formalise the civil union to which the licence relates.

*Formalisation of civil union*

**Formalisation by the Registrar**

- 14 (1) The Registrar may formalise a civil union if he is satisfied—
- (a) that the civil union is not prohibited by this Act;
  - (b) that the requirements of this Act have been complied with; and
  - (c) that—
    - (i) no caveat to the civil union has been lodged under section 17; or
    - (ii) if a caveat has been lodged, it has been withdrawn or removed.
- (2) The formalisation shall not take place—
- (a) earlier than fourteen days after the date on which notice of intended civil union was given; or

- (b) more than three months after the date on which notice of the intended civil union was given (or, where a caveat has been lodged, more than three months after the date on which the caveat was withdrawn or removed).
- (3) A civil union shall only be formalised by the Registrar between the hours of—
  - (a) 10am and 4pm on a Monday to Friday (other than a public holiday); or
  - (b) 10am and 12 noon on a Saturday.
- (4) A civil union may only be formalised by the Registrar at the office of the Registrar-General.
- (5) During the formalisation, in the presence of the Registrar and at least two credible witnesses, each party shall make a clear statement that—
  - (a) gives the full names of both parties; and
  - (b) acknowledges that they are freely joining in a civil union with each other and know of no lawful impediment to the civil union.

Formalisation by civil union celebrant

- 15 (1) On the delivery to him of either—
- (a) a valid licence for civil union issued by the Registrar under section 10; or
  - (b) a valid special licence granted by the Minister under section 11,
- a civil union celebrant may formalise a civil union between the parties specified in the licence or special licence.
- (2) The civil union shall be formalised in the presence of two or more credible witnesses in addition to the civil union celebrant.
- (3) A civil union may be formalised in any place in Bermuda, but shall not be formalised in a place to which access is prevented by locked or barred doors or otherwise (see also section 35 in relation to civil unions formalised on Bermuda ships on the high seas).
- (4) During the formalisation, in the presence of the civil union celebrant and at least two credible witnesses, each party shall make a clear statement that—
- (a) gives the full names of both parties; and
  - (b) acknowledges that they are freely joining in a civil union with each other and know of no lawful impediment to the civil union.
- (5) A civil union celebrant shall not formalise a civil union if he knows or has reason to believe that there is any lawful impediment to the civil union.

Civil union in extremis

- 16 (1) Notwithstanding anything in this Act, if the conditions specified in subsection (2) are fulfilled, it shall be lawful to formalise a civil union before a civil union celebrant without giving notice of the intended civil union, or (if notice has been given) without the

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issue of any licence for civil union, or without the grant of a special licence, or after the expiration of three months from the date of the issue of a licence or special licence.

(2) The conditions referred to in subsection (1) are as follows—

- (a) both parties to the intended civil union must be legally competent to enter into the civil union;
- (b) the civil union must be formalised in the presence of two or more credible witnesses in addition to the civil union celebrant, and one of the witnesses must be a medical practitioner;
- (c) each party shall give a clear statement that—
  - (i) gives the full name of each party; and
  - (ii) acknowledges that they are freely joining in a civil union with each other and know of no lawful impediment to the civil union;
- (d) one at least of the parties to the intended civil union must in the opinion of the medical practitioner be in a dying state but able to understand the effect of entering into the civil union.

(3) A civil union formalised under this section shall not operate as a revocation of any will.

### *Caveat*

#### Caveat to intended civil union

17 (1) A person who knows or claims to know of any lawful grounds why a civil union should not take place may enter a caveat against the issue of a licence by the Registrar.

(2) A person shall enter a caveat by notice in writing signed by him, stating his full name, residential address, and the grounds of objection on which he claims the civil union should not take place.

(3) A caveat shall be given to the Registrar, and may be given at any time before the issue of the licence to which it relates.

(4) On receipt of a caveat, the Registrar shall forthwith—

- (a) record in the Civil Union Notice Register the particulars contained in the notice and the date of receipt; and
- (b) refer the caveat to a Judge of the Supreme Court.

#### Powers of Judge regarding caveat

18 Where a caveat has been referred to a Judge, the following provisions shall have effect—

- (a) if the Judge is of opinion that no legal ground has been disclosed in the caveat for preventing the civil union, he may order the caveat to be removed without requiring any of the parties to appear;

- (b) in other cases, the Judge shall cause a summons to be issued to the parties to the intended civil union and the person by whom the caveat has been entered requiring such person to show cause why the licence for civil union should not be issued;
- (c) the Judge may hear and determine every such matter in a summary way and shall either confirm the caveat or order it to be removed;
- (d) if the caveat is removed, the Registrar may issue the licence for civil union and the civil union may proceed as if the caveat had not been entered, but the time that has elapsed between the entry and removal of the caveat shall not be computed in the period of three months specified in section 12;
- (e) if it appears to the Judge that the caveat has been entered on insufficient grounds, the Judge may order the person who entered the caveat to pay compensation and costs to the parties to the intended civil union;
- (f) if the caveat is confirmed, the Registrar shall forthwith inform every civil union celebrant.

*Void and voidable civil unions*

Grounds on which a civil union is void

19 A civil union shall be void on the following grounds only, that is to say, at the time it was entered into—

- (a) the parties were not of the same sex;
- (b) either party was under the age of 18 years;
- (c) either party was already lawfully married, in a civil union or overseas relationship; or
- (d) the parties were within the prohibited degrees of civil union, and no order under section 4 of Schedule 1 had been obtained.

Grounds on which a civil union is voidable

20 A civil union is voidable on the following grounds only, that is to say—

- (a) that either party to the civil union did not validly consent to it, whether in consequence of duress, mistake, unsoundness of mind or otherwise;
- (b) that at the time of the civil union either party, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder within the meaning of the Mental Health Act 1968 of such a kind or to such an extent as to be unfitted for civil union.
- (c) the petitioner was unaware that at the time of the civil union the respondent was suffering from venereal disease in a communicable form; or

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- (d) the petitioner was unaware that at the time of the civil union the respondent was pregnant.

### Effect of defect in formalities or procedures

21 (1) Save as provided in section 20, a defect in compliance with the formalities or procedures required under this Act does not, in itself, render a civil union void.

(2) However, nothing in this section exempts the Registrar, a Deputy Registrar or a civil union celebrant who does anything contrary to the provisions of this Act from any penalty for an offence under this Act.

### *Registration*

#### Registration of civil unions

22 (1) The Registrar shall keep at the office of the Registrar-General the General Register of Civil Unions in which all civil unions in Bermuda shall be recorded as provided by this section.

(2) Immediately after a civil union has been formalised by the Registrar, he shall enter a statement of the civil union in the prescribed form in the General Register of Civil Unions, which shall be signed by—

- (a) the Registrar;
- (b) the parties to the civil union; and
- (c) two credible witnesses of the civil union,

and give a copy to the parties.

(3) Immediately after a civil union has been formalised by a civil union celebrant he shall prepare a statement of the civil union in the prescribed form, which statement shall be signed by—

- (a) the civil union celebrant;
- (b) the parties to the civil union; and
- (c) two credible witnesses of the civil union,

and given to the parties.

(4) The civil union celebrant shall as soon as practicable transmit to the Registrar a duplicate of the statement prepared under subsection (3) similarly signed, and the duplicate statement shall be filed by the Registrar and preserved among the records of the office of the Registrar-General, and the Registrar shall enter a true copy thereof in the General Register of Civil Unions.

(5) In the case of a civil union formalised in extremis under section 16—

- (a) the requirement as to the signing of the statement by the parties to the civil union shall be waived so far as regards any party unable to sign;

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- (b) there shall be endorsed on the statement a certificate in the prescribed form signed by—
  - (i) the Registrar or the civil union celebrant who formalised the civil union;
  - (ii) any party to the civil union able to sign; and
  - (iii) two credible witnesses of the civil union, one of whom shall be the medical practitioner referred to in section 16;
- (c) the Registrar shall insert the words "in extremis" in the entry to be made in the General Register of Civil Unions.

Any person may search register and obtain copies of particulars

23 Any person may, during business hours and on payment of the prescribed fee, search the entries in the General Register of Civil Unions and may have true copies certified under the hand and seal of the Registrar of all particulars recorded in any such entry.

Registrar may require information

- 24 (1) The Registrar may, for the purpose of completing or rectifying the registration of any civil union, require any person—
- (a) who is required by this Act to give any notice or statement relating to the civil union; or
  - (b) who may reasonably be expected to have knowledge of the true facts relating to the civil union,

to make any written declaration or to give any information within his knowledge relating to the civil union, and to attend at the office of the Registrar-General for the purpose of making the declaration or giving the information.

(2) If the Registrar thinks fit he may require any such declaration or information to be made or given on oath.

Alterations and amendments of the register

25 (1) No alteration in the General Register of Civil Unions shall be made except as authorised by this section.

(2) Any clerical error which may from time to time be discovered in the register may be corrected by the Registrar or by any person authorised by him in that behalf; and where any such correction is made a note to that effect shall be inserted in the register and shall be signed by the Registrar.

(3) Any error of fact or substance in the Register may be corrected by the Registrar in cases where he is satisfied as to the truth of the correction.

(4) The correction shall be made by entry in the Register (without any alteration in the original entry) and a note to that effect shall be inserted in the Register and shall be signed by the Registrar.

(5) Where a person applies for the correction of an error of fact or substance, the Registrar, if satisfied as to the truth of the correction, and upon payment of the prescribed fee, may make the correction in the manner set out in subsection (4) upon production to him by the applicant of a sworn declaration in writing setting out—

- (a) the nature of the error; and
- (b) the true facts of the case,

and made and signed by a person required to make any statement under the provisions of this Act relating to the civil union to which the application relates, or by any two credible persons having knowledge of the truth of the case.

*Civil union celebrants*

Appointment of civil union celebrants

26 (1) A person may apply in writing to the Minister to be appointed as a civil union celebrant and shall give his full name, address and date of birth, and such other particulars as may be prescribed.

(2) The Minister may appoint a person as a civil union celebrant if the Minister, after consulting the Registrar, is satisfied—

- (a) that the person is of good character;
- (b) that the person is able to, and will, conscientiously perform the duties of a civil union celebrant under this Act; and
- (c) that the appointment is in the public interest.

(3) The Registrar shall give notice in the Gazette of the name of every person who is appointed as a civil union celebrant.

(4) A person named in a notice given under subsection (3) is entitled to act as a civil union celebrant on and from the date specified in the notice until his appointment ceases under section 27.

Ceasing to be a civil union celebrant

27 (1) A person ceases to be a civil union celebrant—

- (a) in the case of a person who resigns, on the date on which the Registrar receives his written notice of resignation; or
- (b) in the case of a person whose appointment is cancelled by the Registrar under this section, on the date referred to in subsection (5).

(2) The Minister, after consulting the Registrar, may cancel a person's appointment as a civil union celebrant if he is no longer satisfied, with respect to the person, as to the matters set out in section 26(2).

(3) The Minister shall not cancel a person's appointment as a civil union celebrant without first—

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- (a) giving the person notice that he is considering cancelling the appointment;
- (b) giving the person a reasonable opportunity to make submissions on the proposal; and
- (c) considering any submissions made by the person within that time.

(4) The Registrar shall give notice in writing to the person concerned of the Minister's decision to cancel the person's appointment as a civil union celebrant, and also of any decision not to proceed with a proposed cancellation.

(5) If a person's appointment as a civil union celebrant is cancelled, the notice from the Registrar must specify the date on which the cancellation takes effect, which must be a date not sooner than five days after the date on which the notice is sent.

### Publication of list of civil union celebrants

28 (1) The Registrar shall, at least once every year, publish a list in the Gazette of the names of all current civil union celebrants, and this list may be combined with any notice given under section 26(3).

(2) The Registrar may at any time publish in the Gazette a list of the names of persons who have ceased to be civil union celebrants since the latest list under this section was published.

### *Deputy Registrars*

#### Deputy Registrars

29 (1) The Minister may appoint a public officer or a civil union celebrant to be a Deputy Registrar for the purpose of formalising a civil union under section 14.

(2) A Deputy Registrar shall be appointed on such terms and conditions as the Minister may determine and shall act in accordance with the directions of the Registrar.

(3) A person who ceases to be a civil union celebrant under section 27 shall at the same time cease to be a Deputy Registrar.

### *Protection for marriage officers*

#### Provision in respect of marriage officers

30 (1) For the avoidance of doubt, a person granted a licence as a marriage officer under—

- (a) the Marriage Act 1944;
- (b) the Jewish Marriage Act 1946;
- (c) the Baha'i Marriage Act 1970;
- (d) the Muslim Marriage Act 1984; or
- (e) the Maritime Marriage Act 1999,

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is not authorised to celebrate a civil union unless he is also appointed as a civil union celebrant under this Act.

(2) No marriage officer appointed under any of the enactments listed in subsection (1)(a) to (d) shall be compellable to permit the use of any place of worship under his control for the formalisation of a civil union.

### *Maritime civil unions*

Maritime civil unions: interpretation

31 In sections 32 to 36—

“Bermuda ship” has the meaning given in section 2(1) of the Merchant Shipping Act 2002;

“high seas” means all parts of the sea that are not included in the territorial sea or the internal waters of a state or territory;

“master” includes every person (except a pilot) having command or charge of any ship;

“Registrar of Shipping” means the Registrar of Shipping appointed under the Merchant Shipping Act 2002.

Maritime civil unions: civil union celebrants

32 (1) The Minister may grant a licence to the master of a Bermuda ship to be a civil union celebrant for the purposes of this Act.

(2) An application for the grant to a master of a licence to be a civil union celebrant shall be made in writing to the Minister and shall state the full name of the applicant, his address and date of birth, and shall contain such other particulars as may be prescribed.

(3) An application shall be forwarded by the Registrar to the Registrar of Shipping accompanied by a certificate of the applicant's qualifications to be a master of a Bermuda ship and a letter of his appointment to serve on board a Bermuda ship.

(4) The Registrar of Shipping on being satisfied that the application contains sufficient information to enable it to be considered by the Minister, shall forward the application to the Registrar with his recommendation on the application.

(5) Every licence granted by the Minister under this section shall have effect as from such date and shall be valid for such period as may be specified in the licence, and may, by the terms of the licence, limit to any particular ship or ships the functions of the master so licensed.

(6) A licence granted by the Minister under this section shall be in the prescribed form.

(7) The Registrar shall give notice in the Gazette as soon as practicable after the grant of a licence under this section.

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(8) The Minister may at any time and without assigning any reason revoke a licence granted by him under this section.

(9) A civil union celebrant may at any time by notice in writing to the Minister surrender his licence.

(10) The Registrar shall give notice in the Gazette of every revocation of a licence under subsection (8) or surrender of licence under subsection (9).

### Maritime civil unions: provisional civil union celebrants

33 (1) The Minister may grant a licence to a person who is the second in command to the master of a Bermuda ship to be a provisional civil union celebrant for the purposes of this Act.

(2) The making of an application for a licence under subsection (1) and the way the application is dealt with shall be the same as an application for a licence under section 32(2) to (4).

(3) Section 32(5) to (10) shall apply, with necessary modifications, to a licence granted under subsection (1).

(4) Notwithstanding subsections (2) and (3), a licence granted under subsection (1) shall be granted subject to the condition that the licensee shall formalise a civil union ceremony only if he is at the time scheduled for the civil union, the master of a ship.

### Maritime civil unions: register of civil union celebrants

34 The Registrar shall keep affixed in a conspicuous place in the office of the Registrar-General a list showing the names of all civil union celebrants licensed under section 32 and the names of the ships on which they are serving.

### Maritime civil unions: general provisions

35 (1) Subject to the requirements of this Act relating to notice of civil union and the issue of a licence for civil union, a civil union may be formalised before a civil union celebrant on the high seas under the authority of a licence for civil union.

(2) A civil union may be formalised before a civil union celebrant on the high seas without notice of civil union or the issue of any licence for civil union under the authority of a special licence.

(3) A civil union in extremis may be formalised on the high seas by a civil union celebrant in accordance with section 16.

(4) A civil union formalised in the manner provided in this Act on board Bermuda ships on the high seas before a civil union celebrant shall be as valid in law as if it had been formalised in Bermuda.

(5) In this section, "civil union celebrant" means one granted a licence under section 32.

Maritime civil unions: notices and register

36 (1) The Registrar shall indicate on any notice published in relation to a maritime civil union that it relates to a maritime civil union.

(2) The General Register of Civil Unions shall contain a separate part for the registration of maritime civil unions.

*Registration of overseas relationships*

Overseas relationships which may be registered in Bermuda as civil union

37 (1) Section 38 applies where two persons of the same sex have entered into a civil union, civil partnership, marriage or similar relationship in an overseas jurisdiction (an “overseas relationship”) which is—

- (a) valid according to the laws of that jurisdiction; and
- (b) listed in Schedule 2.

(2) The Minister may by order amend Schedule 2.

(3) No order shall be made under subsection (2) to add an overseas relationship to the list in Schedule 2 unless the Minister is satisfied that it is established or recognised under the law of another jurisdiction, and that the law of that jurisdiction—

- (a) does not permit or recognise the relationship if the parties are related as—
  - (i) parent and child;
  - (ii) siblings or half-siblings; or
  - (iii) grandparent and grandchild;
- (b) requires that the parties explicitly consent to entering into the relationship;
- (c) provides that the relationship ends only on the death of a party or by a judicial or other process that would be recognised under the law of Bermuda as a dissolution; and
- (d) requires that, during the relationship, the parties may not enter into another similar relationship or marry anyone else.

(4) If an overseas relationship is removed from Schedule 2 by order under subsection (2), that shall not, of itself, affect the validity of the registration of the relationship as a civil union in Bermuda under section 38 before the date on which the order takes effect.

Registration of overseas relationship as civil union

38 (1) The parties to an overseas relationship falling within section 37(1) may submit a request to the Registrar for registration of the relationship as a civil union in Bermuda, provided they are both over the age of 18 years.

(2) A request shall be accompanied by evidence of the validity of the relationship under the law of the relevant overseas jurisdiction, and the prescribed fee.

(3) The Registrar may require such additional information as he sees fit, and may refuse to take any further action upon the request until he receives the additional information.

(4) If the Registrar is satisfied that the overseas relationship falls within section 37(1), he shall enter in the General Register of Civil Unions a statement of civil union in the prescribed form, signed by the Registrar and by both parties to the overseas relationship.

(5) The Registrar shall supply to the parties a certificate containing the particulars set out in the statement of civil union.

(6) The date on which the parties are to be treated as having formed a civil union in Bermuda is the date on which the certificate is issued under subsection (5).

(7) The Minister may by regulations make such further provision as he considers necessary or expedient with respect to the registration of an overseas relationship as a civil union in Bermuda.

*Breakdown, dissolution and financial relief*

Application of Matrimonial Proceedings (Magistrates' Courts) Act and Rules 1974

39 (1) The Matrimonial Proceedings (Magistrates' Courts) Act 1974 ("the Act") and the Magistrates' Courts (Matrimonial Proceedings) Rules 1974 ("the Rules") apply to proceedings brought in respect of a civil union as they apply in respect of matrimonial proceedings, with the necessary modifications; and in their application the Act and Rules shall, in particular, be read as if the following adaptations were made.

(2) The words "marriage" and "matrimonial" shall in each place be read as "civil union".

(3) In section 2(1) of the Act, the words "A married woman or a married man" shall be read as "A civil partner".

(4) Section 3(1) of the Act shall be read as if—

- (a) in paragraph (b), the words "the husband shall pay to the wife" were "one civil partner shall pay to the other"; and
- (b) paragraph (c) were omitted.

(5) Section 9A of the Act shall be read as if—

- (a) the following were substituted for subsection (7)—

"(7) This section and section 9B shall apply to two persons of the same sex who are living with each other in the same household as civil partners and to former civil partners as it applies to the parties to a civil union.";

- (b) in subsection (8)—

- (i) the following were substituted for paragraph (b)—

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“(b) two persons of the same sex live with each other as civil partners in the same household;” and

(ii) the word “spouses” (in both places) were “civil partners”.

(6) The Forms in the Schedule to the Rules shall be modified accordingly.

Application of Matrimonial Causes Act, Rules and Order 1974

40 (1) The Matrimonial Causes Act 1974 (“the Act”), the Matrimonial Causes Rules 1974 (“the Rules”) and the Matrimonial Causes (Decree Absolute) Order 1974 apply to proceedings brought in respect of a civil union as they apply in respect of matrimonial proceedings, with the necessary modifications; and in their application the Act and Rules shall, in particular, be read as if the following adaptations were made.

(2) The words and expressions listed in the first column of the table shall in each place be read as the corresponding word or expression in the second column—

adultery	having sexual relations with another person
divorce	dissolution
husband	civil partner
husband and wife	the parties to a civil union
marriage	civil union
married person	party to a civil union
matrimonial	civil union
remarriage	entering into a subsequent civil union or marriage
spouse	civil partner
wife	civil partner

(3) The Act shall be read as if the following provisions were omitted: sections 2(8), 3, 15, 16, 18(2), 22(1), 49(1) and (3).

(4) Section 31 of the Act shall be read as if the following were substituted for subsection (1)—

“(1) Either party to a civil union may apply to the court for an order under this section on the ground that the other party to the civil union (in this section referred to as the respondent) has wilfully neglected—

(a) to provide reasonable maintenance for the applicant; or

(b) to provide, or to make a proper contribution towards, reasonable maintenance for any child of the family to whom this section applies.”

(5) The Rules shall be read as if the following provisions were omitted: rules 9(3), 30, 31, 33(1)(f) and 36.

(6) The Forms in the Appendix to the Rules shall be modified accordingly.

*Offences in connection with civil unions*

Offences

- 41 (1) A person commits an offence if he—
- (a) knowingly and wilfully formalises a civil union without being the Registrar, a Deputy Registrar or a civil union celebrant;
  - (b) being the Registrar, a Deputy Registrar or a civil union celebrant, formalises a civil union knowing that the civil union is void on any ground, or knowing that it is an irregular civil union (see subsection (6)), or accepts or publishes a notice, or issues a licence, in respect of any intended civil union knowing that the civil union would be void or irregular;
  - (c) is a party to a civil union, knowing that the civil union is void on any ground and that the other party believes it to be valid;
  - (d) personates any other person in a civil union or enters into a civil union under a false name or description, with intent to deceive the other party to the civil union;
  - (e) in any declaration, notice, statement, certificate, entry, licence or document required by any of the provisions of this Act to be made, given or issued for the purposes of a civil union, declares, states, certifies or enters any material matter or thing which he knows to be false; or
  - (f) attempts or aids or abets the commission of an offence under any of the preceding paragraphs,

and is liable on conviction on indictment to a term of imprisonment of four years.

(2) Without prejudice to the effect of subsection (1)(c) or (d), a person commits an offence if he—

- (a) is a party to a civil union knowing that it is void on any ground or knowing that it is an irregular civil union (see subsection (6));
- (b) enters into a civil union under a false name or description; or
- (c) attempts or aids or abets the commission of an offence under either of the preceding paragraphs,

and is liable on conviction on indictment to a term of imprisonment of two years, or a fine of \$16,800 or both.

(3) Without prejudice to the effect of subsection (1)(e), a person commits an offence if, in any declaration, notice, statement, certificate, entry, licence or document required by any of the provisions of this Act to be made, given or issued for the purposes of a civil union, he declares, states, certifies or enters any material matter or thing which is false, and is liable on conviction on indictment to a term of imprisonment of one year, or a fine \$8,400 or both.

(4) A person commits an offence if he attempts to prevent a civil union by pretending that there is any legal impediment to the civil union knowing that the pretence is false, or having no reason to believe that it is true, and is liable on conviction on indictment to a term of imprisonment of two years, or a fine \$16,800 or both.

(5) Any civil union celebrant who, without reasonable cause or excuse, fails within seven days after the formalisation of any civil union to transmit to the Registrar a duplicate statement in accordance with section 22 commits an offence against this Act, and is liable on summary conviction to a fine of \$2,000.

(6) For the purpose of this section, “irregular civil union” means a civil union (other than a void civil union or a civil union in extremis) formalised—

- (a) without any notice given of the civil union as required by this Act;
- (b) without the authority, as the case may be,—
  - (i) of a civil union licence issued by the Registrar under by section 10; or
  - (ii) of a special licence granted by the Minister under section 11;
- (c) after the expiration of three months from the date of the issue of a civil union licence or from the date of the grant of a special licence; or
- (d) before the removal of a caveat entered against the issue of a licence.

(7) A prosecution under this section shall not be instituted without the written consent of the Director of Public Prosecutions.

#### Extension of bigamy to include civil unions

42 Section 201 of Criminal Code Act 1907 (bigamy) is repealed and replaced as follows—

#### “Bigamy

- 201 (1) Any person who is married or in a civil union and who purports to—
- (a) marry any other person during the life of his spouse or civil partner;
  - (b) marry any person whom he knows to be married or in a civil union;
  - (c) enter into a civil union with any other person during the life of his spouse or civil partner;
  - (d) enter into a civil union with any person whom he knows to be married or in a civil union;

is liable on conviction by a court of summary jurisdiction to imprisonment for twelve months and on conviction on indictment to imprisonment for two years.

- (2) This section does not extend—

- (a) to any person whose marriage or civil union with such husband, wife or civil partner has been dissolved or declared void by a court of competent jurisdiction;
- (b) to any person who contracts a marriage or enters into a civil union during the life of a former husband, wife or civil partner, if such husband, wife or civil partner, at the time of the subsequent marriage or civil union, has been absent from such person for the period of seven years, and has not been heard of by such person as being alive within that time.

(3) In this section, “civil partner” and “civil union” have the meanings given in the Civil Union Act 2016.

(4) This section applies to a person in an overseas relationship listed in Schedule 2 to the Civil Union Act 2016 as it applies to a person in a civil union.”

*Miscellaneous*

Evidence of civil union by means of Register

43 Every entry in the General Register of Civil Unions kept by the Registrar under this Act, and every copy of any such entry purporting to be certified as a true copy under the hand and seal of the Registrar, shall be received in all courts and in all proceedings whatsoever as evidence of the civil union to which the entry relates.

Information may be recorded in electronic form

44 The information contained in any register, book or other document required to be kept by the Registrar under this Act may be recorded and kept by him in electronic form or such other form as he thinks fit, provided that it is possible to inspect the information and to produce a copy of it in legible form.

Use of foreign language

45 Where any party to a civil union is not conversant with the English language, then the statements and declarations required by this Act to be used in the formalisation of the civil union shall, so far as they affect or are to be used by that party, be made in the language which that party commonly uses.

Annual report

46 The Registrar shall within ninety days after the expiration of every calendar year, compile for publication in such form and manner as the Minister may approve, a summary of the civil unions registered under this Act during that year.

Fees

47 The Government Fees Regulations 1976 are amended by inserting the following Head after Head 14—

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Head 14A		
Civil Union Act 2016		
(1)	Entering a notice of—	
	(a) an intended civil union under section 8	\$112
	(b) a caveat under section 17	\$58
(2)	Issuing a licence for civil union under section 10	\$58
(3)	Applying for a special licence under section 11	\$30
(4)	Issuing a special licence under section 11	\$678
(5)	Formalising a civil union before the Registrar under section 14	\$245
(6)	Copying an entry in the General Register of Civil Unions under section 23	\$35
(7)	Providing express service (within 2 days) on request in connection with paragraph (6) (fee is refundable if deadline not met)	\$24
(8)	Searching the General Register of Civil Unions under section 23	\$24
(9)	Correcting an entry in the General Register of Civil Unions under section 25	\$40
(10)	Applying for a civil union celebrant licence under section 32 (maritime civil unions)	\$100
(11)	Registration of overseas relationship as civil union under section 38	\$250

”

*Application of Human Rights Act 1981*

Application of Human Rights Act 1981

48 (1) The following provisions have effect notwithstanding anything to the contrary in the Human Rights Act 1981—

- (a) section 4 (civil unions are for same sex couples only);
- (b) section 5 (persons must be 18 years of age to enter into a civil union);
- (c) section 30(2) (no marriage officer shall be compellable to permit the use of any place of worship under his control for the formalisation of a civil union);
- (d) section 38 (registration of overseas relationship as civil union in Bermuda);
- (e) Schedule 3 (certain enactments not to be read as if modified in the case of civil unions).

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(2) Section 15(c) of the Matrimonial Causes Act 1974 (which provides that a marriage is void unless the parties are male and female) has effect notwithstanding anything to the contrary in the Human Rights Act 1981.

(3) In the Human Rights Act 1981—

- (a) in section 2(2)(a)(iii), after “marital status” insert “or civil union status”; and
- (b) after “marital status” in each other place where those words occur, insert “or civil union status”.

### *Consequential and related amendments*

Reference to civil union in any other enactment

49 In any other enactment, unless the context otherwise requires, a reference to a civil union refers to—

- (a) a civil union entered into and registered under and in accordance with this Act; and
- (b) an overseas relationship falling within section 37(1) which is registered as a civil union under and in accordance with section 38,

and “civil partner” shall be construed accordingly.

Application by reference of enactments relating to marriage etc

50 (1) In any enactment, whether passed before or after the commencement of this Act, the words and expressions listed in the first column of the table shall, in the case of a person in a civil union, in each place be read as the corresponding word or expression in the second column unless—

- (a) the context otherwise requires;
- (b) the enactment is specifically amended by or under this Act;
- (c) the enactment contains an express provision to the contrary; or
- (d) the enactment is listed in Schedule 3.

adultery	having sexual relations with another person
conjugal	pertaining to civil union
dissolution (of marriage)	dissolution (of civil union)
divorce	dissolution
divorced	former civil partner where civil union dissolved
former spouse	former civil partner where civil union dissolved or annulled
husband	civil partner
husband and wife	the parties to a civil union
marital	pertaining to civil union
marriage	civil union

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married	party to a civil union
marry	enter into civil union
matrimonial	civil union
next of kin	includes civil partner
relative	includes civil partner
remarriage	entering into a subsequent civil union or marriage
remarry	entering into a subsequent civil union or marriage
separated (of spouses)	separated (of civil partners)
spouse	civil partner
widow or widower	surviving civil partner
wife	civil partner

(2) The Minister may by order amend the table and the list of enactments in Schedule 3.

### Consequential and related amendments

51 (1) Schedule 4, which makes consequential and related amendments, shall have effect.

(2) The Minister may, by regulations, make such further consequential and related amendments to other enactments as the Minister considers necessary to give effect to this Act.

### *Final provisions*

#### Regulations and orders

52 (1) The Minister may make regulations for the purpose of prescribing forms, and generally for the purpose of giving effect to this Act.

(2) Regulations and orders made under this Act are subject to the negative resolution procedure.

#### Crown binding

53 This Act binds the Crown.

#### Commencement

54 This Act comes into operation on such day as the Minister may appoint by notice published in the Gazette.

SCHEDULE 1

(Section 7)

PROHIBITED DEGREES OF CIVIL UNION

1 A person may not enter into a civil union with his—

- (a) grandparent;
- (b) parent;
- (c) child;
- (d) grandchild;
- (e) sibling;
- (f) parent's sibling;
- (g) sibling's child;
- (h) grandparent's former spouse or civil partner;
- (i) parent's former spouse or civil partner;
- (j) spouse's or civil partner's parent;
- (k) spouse's or civil partner's grandparent;
- (l) spouse's or civil partner's child;
- (m) child's former spouse or civil partner;
- (n) grandchild's former spouse or civil partner;
- (o) spouse's or civil partner's grandchild.

2 The prohibited degrees of civil union apply whether the relationships described in paragraph 1 are by the whole blood or by the half blood.

3 In this Schedule, spouse and civil partner includes a former spouse or former civil partner, whether alive or deceased, and whether the marriage or civil union was terminated by death, dissolution, or otherwise.

4 (1) Two people who are within the prohibited degrees of affinity, but who are not within the prohibited degrees of consanguinity, may apply to a Judge of the Supreme Court for an order under this paragraph.

(2) On an application under subparagraph (1), the Court may make an order disapplying section 7(1) as it applies to the applicants.

(3) The Registrar of the Court shall send a copy of the order to the Registrar.

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5 The Minister may, by order, amend this Schedule and make such transitional or further provision as he considers necessary in consequence.

## SCHEDULE 2

(Section 37)

## OVERSEAS RELATIONSHIPS

*List of overseas relationships for purposes of section 37*

1

Country or territory	Description
Andorra	unión estable de parella or union civil
Argentina	marriage
Argentina: Autonomous City of Buenos Aires	unión civil
Australia: Australian Capital Territory	civil partnership
Australia: New South Wales	registered relationship registered
Australia: Queensland	civil partnership
Australia: Tasmania	significant relationship
Australia: Victoria	registered domestic relationship
Austria	eingetragene Partnerschaft
Belgium	cohabitation légale, wettelijke samenwoning or gesetzliches zusammenwohnen
Belgium	marriage
Brazil	marriage
Brazil	união estável or casamento civil homoafetivo
Canada	marriage
Canada: Manitoba	common-law relationship or union de fait
Canada: Nova Scotia	domestic partnership
Canada: Quebec	union civile or civil union
Colombia	unión marital de hecho
Czech Republic	registrované partnersví
Denmark	marriage
Denmark	registreret partnerskab
Ecuador	unión civil
Finland	rekisteröity parisuhde or registrerad partnerskap
France	pacte civil de solidarité
Germany	eingetragene lebenspartnerschaft
Gibraltar	civil partnership

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Country or territory	Description
Greenland	nalunaarsukkamik inooqatiginneq or registreret partnerskab
Hungary	bejegyzett élettársi kapcsolat
Iceland	marriage
Iceland	staðfesta samvist
Ireland	marriage
Ireland	civil partnership
Isle of Man	civil partnership
Jersey	civil partnership
Liechtenstein	eingetragene partnerschaft
Luxembourg	partenariat légal or eingetragene partnerschaft
Mexico: Coahuila	pacto civil de solidaridad
Mexico: Mexico City Federal District	marriage
Mexico: Mexico City Federal District	sociedad de convivencia
Netherlands	geregistreerd partnerschap
Netherlands	marriage
New Zealand	civil union
Norway	marriage
Norway	registrert partnerskap
Portugal	marriage or união de facto
Slovenia	zakon o registraciji istospolne partnerske skupnosti
South Africa	marriage
South Africa	civil partnership
Spain	marriage or pareja de hecho
Sweden	marriage
Switzerland	eingetragene partnerschaft, partenariat enregistré or unione domestica registrata
United Kingdom: England & Wales	marriage
United Kingdom: England & Wales	civil partnership
United Kingdom: Northern Ireland	civil partnership
United Kingdom: Scotland	marriage
United Kingdom: Scotland	civil partnership

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Country or territory	Description
United States of America (including the unincorporated territories of Guam, the Northern Mariana Islands, Puerto Rico and the United States Virgin Islands)	marriage
United States of America: California	domestic partnership
United States of America: Colorado	the relationship between designated beneficiaries
United States of America: Connecticut	civil union
United States of America: Delaware	civil union
United States of America: Hawaii	civil union
United States of America: Hawaii	reciprocal beneficiary relationship
United States of America: Illinois	civil union
United States of America: Maine	domestic partnership
United States of America: Nevada	domestic partnership
United States of America: New Jersey	civil union
United States of America: New Jersey	domestic partnership
United States of America: Oregon	domestic partnership
United States of America: Rhode Island	civil union
United States of America: Vermont	civil union
United States of America: Washington	state registered domestic partnership
United States of America: Wisconsin	domestic partnership
Uruguay	unión concubinaria

SCHEDULE 3

(Section 50)

ENACTMENTS TO WHICH SECTION 50 DOES NOT APPLY

Application by reference of certain enactments relating to marriage not affected by section 50

1 Section 50 does not apply to the following enactments—

- (a) sections 15 and 52 of the Evidence Act 1905;
- (b) Married Women's Conveyancing Act 1923;
- (c) Marriage Act 1944;
- (d) Jewish Marriage Act 1946;
- (e) Baha'i Marriage Act 1970;
- (f) Matrimonial Causes Act 1974 and Matrimonial Causes Rules 1974;
- (g) Matrimonial Proceedings (Magistrates' Courts) Act 1974 and Magistrates' Courts (Matrimonial Proceedings) Rules 1974;
- (h) sections 2, 3, 4, 10 and 11 of the Law Reform (Husband and Wife) Act 1977;
- (i) Recognition of Divorces and Legal Separations Act 1977;
- (j) Muslim Marriage Act 1984;
- (k) Maritime Marriage Act 1999.

SCHEDULE 4

(Section 51)

CONSEQUENTIAL AND RELATED AMENDMENTS

Marriage Act 1944

1 In section 21 of the Marriage Act 1944, after subsection (3) insert—

“(4) For the avoidance of doubt, a certificate for marriage lawfully issued in any part of the United Kingdom shall not have effect as a licence for civil union, or special licence, as required by the Civil Union Act 2016.”

Interpretation Act 1951

2 After section 7 of the Interpretation Act 1951 insert—

“Civil unions and civil partners

7A (1) In every Act and every statutory instrument—

(a) “civil union” means—

(i) a civil union entered into and registered under and in accordance with the Civil Union Act 2016; and

(ii) an overseas relationship that is entered into overseas between two persons of the same sex who are at least 18 years old which is registered as a civil union under and in accordance with section 38 of that Act;

(b) “civil partner” means a party to a civil union.

(2) Section 50 of the Civil Unions Act 2016 provides that certain words and expressions pertaining to marriage shall, in the case of a person in a civil union, be read as the specified corresponding word or expression relating to civil union, subject to certain exceptions.”

Matrimonial Causes Act 1974

3 (1) Delete section 1(3) of the Matrimonial Causes Act 1974 and substitute—

“(3) References in this Act to remarriage include references to—

(a) a marriage which is by law void or voidable; and

(b) entering into a civil union, including a civil union which is by law void or voidable.”

(2) In section 15(b) of that Act, after “married” insert “or in a civil union or overseas relationship (as defined in the Civil Union Act 2016)”.

(3) The provisions of section 15 of that Act become subsection (1) of that section and after that subsection insert—

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“(2) Subsection (1)(c) has effect notwithstanding anything to the contrary in the Human Rights Act 1981.”

## CIVIL UNION BILL 2016

### EXPLANATORY MEMORANDUM

This Bill seeks to make provision for the formalisation and registration of a relationship between same sex adult couples, to be known as a “civil union”.

Clause 1 is self-explanatory.

Clause 2 provides definitions for the purposes of the Bill.

Clause 3 gives an overview of civil unions.

Clause 4 prohibits a person from entering into a civil union with a person of the opposite sex.

Clause 5 prohibits a person under the age of 18 years from entering into a civil union.

Clause 6 prohibits a person from entering into a civil union if already married or in a civil union or overseas relationship.

Clause 7 prohibits two people from entering into a civil union if they are within the prohibited degrees of civil union as set out in Schedule 1.

Clause 8 requires a party to an intended civil union to give notice to the Registrar.

Clause 9 sets out the process for registration and publication of the notice by the Registrar.

Clause 10 provides for the Registrar to issue a licence to enter into a civil union.

Clause 11 provides for the Minister to issue a special licence to enter into a civil union in special or exceptional circumstances.

Clause 12 provides that a licence or special licence lapses after three months.

Clause 13 clarifies that a licence authorises, but does not oblige, a civil union celebrant to formalise the civil union.

Clause 14 sets out the procedure for formalisation of a civil union by the Registrar.

Clause 15 sets out the procedure for formalisation of a civil union by a civil union celebrant.

Clause 16 allows for civil union without notice or licence in circumstances where one party is dying.

Clause 17 provides for the lodging of a caveat with the Registrar by a person on the grounds that a licence should not be issued for the civil union, and requires the Registrar to submit the caveat to a judge.

Clause 18 sets out the powers of the judge in relation to a caveat.

Clause 19 provides that a civil union is void in certain circumstances.

Clause 20 provides that a civil union is voidable in certain circumstances.

Clause 21 clarifies that a defect in compliance with formalities and procedures does not, of itself, render a civil union void.

Clause 22 sets out the procedure for the registration of civil unions in the General Register of Civil Unions.

Clause 23 allows a person to search the register on payment of the prescribed fee.

Clause 24 empowers the Registrar to require a declaration or information from a person, including on oath, for the purpose of completing or rectifying the register.

Clause 25 sets out the circumstances in which the register can be amended and the process for making corrections.

Clause 26 allows a person to apply to the Minister for appointment as a civil union celebrant.

Clause 27 sets out the circumstances in which a person ceases to be a civil union celebrant.

Clause 28 requires the Registrar to publish a list in the Gazette of civil union celebrants at least once a year.

Clause 29 provides for the Minister to appoint a public officer or a civil union celebrant as a Deputy Registrar for the purpose of formalising a civil union under clause 14 in place of the Registrar.

Clause 30 gives statutory protection to a marriage officer by clarifying that he is not authorised to celebrate a civil union unless also appointed as a civil union celebrant, and providing that he is not compellable to permit the use of a place of worship under his control for the formalisation of a civil union.

Clauses 31 to 36 make special additional provision in relation to maritime civil unions celebrated on the high seas on Bermuda registered ships. Clause 31 sets out some definitions.

Clause 32 allows the master of a ship to apply to the Minister to be licensed as a civil union celebrant.

Clause 33 allows the second-in-command to the master of a ship to apply to the Minister to be licensed as a provisional civil union celebrant.

Clause 34 requires the Registrar to post a notice of all maritime civil union celebrants.

Clause 35 sets out some general provisions in relation to maritime civil unions.

Clause 36 requires the Registrar to indicate on a notice if it relates to a maritime civil union, and provides for the register to contain a separate part for maritime civil unions.

Clause 37 specifies certain overseas relationships for the purposes of clause 38. The jurisdictions and relationships are listed in Schedule 2, which the Minister can amend by order.

Clause 38 provides that the parties to an overseas relationship falling within clause 37 may submit a request to the Registrar for registration of their relationship as a civil union in Bermuda, with effect from the date of registration.

Clause 39 applies the Matrimonial Proceedings (Magistrates' Courts) Act 1974 and the Magistrates' Courts (Matrimonial Proceedings) Rules 1974 to proceedings brought in respect of a civil union with the necessary modifications, and with certain specified amendments by reference.

Clause 40 applies the Matrimonial Causes Act 1974, the Matrimonial Causes Rules 1974 and the Matrimonial Causes (Decree Absolute) General Order 1974 to proceedings brought in respect of a civil union with the necessary modifications, and with certain specified amendments by reference.

Clause 41 creates offences in relation to civil unions.

Clause 42 repeals and replaces section 201 of the Criminal Code Act 1907 to extend the offence of bigamy to a person who purports to marry or enter into a civil union when already married or in a civil union or overseas relationship.

Clause 43 provides that a certified copy of an entry in the register is to be received in all courts as evidence of the civil union.

Clause 44 allows information in the register etc to be recorded in electronic form.

Clause 45 provides for the use of a foreign language if a person is not familiar with English.

Clause 46 requires the Registrar to issue an annual report.

Clause 47 inserts new Head 14A into the Government Fees Regulations 1976 specifying fees for the purposes of this Bill.

Clause 48 provides that clauses 4, 5, 30(2) and 38 and Schedule 3 have effect notwithstanding the Human Rights Act 1981. It also provides that section 15(c) of the Matrimonial Causes Act 1974 (marriage void unless parties are male and female) has effect notwithstanding the Human Rights Act 1981. The Human Rights Act 1981 is amended to add a reference to civil union status as a protected ground, and also in each place where there is a reference to marital status.

Clause 49 has effect with respect to references to civil unions in other legislation.

Clause 50 provides that specified words or phrases relating to marriage in other legislation shall, in the case of a person in a civil union, be read as a reference to the corresponding word or phrase relating to civil union as set out in the table, unless the context otherwise requires, the enactment is specifically amended by this Bill or contains an express provision to the contrary, or it is listed in Schedule 3. A reference to this provision is inserted into the Interpretation Act 1951 by Schedule 4.

Clause 51 introduces Schedule 4 which makes consequential and related amendments, and empowers the Minister to make further amendments to other legislation by regulation to give effect to this Act.

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Clause 52 empowers the Minister to make regulations, subject to the negative resolution procedure, to prescribe forms and generally for the purpose of giving effect to the Bill.

Clause 53 provides that the Bill binds the Crown.

Clause 54 provides for commencement by notice.