

# **Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill**

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## EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Home Office with the consent of Tim Loughton, are published separately as Bill 11-EN.

# Civil Partnerships, Marriages and Deaths (Registration Etc.) Bill

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TO

Provide that opposite sex couples may enter a civil partnership; to make provision about the registration of the names of the mother of each party to a marriage or civil partnership; to make provision about the registration of stillborn deaths; to give coroners the power to investigate stillborn deaths; and for connected purposes.

**B**E IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

**1 Registration of marriages and civil partnerships**

The Secretary of State must review the system of registration of marriages and civil partnerships with a view to ascertaining which changes would (whether alone or as part of wider changes) enable the provision of details relating to both parents of a party to a marriage or civil partnership in any place where details relating to only one parent are currently provided.

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**2 Reform of civil partnership**

(1) The Secretary of State must make arrangements for the preparation of a report assessing how the law ought to be changed to bring about equality between same-sex couples and other couples in terms of their future ability or otherwise to form civil partnerships.

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(2) The Secretary of State must publish the report prepared under this section.

(3) *After the report has been published, the Secretary of State may make regulations to change the law relating to civil partnership to bring about such equality.*

(4) Regulations under this section—

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(a) make different provision for different purposes;

(b) make incidental, consequential or supplemental provision (including provision amending provision made by or under an Act, whenever passed or made);

(c) make transitional or transitory provision or savings.

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- (5) Regulations under this section are to be made by statutory instrument.
- (6) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.

### **3 Report on registration of pregnancy loss** 5

- (1) The Secretary of State must make arrangements for the preparation of a report on whether, and if so how, the law ought to be changed to require or permit the registration of pregnancy losses which cannot be registered as still-births under the Births and Deaths Registration Act 1953.
- (2) For the purposes of this section, a pregnancy loss occurs when a person's pregnancy ends and, after being parted from the person, the foetus does not breathe or show any other sign of life. 10
- (3) In the case of a multiple pregnancy, subsection (2) applies as if there were a separate pregnancy in respect of each foetus.
- (4) The Secretary of State must publish the report prepared under this section. 15

### **4 Coroners' investigations into still-births**

- (1) The Secretary of State must make arrangements for the preparation of a report on whether, and if so how, the law ought to be changed to enable or require coroners to investigate still-births.
- (2) For the purposes of this section, "still-births" is to be read in accordance with section 41 of the Births and Deaths Registration Act 1953. 20
- (3) The Secretary of State must publish the report prepared under this section.
- (4) *After the report has been published, the Lord Chancellor may make regulations ("investigation regulations") in accordance with the following provisions of this section.* 25
- (5) Investigation regulations may amend Part 1 of the Coroners and Justice Act 2009 (coroners etc) to –
  - (a) enable or require coroners to conduct investigations into still-births (whether by treating still-births as deaths or otherwise);
  - (b) specify the circumstances in which those investigations are to take place (including by limiting the duty or power to investigate to certain descriptions of still-birth); 30
  - (c) provide for the purposes of those investigations;
  - (d) make provision equivalent or similar to provision in that Part relating to investigations into deaths. 35
- (6) Investigation regulations may –
  - (a) make different provision for different purposes;
  - (b) make provision subject to exceptions;
  - (c) make incidental, consequential or supplemental provision (including provision amending provision made by or under an Act, whenever passed or made); 40
  - (d) make transitional or transitory provision or savings.
- (7) Investigation regulations may not –

- (a) create any offence, or
- (b) confer any power to make provision of a legislative character, other than by applying (with necessary modifications), or making equivalent or similar provision to, provision already contained in Part 1 of the Coroners and Justice Act 2009.

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- (8) Investigation regulations are to be made by statutory instrument.
- (9) A statutory instrument containing investigation regulations may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (10) No investigation regulations may be made after the period of five years beginning with the day on which the report is published under subsection (3).

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**5 Extent, commencement and short title**

- (1) This Act extends to England and Wales.
- (2) This Act comes into force on such day as the Secretary of State may by regulations made by statutory instrument appoint.
- (3) Different days may be appointed for different purposes.
- (4) This Act may be cited as the Civil Partnerships, Marriages and Deaths (Registration Etc.) Act 2018.

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## B I L L

To provide that opposite sex couples may enter a civil partnership; to make provision about the registration of the names of the mother of each party to a marriage or civil partnership; to make provision about the registration of stillborn deaths; to give coroners the power to investigate stillborn deaths; and for connected purposes.

*Presented by Tim Loughton  
supported by Mr Graham Brady,  
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