

CIVIL PARTNERSHIPS A STEP IN THE RIGHT DIRECTION?



As you may have recently read, Rebecca Steinfeld and Charles Keidan were successful in their recent Supreme Court case in their campaign for civil partnerships to be open to heterosexual couples. In some countries and states, such as the Netherlands, Hawaii and South Africa, civil partnerships have been available for many years for heterosexual couples. In light of this, last week the government announced that heterosexual couples, residing in England and Wales, will have the right to enter into civil partnerships (a unification previously restricted to same sex couples).

The Civil Partnership Act 2004 created civil partnerships, enabling same sex couples to formalise their relationship and acquire rights comparable to those held by married heterosexual couples. The Marriage (Same Sex Couples) Act, which came into force in 2014, allowed same sex couples to get married or convert their civil partnership into a marriage. As a result, same sex couples had the option of either marriage or a civil partnership, whilst heterosexual couples only had the option of marriage. There are numerous reasons why heterosexual couples want the right to enter into a civil partnership rather than marriage. For example, entering into a civil partnership will allow couples greater protection in their relationship without having to embark on the traditional route of marriage, which some perceive to be outdated and patriarchal. As such, this recent news has given

heterosexual couples the ability to acquire rights in their relationship, without the only option being marriage to do so.

The change in the law may also assist couples that are currently cohabitating and do not want to marry, but believe they are protected under 'common law marriage'. Unfortunately, though this term is regularly used, it does not provide unmarried couples who are cohabitating any form of protection or rights in their relationships. Therefore, to gain protection, the options available to cohabittees are either through marriage or a cohabitation agreement. However, moving forward, cohabittees will now have a third option of entering into a civil partnership to gain rights and security in their relationship. Yet this still leaves a grey area for those who cohabit but do not wish to enter into either a civil partnership or a marriage as there remains a gap in legal protection, rights and security for them.

Although the change seems to be a step in the right direction and has diminished the discrimination between heterosexual and same sex couples being able to enter into a civil partnership, there is still a gap in the law in relation to cohabiting couples and their protection. Also, at present, there is no time scale in place as to when the change in legislation will occur to allow heterosexual couples to enter into a civil partnership. Therefore, until a timescale is produced and the rights of cohabiting couples are addressed, it is, unfortunately, a waiting game. ■



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Heather has a passion for family law and is dedicated to supporting her clients with an empathetic and professional approach. She is determined to make her clients feel at ease throughout the most difficult of times.

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