

## The Civil Union Bill

The wish of same-sex couples to have their relationships recognised by the law has led to the Civil Union Bill. The Bill applies to heterosexual couples as well, mainly because human rights legislation forbids discrimination between different and same sex couples. The word "civil" is not defined, but appears to mean non-religious.

In Holland and Belgium same-sex couples can marry. Denmark, Finland, Greenland, Iceland, Norway, Sweden, France, Germany and Hungary allow civil partnerships between same-sex and heterosexual couples.

If the Bill is passed, you could enter a civil union if you were 18 or over (or 16, if you had the consent of your guardian or the Family Court). Two witnesses and the Registrar of Births Deaths and Marriages (or a civil union celebrant) would have to be present. In their presence you would say "I (full name) take you (full name) to be my partner in our civil union", or words to that effect.

After the civil union ceremony the couple would receive a certificate. The union would be registered with the Registrar of Births Deaths and Marriages in the same way as a marriage. If the couple wished to, they could adopt the custom of using the same surname after the ceremony. The couple would become each other's "next of kin," in the same way as a married couple.

Civil union celebrants would be appointed by the Registrar-General and registered with the Registrar of Births Deaths and Marriages. So there would be a register of them at the registry office. People who were already marriage celebrants could perform civil unions if they so wished.

Two heterosexual people who were in a civil union could later marry. This would change their civil union into a marriage. People who were married to each other could convert their marriage into a civil union by going through a civil union ceremony.

If a civil union broke down it could be dissolved by the Family Court in exactly the same way as a marriage. Either or both partners would have to apply to the Family Court. If the court was satisfied that they had been living apart for two years, an order would be made dissolving the union. The Registrar of Births Deaths and Marriages would alter the register to show that the union had been dissolved.

A person who was in a civil union and then entered into another civil union with a different person could be prosecuted for bigamy (the bigamy provisions of the criminal law would be altered).

It is uncertain whether other countries would recognise New Zealand civil unions. That would depend on the law of individual countries. The only other difference between civil unions and marriages seems to be the name. So the Bill has far more significance for same-sex couples than for heterosexual couples.

If you have any concerns in this area or would like to know more, contact your solicitor.

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