



| | Pareja de Hecho (Spain) | Civil Partnership (UK) |
|--------------------------------------|---|--|
| Definition | Registered partnership (<i>Pareja de Hecho</i> in Spanish) is the stable union of cohabitation between two people in a free, public and stable manner, regardless of their sexual orientation, not united by marriage. | Civil partnership is also referred to as the civil union between two individuals. It is a legally affirmed partnership where partners of the same-sex or the opposite-sex register themselves under UK law. |
| Applicable Law | Unlike marriage, a registered partnership does not have a general legislation of application, but each Autonomous Community may establish a Law or Decree that regulates it. In Spain, 14 of the 17 autonomous communities have passed a law on registered partnerships, although the obligations and rights may be different depending on the place of residence. | The main provisions that apply in England, Wales, Scotland and Northern Ireland are set out in the Civil Partnership Act 2004 and the Civil Partnership (Opposite Sex Couples) Regulations 2019 . However, various sections and schedules have been amended from time to time by regulations, orders and legislation applicable in each jurisdiction. |
| Registration and Requirements | Registered partnerships must be registered in the registry of the autonomous or regional government, i.e. in the Register of Unmarried Stable Partnerships. To do so, there are two different options: <ol style="list-style-type: none">1. The first is to go to a notary to accredit the partnership by means of a notarial deed, stating the will of both members of the relationship to be unmarried partners.2. The second option is to apply directly to the registry of unmarried couples in the relevant autonomous community. There is no state-level regulation on registered partnerships, depending on each Autonomous Community there are certain requirements or others, but in general terms it could be said that the following requirements are common to the entire Spanish territory: | A notice of the proposed civil partnership must be given to a registration authority at least 29 days in advance of the ceremony. This time period can only be shortened in exceptional circumstances. Notice of civil partnership is given by each partner anywhere within the local authority in which he/she has lived for the previous 7 days. If either of the parties are subject to immigration control, notice is required to be given at the designated authority. The civil partnership can be registered in any register office or at any venue that has been approved to register civil partnerships. |



| | | |
|-----------------------------|--|--|
| | <ul style="list-style-type: none">• Be of legal age.• Proof by means of declarations of cohabitation, signed by witnesses, that you have been living together for one or two years.• Not be married.• At least one of the two members must be registered in the Autonomous Community in which they are going to register. This must be accredited with a certificate of census registration.• Not to be declared incapable.• The members of the couple are not related by blood in the straight line or by blood in the second collateral degree. <p>Two witnesses to be present at the registration process in addition to the couple.</p> | <p>Partners registering for a civil partnership should comply with the following requirements:</p> <ul style="list-style-type: none">• A minimum age requirement: 16 years old (If above 16 but below 18 years old, consent of an 'appropriate person' is required. This may be a letter from a parent or guardian).• Neither of the members of the couple should be in a civil partnership or married.• Both members should have lived in the same area in England or Wales for at least 7 days.• The couple should not be linked through blood relations or adoptive relationships <p>The civil partnership document must be signed in the presence of two witnesses.</p> |
| Rights | <p>The recognition of effects in various legal provisions (leases, fiscal, administrative, social, etc.) does not entail attributing to them a legal status like that of marriage. It will be necessary to differentiate between registered and non-registered partnerships, since only the registered are subject to the legal effects recognised in the different autonomous regulations.</p> | <p>Couples entering civil partnership will have a legal status - that of a 'civil partner'. In a wide range of legal matters, they will be treated in the same way as couples who marry.</p> <p>Living together without being married or being in a civil partnership (i.e., cohabitation) means they do not have many rights around finances, property, and children.</p> |
| Dissolution, Nullity | <p>Registered partnerships are dissolved for the same reasons as marriages (either by the will of one or both spouses, or by the death of one of the spouses), and it is not necessary to go through any procedure, but it is necessary to register it in the established register.</p> <p>The partnership will also be dissolved if there is a de facto separation of more than 6 months' duration and by marriage.</p> | <p>To end a civil partnership, it is necessary to apply to court for a Dissolution Order. A Dissolution Order is a legal document that terminates a civil partnership. It "dissolves" the civil partnership, on the grounds that it has broken down 'irretrievably' (s.44 Civil Partnership Act 2004).</p> <p>If the civil partnership has lasted less than a year, the couple cannot apply for a</p> |



| | | |
|---|---|---|
| | | <p>dissolution. However, they can apply for a nullity order, which renders the civil partnership void. Or they can apply for legal separation.</p> <p>The civil partnership will also come to an end if the couple chooses to convert the relationship into a marriage.</p> |
| Economic/ Financial Regime | <p>There is no economic regime as such and therefore, the couple can make agreements that they consider convenient to be able to order their economic relations.</p> <p>The couple can establish a regulatory agreement (drafted by them or before a notary) and establish in it the agreements that they want to carry out.</p> <p>This document must be submitted on the day of registration and is known as autonomy of will (in Spanish, <i>autonomía de la voluntad</i>). If such document is not submitted, there would be no financial regime applicable.</p> | <p>The civil partners may choose to draw up an agreement, known as a pre-registration agreement, before they register the partnership. A pre-registration agreement can set out the rights and obligations towards each other and what should happen if the relationship breaks down.</p> <p>It can include arrangements for children and your personal possessions, for example, the family home and any pensions. A pre-registration agreement is not legally binding but could influence the courts if they get involved if civil partnership ends.</p> |
| Inheritance | <p>Unless stated by the regional legislation, in the event of death, there is no right to inherit from the deceased partner (in the case of intestate succession) but there is a widow's/widower's pension in the case of registered partnership.</p> <p>Registered partnerships in certain autonomous communities (such as Catalonia, the Basque Country or the Balearic Islands) are granted inheritance rights that the Civil Code does not provide for. But unregistered partners are excluded from all inheritance rights.</p> <p>As far as partnerships are concerned, they do not have the right to inherit from their partner, so it is necessary to make a will respecting the inheritance rights of the forced heirs.</p> | <p>If either of the parties dies without making a Will, the other civil partner will have the right to the property absolutely, in the same way as marriage partners who die intestate.</p> <p>If one of the civil partners dies and has made a Will, the other will inherit under the terms of the Will if it makes provision for him/her.</p> |



| | | |
|---------------------|---|--|
| Other Rights | <ul style="list-style-type: none">• The right to receive a widow's/widower's pension is only available if both partners have lived together for at least 5 years before death, and the duration of the partnership has been at least 2 years. Finally, it is also important that the widow/widower's income does not exceed a maximum limit established by each autonomous community.• Tax benefits in personal income tax (IRPF), as well as in inheritance and gift tax.• Right to work leave due to marriage or registration.• Right to health care for the couple. <p>Immigration rights.</p> | <ul style="list-style-type: none">• Equitable treatment for the purposes of assessment for child support, life assurance, tax (including inheritance tax), employment and pension benefits, inheritance of a tenancy agreement.• Recognition under intestacy rules.• Access to fatal accidents compensation.• Recognition for immigration and nationality purposes. |
| Civil Status | <p>In relation to the civil status of the registered partnership, it does not change. The person retains the civil status he/she had when he/she registered as a civil partner. This also does not change in the case of deregistration.</p> | <p>Civil partners cannot call themselves married for legal purposes. Instead, they will be in a civil partnership.</p> <p>Civil partners can change their relationship into a marriage by virtue of:</p> <ul style="list-style-type: none">• s.9 Marriage (Same Sex Couples) Act 2013• s.10 Marriage and Civil Partnerships (Scotland) Act 2014• Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No.2) Regulations 2020 |