

UNITED KINGDOM - SOGI LEGISLATION COUNTRY REPORT
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Summary

United Kingdom

The [Sexual Offences \(Amendment\) Act](#), 2000 provides that the age of consent is the same for same-sex and opposite-sex sexual activity.

The [Equality Act](#) prohibits discrimination and harassment on the basis of gender reassignment, marriage and civil partnership, sex and sexual orientation. Discrimination based on sex and sexual orientation is also barred in specific sectors: services and public functions, housing, employment, education, and associations ([Equality Act](#), 2010).

The [Criminal Justice and Immigration Act](#) (2008) prohibits hate speech against people defined by reference to their sexual orientation.

Same-sex relationships are legally recognized as civil partnerships in the United Kingdom ([Civil Partnership Act](#), 2004).

Same-sex civil partnerships have the same legal consequences as opposite-sex marriages ([Civil Partnership Act](#), 2004).

Members of Parliament will vote on a bill to legalize same-sex marriage (*The Marriage (Same Sex Couples Bill)*) in February 2013. The Bill would exempt clergy in the Church of England from having to perform same-sex marriage ceremonies.

Same-sex partners (both civil and de facto) in England, Wales and Scotland can jointly adopt children ([Adoption and Children Act](#), 2002 and [Adoption and Children \(Scotland\) Act](#), 2007).

The [Civil Partnership Act](#) (2004) permits individuals to adopt the children of their civil partners.

Members of same-sex couples (either civil or de facto) have equal access to the legal presumptions of parentage where a child has been born through IVF, assisted/self-insemination, gametes or a surrogate mother ([Human Fertilisation and Embryology Act](#), 2008).

Individuals can be legally recognized by their preferred gender in all official documents by obtaining a gender recognition certificate. This can be obtained by evidence of living in the other gender, or having changed gender under the law of a country or territory outside the United Kingdom ([Gender Recognition Act](#), 2004).

The [Immigration \(European Economic Area\) Regulations](#) (2006) permit individuals to sponsor their same-sex partners (either civil or de facto) and relatives of their partners to immigrate to the United Kingdom.

Scotland

[Offences \(Aggravation by Prejudice\) Scotland Act](#), 2009, recognize homophobic and transphobic motivation as aggravating factors in criminal sentencing in England and Wales, Scotland and Northern Ireland, respectively.

Northern Ireland

[Criminal Justice No. 2 \(Northern Ireland\) Order](#) (2004) recognize homophobic and transphobic motivation as aggravating factors in criminal sentencing in England and Wales, Scotland and Northern Ireland, respectively.

Section 3 of the [Criminal Justice No. 2 \(Northern Ireland\) Order](#) (2004) prohibits hate speech against people defined by reference to their sexual orientation.

Legal Provisions

SEXUAL ACTIVITY AND AGE OF CONSENT

[Sexual Offences \(Amendment\) Act](#), 2000: Reduces the age of consent for same-sex sexual activity to 16 in England, Wales and Scotland and 17 in Northern Ireland, effectively equalizing the age of consent for opposite-sex and same-sex relationships.

- 9: activity with a child(1)A person aged 18 or over (A) commits an offence if—
(a)he intentionally touches another person (B),
(b)the touching is sexual, and

(c) either—

(i) B is under 16 and A does not reasonably believe that B is 16 or over, or

(ii) B is under 13.

<http://www.legislation.gov.uk/ukpga/2003/42/contents>

ANTI-DISCRIMINATION LAWS

Equality Act, 2010: Prohibits direct and indirect discrimination and harassment of people on the basis of gender reassignment, marriage and civil partnership, sex, and sexual orientation.

Section 7 Gender Reassignment:

- (1) A person has the protected characteristic of gender reassignment if the person is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex.
- (2) A reference to a transsexual person is a reference to a person who has the protected characteristic of gender reassignment.
- (3) In relation to the protected characteristic of gender reassignment – (a) a reference to a person who has a particular protected characteristic is a reference to a transsexual person; (b) a reference to persons who share a protected characteristic is a reference to transsexual persons.

Section 8 Marriage and Civil Partnership

- (2) In relation to the protected characteristic of marriage and civil partnership – (a) a reference to a person who has a particular protected characteristic is a reference to a person who is married or is a civil partner; (b) a reference to persons who share a protected characteristic is a reference to persons who are married or are civil partners.

Section 12 Sexual Orientation

- (1) Sexual orientation means a person's sexual orientation towards – (a) persons of the same sex, (b) persons of the opposite sex, or (c) persons of either sex.
- (2) In relation to the protected characteristic of sexual orientation – (a) a reference to a person who has a particular protected characteristic is a reference to a person who is of a particular sexual orientation; (b) a reference to persons who share a protected characteristic is a reference to persons who are of the same sexual orientation.

Part 3 – Section 29 Provision of services:

- (1) A person (a “service-provider”) concerned with the provision of a service to the public or a section of the public (for payment or not) must not discriminate against a person requiring the service by not providing the person with the service.

(2) A service-provider (A) must not, in providing the service, discriminate against a person (B)—

- (a) as to the terms on which A provides the service to B;
- (b) by terminating the provision of the service to B;
- (c) by subjecting B to any other detriment.

(3) A service-provider must not, in relation to the provision of the service, harass—

- (a) a person requiring the service, or
- (b) a person to whom the service-provider provides the service.

(4) A service-provider must not victimise a person requiring the service by not providing the person with the service.

(5) A service-provider (A) must not, in providing the service, victimise a person (B)—

- (a) as to the terms on which A provides the service to B;
- (b) by terminating the provision of the service to B;
- (c) by subjecting B to any other detriment.

[...]

(8) In the application of section 26 for the purposes of subsection (3), and subsection (6) as it relates to harassment, neither of the following is a relevant protected characteristic—

- (a) religion or belief;
- (b) sexual orientation

Part 5 – Section 39 Employees and applicants:

(1) An employer (A) must not discriminate against a person (B)—

- (a) in the arrangements A makes for deciding to whom to offer employment;
- (b) as to the terms on which A offers B employment;
- (c) by not offering B employment.

(2) An employer (A) must not discriminate against an employee of A's (B)—

- (a) as to B's terms of employment;
- (b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
- (c) by dismissing B;
- (d) by subjecting B to any other detriment.

(3) An employer (A) must not victimise a person (B)—

- (a) in the arrangements A makes for deciding to whom to offer employment;
- (b) as to the terms on which A offers B employment;
- (c) by not offering B employment.

Part 5 – Section 71 Sex discrimination in relation to contractual pay:

(1) This section applies in relation to a term of a person's work—

- (a) that relates to pay, but
- (b) in relation to which a sex equality clause or rule has no effect.

(2) The relevant sex discrimination provision (as defined by section 70) has no effect in relation to the term except in so far as treatment of the person amounts to a contravention of the provision by virtue of section 13 or 14.

<http://www.legislation.gov.uk/ukpga/2010/15/contents>

HATE CRIMES

ENGLAND AND WALES

Criminal Justice Act, 2003: Section 146 provides that the seriousness of an offence should be increased if motivated by prejudice relating to sexual orientation. It does not matter if the offender's actions were primarily motivated by other factors.

146. Increase in sentences for aggravation related to disability or sexual orientation

(1) This section applies where the court is considering the seriousness of an offence committed in any of the circumstances mentioned in subsection (2).

(2) Those circumstances are—

(a) that, at the time of committing the offence, or immediately before or after doing so, the offender demonstrated towards the victim of the offence hostility based on—

(i) the sexual orientation (or presumed sexual orientation) of the victim, or

(ii) a disability (or presumed disability) of the victim, or

(b) that the offence is motivated (wholly or partly)—

(i) by hostility towards persons who are of a particular sexual orientation, or

(ii) by hostility towards persons who have a disability or a particular disability.

(3) The court—

(a) must treat the fact that the offence was committed in any of those circumstances as an aggravating factor, and

(b) must state in open court that the offence was committed in such circumstances.

(4) It is immaterial for the purposes of paragraph (a) or (b) of subsection (2) whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that paragraph.

<http://www.legislation.gov.uk/ukpga/2003/44/contents>

Criminal Justice and Immigration Act, 2008: Section 74 amends the *Public Order Act 1986* (see <http://www.legislation.gov.uk/ukpga/1986/64>) to criminalize hate speech against a group of persons defined by reference to sexual orientation. The types of hate speech condemned by the *Public Order Act* (Part III) include use of words or behaviour or display of written material, publishing or distributing written material, public performance of play, distributing showing or playing a recording, and broadcasting or including programme in cable programme service.

74. *Hatred on the grounds of sexual orientation*
Schedule 16—

- (a) amends Part 3A of the Public Order Act 1986 (c. 64) (hatred against persons on religious grounds) to make provision about hatred against a group of persons defined by reference to sexual orientation

<http://www.legislation.gov.uk/ukpga/2008/4/contents>

SCOTLAND

Offences (Aggravation by Prejudice) Act, 2009: Section 2 establishes homophobic and/or transphobic motivation as aggravating factors in the sentencing of offences in Scotland. Prejudice relating to sexual orientation and/or gender identity does not have to be the sole or primary motivation behind the offence.

2. Prejudice relating to sexual orientation or transgender identity

(1) This subsection applies where it is—

- (a) libelled in an indictment, or specified in a complaint, that an offence is aggravated by prejudice relating to sexual orientation or transgender identity, and
(b) proved that the offence is so aggravated.

(2) An offence is aggravated by prejudice relating to sexual orientation or transgender identity if—

(a) at the time of committing the offence or immediately before or after doing so, the offender evinces towards the victim (if any) of the offence malice and ill-will relating to—

- (i) the sexual orientation (or presumed sexual orientation) of the victim, or
(ii) the transgender identity (or presumed transgender identity) of the victim, or
(b) the offence is motivated (wholly or partly) by malice and ill-will towards persons who have—

- (i) a particular sexual orientation, or
(ii) a transgender identity or a particular transgender identity.

(3) It is immaterial whether or not the offender's malice and ill-will is also based (to any extent) on any other factor.

(4) Evidence from a single source is sufficient to prove that an offence is aggravated by prejudice relating to sexual orientation or transgender identity.

(5) Where subsection (1) applies, the court must—

- (a) state on conviction that the offence is aggravated by prejudice relating to sexual orientation or transgender identity,
(b) record the conviction in a way that shows that the offence is so aggravated,
(c) take the aggravation into account in determining the appropriate sentence, and

(d) state—

(i) where the sentence in respect of the offence is different from that which the court would have imposed if the offence were not so aggravated, the extent of and the reasons for that difference, or

(ii) otherwise, the reasons for there being no such difference.

(6) In subsection (2)(a), “presumed” means presumed by the offender.

(7) In this section, reference to sexual orientation is reference to sexual orientation towards persons of the same sex or of the opposite sex or towards both.

(8) In this section, reference to transgender identity is reference to—

(a) transvestism, transsexualism, intersexuality or having, by virtue of the [Gender Recognition Act 2004](#) (c. 7), changed gender, or

(b) any other gender identity that is not standard male or female gender identity.

<http://www.scottish.parliament.uk/parliamentarybusiness/Bills/16446.aspx>

NORTHERN IRELAND

[Criminal Justice No.2 Order, 2004](#): Section 2 recognizes homophobic and/or transphobic motivation to be aggravating factors in the sentencing of offences in Northern Ireland.

2.—(1) This Article applies where a court is considering the seriousness of an offence.

(2) If the offence was aggravated by hostility, the court—

(a) shall treat that fact as an aggravating factor (that is to say, a factor that increases the seriousness of the offence); and

(b) shall state in open court that the offence was so aggravated.

(3) For the purposes of this Article an offence is aggravated by hostility if—

(a) at the time of committing the offence, or immediately before or after doing so, the offender demonstrates towards the victim of the offence hostility based on—

[...]

(iii) the victim’s membership (or presumed membership) of a sexual orientation group;

[...] or

(b) the offence is motivated (wholly or partly) by hostility towards—

[...]

(iii) members of a sexual orientation group based on their membership of that group;

[...]

(4) It is immaterial for the purposes of sub-paragraph (a) or (b) of paragraph (3) whether or not the offender's hostility is also based, to any extent, on any other factor not mentioned in that sub-paragraph.

(5) In this Article—

[...]

“membership”, in relation to a racial, religious or sexual orientation group, includes association with members of that group;

“presumed” means presumed by the offender;

[...]

“sexual orientation group” means a group of persons defined by reference to sexual orientation.

Section 3 amends Part III of the *Public Order (Northern Ireland) Order 1987* to criminalize hate speech against a group of persons defined by reference to their sexual orientation.

3.—(1) Article 8 of the Public Order (Northern Ireland) Order 1987 (NI 7) (which defines “fear” and “hatred” for the purposes of Part III of that Order) is amended as follows.

(2) In the definition of “fear” after “religious belief,” insert “sexual orientation, disability”.

(3) In the definition of “hatred” after “religious belief,” insert “sexual orientation, disability”.

<http://www.legislation.gov.uk/nisi/2004/1991/contents/made>

RECOGNITION OF SAME-SEX PARTNERSHIPS

Civil Partnership Act, 2004: Legalizes same-sex civil unions (registered as civil partnerships) in England, Wales, Scotland and Northern Ireland. Under the Act, civil partnerships have the same legal consequences as marriage.

Section 1 Civil Partnership ¹

(1) A civil partnership is a relationship between two people of the same sex (“civil partners”) [...]

Section 14 Issue of Civil Partnership Schedule (England and Wales) ²

¹ The [Civil Partnership Act, 2004](#) does not recognize same-sex marriages.

² Sections 94 and 143 outlines similar provisions of issuing civil partnerships schedules for Scotland and Northern Ireland, respectively.

- (1) As soon as the waiting period in relation to each notice of proposed civil partnership has expired, the registration authority in whose area it is proposed that the registration take place is under a duty, at the request of one or both of the proposed civil partners, to issue a document to be known as a “civil partnership schedule”.
- (2) Regulations may make provision as to the contents of a civil partnership schedule.
- (3) The duty in subsection (1) does not apply if the registration authority is not satisfied that there is no lawful impediment to the formation of the civil partnership.
- (4) If an objection to the issue of the civil partnership schedule has been recorded in the register, no civil partnership schedule is to be issued until – (a) the relevant registration authority has investigated the objection and is satisfied that the objection ought not to obstruct the issue of the civil partnership schedule, or (b) the objection has been withdrawn by the person who made it.
- (5) “The relevant registration authority” means the authority which first records that a notice of proposed civil partnership has been given by one of the proposed civil partners.

Part 2: Chapter 2, Part 3: Chapter 5, and Part 4: Chapter 2 outline a separation process similar to divorce proceedings in marriage for civil partnerships in England and Wales, Scotland and Northern Ireland, respectively.³

Section 254 Social Security, Child Support and Tax Credits: introduces Schedule 24, which makes amendments to the legislation governing social security, child support and tax credits. It effectively amends the law to treat civil partners the same way as it treats people living together as husband and wife.

<http://www.legislation.gov.uk/ukpga/2004/33/contents>

Equality Act, 2010: Section 202 amends the [Civil Partnership Act 2004](#) to allow the use of religious premises for the registration of civil partnerships in England and Wales. Note, however, that it does not put an obligation on religious institutions or organization to host the registration of civil partnerships.

- (1) The Civil Partnership Act 2004 is amended as follows.
- (2) Omit section 6(1)(b) and (2) (prohibition on use of religious premises for registration of civil partnership).
- (3) In section 6A (power to approve premises for registration of civil partnership), after subsection (2), insert—
 - (2A) Regulations under this section may provide that premises approved for the registration of civil partnerships may differ from those premises approved for the registration of civil marriages.
 - (2B) Provision by virtue of subsection (2)(b) may, in particular, provide that applications for approval of premises may only be made with the consent (whether

³ The [Civil Partnership Act 2004](#) does not establish adultery as a ground for dissolution of a civil partnership (as is the case for divorce). However, adulterous acts can be submitted as evidence to cite “unreasonable behaviour” as a ground for dissolution of a civil partnership.

general or specific) of a person specified, or a person of a description specified, in the provision.

(2C) The power conferred by section 258(2), in its application to the power conferred by this section, includes in particular—

- (a) power to make provision in relation to religious premises that differs from provision in relation to other premises;
- (b) power to make different provision for different kinds of religious premises.

<http://www.legislation.gov.uk/ukpga/2010/15/section/202>

ACCESS TO REPRODUCTIVE TECHNOLOGY, ADOPTION, AND PARENTING

ENGLAND AND WALES

Adoption and Children Act, 2002: Permits the joint adoption of children by same-sex partners in England and Wales, by defining “couple” as being married or unmarried.

Section 144 General Interpretation

- (4) In this Act, a couple means – (a) a married couple, or (b) two people (whether of different sexes or the same sex) living as partners in an enduring family relationship.

<http://www.legislation.gov.uk/ukpga/2002/38/contents>

Civil Partnership Act, 2004: Amends parenting legislation in England, Wales and Northern Ireland to treat civil partners who are parents the same way as married couples who are parents. It amends the *Adoption and Children Act* (2002) to recognize civil partnerships as legal relationships and as couples. It also amends the *Family Law Act* (1996) to protect civil partners and their families from domestic violence.

Section 75 Parental Responsibility, Children of the Family and Relatives:

- (1) Amend the Children Act 1989 (c.41) (“the 1989 Act”) as follows.
- (2) In section 4A(1) (acquisition of parental responsibility by step-parent) after “is married to” insert “or a civil partner of,”.
- (3) In section 105(1) (interpretation), for the definition of “child of the family” (in relation the parties to a marriage) substitute – ““child of the family”, in relation to parties to a marriage, or to two people who are civil partners of each other, means – (a) a child of both of them, and (b) any other child, other than a child placed with them as foster parents by a local authority or voluntary organization, who has been treated by both of them as a child of their family.”
- (4) In the definition of “relative” in section 105(1) for “by affinity)” substitute “by marriage or civil partnership)”.

Section 79 Adoption:

(12) In section 144(4) (meaning of “couple”), after paragraph (a) insert – “(aa) two people who are civil partners of each other, or”.

Section 82 Family Homes and Domestic Violence: amends the *Family Law Act, 1996* and related enactments so that they also apply to civil partnerships.

<http://www.legislation.gov.uk/ukpga/2004/33/contents>

Note: Section 199 Parental Responsibility, Children of the Family and Relatives makes amendments to Children (Northern Ireland) Order, 1995 to similarly treat civil partners who are parents the same way as a married couples who are parents in Northern Ireland.

[Human Fertilization and Embryology Act, 2008](#): Provides lesbian couples with greater access to in-vitro fertilization (IVF) treatments. It provides both members of same-sex couples equal access to parental rights where a child has been born through IVF, assisted/self-insemination, gametes or a surrogate mother. Both parents can be named on the child’s birth certificate.

Section 14 Conditions of Licences for Treatment amends the [Human Fertilisation and Embryology Act, 1990](#) to remove the “necessity of a father” for IVF and substitute it with “necessity of a supporting parent”.

Section 42 Woman in Civil Partnership at Time of Treatment

- (1) If at the time of the placing in her of the embryo or the sperm and eggs or of her artificial insemination, W was a party to a civil partnership, then subject to section 45(2) to (4), the other party to the civil partnership is to be treated as a parent of the child unless it is shown that she did not consent to the placing in W of the embryo or the sperm and eggs or to her artificial insemination (as the case may be).
- (2) This section applies whether W was in the United Kingdom or elsewhere at the time mentioned in subsection (1).

Section 54 Parental Orders

- (1) On an application made by two people (“the applicants”), the court may make an order providing for a child to be treated in law as the child of the applicants if -
 - (a) the child has been carried by a woman who is not one of the applicants, as a result of the placing in her of an embryo or sperm and eggs or her artificial insemination,
 - (b) the gametes of at least one of the applicants were used to bring about the creation of the embryo, and
 - (c) the conditions in subsections (2) to (8) are satisfied.
- (2) The applicants must be - (a) husband and wife, (b) civil partners of each other, or (c) two persons who are living as partners in an enduring family relationship and are not within prohibited degrees of relationship in relation to each other.

<http://www.legislation.gov.uk/ukpga/2008/22/contents>

SCOTLAND

[Adoption and Children \(Scotland\) Act, 2007](#): Permits the joint adoption of children by same-sex couples in Scotland. It also allows stepparents, civil partners and co-habitants to legally adopt the children of their spouses/respective partners.

Section 29 Adoption by Certain Couples:

- (1) Where – (a) each member of a relevant couple is aged 21 or over, (b) neither member of the couple is a parent of the child to be adopted, and (c) one of the conditions in subsection (2) is met, an adoption order may be made on the application of the couple.
- (3) A couple is “relevant” for the purposes of this section if its members are – (a) persons who are married to each other, (b) persons who are civil partners of each other, (c) persons who are living together as if husband and wife in an enduring family relationship, or (d) persons who are living together as if civil partners in an enduring family relationship.
- (4) In this section “parent”, in relation to the child to be adopted, means a parent who has any parental responsibilities or parental rights in relation to the child.

Section 30 Adoption by One Person:

- (1) An adoption order may be made on the application of a person (“A”) if – (a) A is aged 21 or over, (b) subsection (2), (3), (4) or (5) applies, (c) one of the conditions in subsection (6) is met, and (d) where A is a natural parent of the child to be adopted, subsection (7) applies.
- (3) This subsection applies if – (a) A and another person (“B”) are a relevant couple, (b) B is aged 18 or over, (c) B is a parent of the child to be adopted, and (d) B – (i) is domiciled in a part of the British Islands, or (ii) has been habitually resident in a part of the British Islands for a period of at least one year ending with the date of the application.
- (8) In subsections (3)(c), (4)(b) and (5)(b), “parent” has the meaning given by section 29(4).

<http://www.legislation.gov.uk/asp/2007/4/contents>

GENDER IDENTITY RECOGNITION

[Gender Recognition Act, 2004](#): Allows transsexual persons to be legally recognized by their “acquired gender” in England, Wales, Scotland and Northern Ireland.

Section 1 Applications

- (1) A person of either gender who is aged at least 18 may make an application for a gender recognition certificate on the basis of - (a) living in the other gender, or (b) having changed gender under the law of a country or territory outside the United Kingdom.

- (2) In this Act “the acquired gender”, in relation to a person by whom an application under subsection (1) is or has been made, means - (a) in the case of an application under paragraph (a) of that subsection, the gender in which the person is living, or (b) in the case of an application under paragraph (b) of that subsection, the gender to which the person has changed under the law of the country or territory concerned.
- (3) An application under subsection (1) is to be determined by a Gender Recognition Panel.

Section 2 Determination of Applications

- (1) In the case of an application under section 1(1)(a), the Panel must grant the application if satisfied that the applicant - (a) has or has had gender dysphoria, (b) has lived in the acquired gender throughout the period of two years ending with the date on which the application is made, (c) intends to continue to live in the acquired gender until death, and (d) complies with the requirements imposed by and under section 3.
- (2) In the case of an application under section 1(1)(b), the Panel must grant the application if satisfied - (a) that the country or territory under the law of which the applicant has changed gender is an approved country or territory, and (b) that the applicant complies with the requirements imposed by and under section

Section 9 General

- (1) Where a full gender recognition certificate is issued to a person, the person’s gender becomes for all purposes the acquired gender (so that, if the acquired gender is the male gender, the person’s sex becomes that of a man and, if it is the female gender, the person’s sex becomes that of a woman).
- (2) Subsection (1) does not affect things done, or events occurring, before the certificate is issued; but it does operate for the interpretation of enactments passed, and instruments and other documents made, before the certificate is issued (as well as those passed or made afterwards).

Section 10 Registration provides that successful gender recognition applicants will have new entries created for them in the UK birth registry, reflecting their acquired gender.

Sections 12, 13, 15 and 16 ensure that parental status, social security benefits and pension, and inheritance are not affected by the fact that a person’s gender has become the acquired gender under this Act.

Note: Section 4 Successful Applications does not permit the Gender Recognition Panel to grant an application if the applicant is married or in a civil partnership. An interim gender recognition certificate will be granted until the annulment or dissolution of the marriage or civil partnership.

<http://www.legislation.gov.uk/ukpga/2004/7/contents>

IMMIGRATION AND REFUGEE LAW

Immigration (European Economic Area) Regulations, 2006: Permits individuals to sponsor same-sex partners – whether married or unmarried – for immigration and residency by defining “family member” to include civil partner and “extended family member” as someone who is dependent on the individual, part of their household or in a durable relationship with him or her.

Section 7 “Family Member”

(1) Subject to paragraph (2), for the purposes of these Regulations the following persons shall be treated as the family members of another person – (a) his spouse or his civil partner; (b) direct descendants of his, his spouse or his civil partner who are – (i) under 21; or (ii) dependants of his, his spouse or his civil partner; (c) dependent direct relatives in his ascending line or that of his spouse or his civil partner; (d) a person who is to be treated as the family member of that other person under paragraph (3).

Section 8 “Extended Family Member”

- (1) In these Regulations “extended family member” means a person who is not a family member of an EEA national under regulation 7(1)(a), (b) or (c) and who satisfies the conditions in paragraph (2), (3), (4) or (5).
- (2) A person satisfies the condition in this paragraph if the person is a relative of an EEA national, his spouse or his civil partner and – (a) the person is residing in an EEA State in which the EEA national also resides and is dependent upon the EEA national or is a member of his household; (b) the person satisfied the condition in paragraph (a) and is accompanying the EEA national to the United Kingdom or wishes to join him there; or (c) the person satisfied the condition in paragraph (a), has joined the EEA national in the United Kingdom and continues to be dependent upon him or to be a member of his household.
- (5) A person satisfies the condition in this paragraph if the person is the partner of an EEA national (other than a civil partner) and can prove to the decision maker that he is in a durable relationship with the EEA national.

<http://www.legislation.gov.uk/ukxi/2006/1003/contents/made>