

*These notes refer to the Civil Partnership Act 2004 (c.33)  
which received Royal Assent on 18th November 2004*

# **CIVIL PARTNERSHIP ACT 2004**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### *Schedules*

#### *Schedule 29 – Minor and consequential amendments: Northern Ireland*

1071. This Schedule amends various pieces of Northern Ireland legislation to include civil partners as appropriate. The amendments contained within this Schedule extend to Northern Ireland only.

#### *Paragraph 1 – Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))*

1072. *Paragraph 1* amends section 46(2) of the Interpretation Act (Northern Ireland) 1954 to include a definition of a civil partnership.

#### *Paragraphs 2 and 3 – Trustee Act (Northern Ireland) 1958 (c. 23 (N.I.))*

1073. *Paragraph 2* amends section 32(3)(a) of the 1958 Act. That section relates to trustees' powers to apply income for maintenance and to accumulate surplus income during a minority. Sub-paragraph (i) refers to the marriage of the infant for whom the income is held. This is amended to refer to either the marriage or civil partnership of such person. *Paragraph 2* also amends section 34 of the 1958 Act which relates to the holding of income on protective trusts for the benefit of any person. The reference to husband or wife is amended to include spouse or civil partner.

#### *Paragraphs 4 and 5 – Perpetuities Act (Northern Ireland) 1966 (c. 2 (N.I.))*

1074. *Paragraph 4* amends section 3(4) and (5) of the Perpetuities Act (Northern Ireland) 1966 which makes provision in relation to dispositions of interests in circumstances where there is uncertainty as to remoteness. The references to "spouse" are amended to include civil partners.

1075. Section 5 of the 1966 Act makes provision in relation to dispositions which are conditional upon the death of a surviving spouse. *Paragraph 5* amends references to "spouse" contained within section 5 of the 1966 Act to include civil partners.

#### *Paragraph 6 – Office and Shop Premises Act (Northern Ireland) 1966 (c.26 (N.I.))*

1076. The Office and Shop Premises Act (Northern Ireland) 1966 lays down a number of requirements relating to the health, safety and welfare of persons employed to work in office or shop premises. Section 2(1) of the 1966 Act provides that office or shop premises where only the employer's relatives work are exempted from the scope of the 1966 Act. *Paragraph 6* amends section 2(1) of the 1966 Act to include civil partners in the definition of an employer's relatives.

***Paragraphs 7 and 8 - Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35 (N.I.))***

1077. *Paragraph 7* amends section 10(2) of the Maintenance and Affiliation Orders Act (Northern Ireland) 1966 which defines a “maintenance order” for the purposes of the 1966 Act. The amendment provides that orders made under particular provisions of the Civil Partnership Act 2004 are included within this definition.
1078. Section 13 of the 1966 Act makes provision in relation to the variation of orders registered in courts of summary jurisdiction. *Paragraph 8* amends section 13(5A) & (7B) of the 1966 Act to ensure that particular orders made under the Civil Partnership Act 2004 are treated in the same manner as those made under the corresponding provisions of the Domestic Proceedings (NI) Order 1980 and the Matrimonial and Family Proceedings (NI) Order 1989.

***Paragraph 9 – Census Act (Northern Ireland) 1969 (c.8 (N.I.))***

1079. Paragraph 5 of the Schedule to the Census Act (Northern Ireland) 1969 sets out matters in respect of which particulars may be required for the purposes of a census. *Paragraph 9* amends the Schedule to the 1969 Act to provide that particulars may be required in respect of a person’s condition as to a civil partnership for the purposes of a census.

***Paragraph 10 – Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))***

1080. *Paragraph 10* amends section 29(1) of the Theft Act (Northern Ireland) 1969 which makes provision in relation to the effect of the 1969 Act on civil proceedings and rights. The amendment allows for civil partners to be treated in the same manner as spouses in relation to the 1969 Act in so far as self-incrimination is concerned in relation to an offence under the 1969 Act.

***Paragraphs 11 and 12 – Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24 (N.I.))***

1081. *Paragraph 11* amends section 22 of the 1969 Act. That section makes provision for members of registered societies to nominate persons to become entitled to any property in the society. A nomination will not be valid if the nominee is an officer of the society unless that person is a spouse or family of the member. The reference in section 22(2) to husband and wife is amended to include spouse or civil partner. Section 22(6) is amended to ensure that any nomination is revoked by the marriage or civil partnership of a member.
1082. *Paragraph 12* amends the definition of “member of the family” in section 101 of the 1969 Act to include a spouse and civil partner.

***Paragraph 13 – Land Registration Act (Northern Ireland) 1970 (c.18 (N.I.))***

1083. *Schedule 11* to the Land Registration Act (Northern Ireland) 1970 sets out various matters which are required to be registered in the Statutory Charges Register. *Paragraph 13* amends Schedule 11 to the 1970 Act to provide that orders made under paragraph 59(2) of Schedule 15 to the Civil Partnership Act 2004 must also be registered in the Statutory Charges Register.

***Paragraphs 14 and 15 – Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c.7 (N.I.))***

1084. *Paragraph 14* amends section 1 of the 1971 Act which makes provision in relation to a person’s general right to acquire a fee simple or to obtain an extension of a lease. The reference in section 1 to a spouse is amended to include a civil partner.

*These notes refer to the Civil Partnership Act 2004 (c.33)  
which received Royal Assent on 18th November 2004*

1085. *Paragraph 15* amends section 19 which relates to restrictions on a person's right to extend a lease or to acquire a fee simple. The reference to a spouse in section 19 is amended to include a civil partner.

***Paragraph 16 – Civil Evidence Act (Northern Ireland) 1971 (c. 36 (N.I.))***

1086. Section 10 of the Civil Evidence Act (Northern Ireland) 1971 provides that a person has a right to refuse to answer incriminating questions in legal proceedings if those questions would tend to expose that person or his/her spouse to proceedings for a criminal offence. *Paragraph 16* amends section 10 of the 1971 Order to ensure that the privilege against incrimination of a spouse is extended to civil partners.

***Paragraphs 17 and 18 – Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.))***

1087. *Paragraph 17* amends section 30(6) of the 1972 Act which provides a list of persons who are considered to be in a "relevant family relationship". Under certain circumstances councillors must disclose such relationships to the council. References to "husband" and "wife" have been amended to include civil partners in the same context.
1088. *Paragraph 18* amends section 146(2) of the 1972 Act which makes provision in relation to the pecuniary interests of spouses living together. References to spouses are amended to include civil partners. The provisions amended are intended to remove any conflict of interest between councillors and the work of the council.

***Paragraph 19 - Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (S.I. 1972/963 (N.I. 6))***

1089. The Employers' Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 requires employers to insure against their liability for personal injury to their employees. Insurance is not required however where the employee is a specified relation of the employer. *Paragraph 19* extends the list of relations identified by article 6(a) of the Employer's Liability Order to include a civil partner of the employee and any other relationships formed by virtue of a civil partnership.

***Paragraph 20 – Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14))***

1090. *Paragraph 20* extends the definition of "relative" in Article 2(2) of the 1976 Order to include relatives by civil partnership as well as by marriage. This will qualify civil partners and those related to them to give information concerning a death to a registrar of births and deaths, providing the civil partner meets the prescribed conditions in order to give this information.

***Paragraph 21 – Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))***

1091. *Paragraph 21* amends the definition of "near relative" in Article 2(6) of the 1976 Order to include civil partners and relatives of civil partners. This is relevant for the housing provisions in Articles 30 to 33 of the 1976 Order which make it unlawful to discriminate in relation to the disposal or management of premises, or in relation to giving consent for the assignment of a lease or for sub-letting. Article 33 provides an exception for small dwellings occupied by the alleged discriminator and/or a near relative where there is other accommodation in addition to that occupied by the alleged discriminator and/or his near relative which he shares with other persons residing on the premises who are not members of his household.

***Paragraph 22 – Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/ 1213 (N.I. 22))***

1092. *Paragraph 22* amends Article 3(3)(e)(iii) of the Pharmacy (Northern Ireland) Order 1976 which sets out the objectives of the Pharmaceutical Society of Northern Ireland. The amendment ensures that a civil partner of a deceased member of the Society is treated in the same manner as a widow and may receive financial relief.

***Paragraph 23 – Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))***

1093. Article 11 of the Criminal Damage (Northern Ireland) Order 1977 makes provision in relation to the giving of evidence in connection with offences under the 1977 Order. *Paragraph 23* amends Article 11 of the 1977 Order to ensure that civil partners are treated in the same manner as husbands and wives.

***Paragraphs 24 to 26 – Judicature (Northern Ireland) Act 1978 (c.23)***

1094. Section 31(7)(b) of the Judicature (Northern Ireland) Act 1978 provides that the High Court's powers in relation to the remittal and removal of proceedings to a county court do not apply to applications under section 17 of the Married Women's Property Act 1882. *Paragraph 24* amends section 31(7)(b) so that the High Court's powers of removal and remittal do not apply to applications made under provisions in the Civil Partnership Act 2004 corresponding to section 17 of the 1882 Act.
1095. Section 35(2)(e) of the 1978 Act provides that the Court of Appeal may not hear an appeal from specific orders or judgements made by the High Court in relation to a marriage. *Paragraph 25* amends section 35(2) of the 1978 Act so that appeals may not lie to the Court of Appeal from particular orders or judgements made by the High Court in relation to a civil partnership.
1096. Section 94A of the 1978 Act makes provision in relation to proceedings where the privilege against incrimination of self or spouse is withdrawn. *Paragraph 26* amends section 94A to ensure that a civil partner has the same rights as a spouse in relation to this privilege.

***Paragraph 27 – Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/ 1039 (N.I. 9))***

1097. Article 22(7) of the Health and Safety at Work (Northern Ireland) Order 1978 provides that no answer given by a person (upon questioning by an inspector) shall be admissible in evidence against that person or the husband or spouse of that person in any proceedings. *Paragraph 27* amends Article 22(7) of the 1978 Order by extending it to those in a civil partnership.

***Paragraphs 28 to 33 - Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))***

1098. *Paragraphs 28 to 33* of the Schedule amend the Matrimonial Causes (Northern Ireland) Order 1978. Amendments to Articles 13 and 17 ensure that a marriage will be void if at the time of the marriage either party was already a civil partner. Provisions of the Matrimonial Causes (Northern Ireland) Order dependent upon marriage or remarriage are extended so as to be dependent upon marriage, remarriage or upon the formation of a civil partnership.

***Paragraph 34 – Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/ 1908 (N.I. 27))***

1099. *Paragraph 34* amends Article 8(2)(c) of the Rehabilitation of Offenders (Northern Ireland) Order 1978 to provide that, despite a person's rehabilitation, his or her previous

convictions may be considered in relation to proceedings relating to a minor's marriage or civil partnership.

***Paragraph 35 – Criminal Appeal (Northern Ireland) Act 1980 (c. 47)***

1100. Section 47A of the Criminal Appeal (Northern Ireland) Act 1980 sets out the circumstances in which an appeal may be begun or continued (by any person approved by the Court of Appeal) notwithstanding that the appellant or potential appellant has died. *Paragraph 35* amends Section 47A(3)(a) of the 1980 Act to include civil partners in the category of persons who may be approved by the Court of Appeal to take an appeal.

***Paragraphs 36 to 38 – County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))***

1101. *Paragraph 36* inserts a new Article 10(3A) into the County Courts (Northern Ireland) Order 1980 to provide that, in relation to the general civil jurisdiction of county courts, a county court which is not a civil partnership proceedings county court shall not have jurisdiction to hear civil partnership causes except as otherwise provided in the Civil Partnership Act 2004.
1102. Article 14 of the 1980 Order sets out a county court's jurisdiction in relation to equitable matters, including applications under section 17 of the Married Women's Property Act 1882. *Paragraph 37* amends Article 14 to extend this jurisdiction to applications made under provisions in the Civil Partnership Act 2004 corresponding to section 17 of the 1882 Act.
1103. Article 39 of the 1980 Order makes provision in relation to the capacity of parties to institute and continue proceedings. *Paragraph 38* amends Article 39 of the 1980 Order to provide that proceedings shall not abate by reason of the registration of a civil partnership by any party where the cause of action survives or continues.

***Paragraphs 39 and 40 - Domestic Proceedings (Northern Ireland) Order 1980 (S.I. 1980/563 (N.I. 5))***

1104. *Paragraphs 39* and *40* amend the Domestic Proceedings (Northern Ireland) Order 1980 to provide that where entitlements to maintenance and other financial support are affected by remarriage, they will, by these amendments, also be affected by the formation of a civil partnership.

***Paragraphs 41 to 52 – Judgements Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6))***

1105. *Articles 4, 6 & 7* of the Judgements Enforcement (Northern Ireland) Order 1981 set out the various orders and judgements to which the 1981 Order does and does not apply. *Paragraphs 41* to *43* amend these articles so that the 1981 Order also applies to orders made under provisions of the Civil Partnership Act 2004.
1106. *Articles 25, 32, 33, 36, 38 & 44* of the 1981 Order make provision in relation to the seizure of property for the purposes of enforcing judgements. By virtue of these articles a debtor's spouse is to be treated in the same manner as the debtor. *Paragraphs 44* to *49* amend these articles to provide that a debtor's civil partner is treated in the same way as a debtor's spouse for the purposes of the 1981 Order.
1107. *Articles 96A, 98 & 107* of the 1981 Order set out the powers of the High Court and divorce county courts in relation to periodical maintenance orders. *Paragraphs 50* to *52* of this Schedule amend these articles to ensure that the High Court and civil partnership proceedings county courts have the same powers in relation to such maintenance orders made under provisions in the Civil Partnership Act 2004.

*These notes refer to the Civil Partnership Act 2004 (c.33)  
which received Royal Assent on 18th November 2004*

***Paragraphs 53 and 54– Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))***

1108. *Paragraph 53* amends Article 14(4) of the Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 to ensure that when a person's resources are being assessed the resources of that person's spouse or civil partner are treated as those of that person.
1109. *Paragraph 54* amends Part 1 of Schedule 1 to the 1981 Order which lists proceedings for which legal aid may be given. The amendment provides that legal aid may be given for certain civil partnership proceedings.

***Paragraphs 55 to 61 – Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/ 1675 (N.I. 26))***

1110. Articles 85, 86, 88, 98, 99, 143 & 164 of the Magistrates' Courts (Northern Ireland) Order 1981 make provision for the powers of the court in relation to various provisions of the Domestic Proceedings (Northern Ireland) Order 1980 relating to maintenance orders. Paragraphs 55 to 61 amend these particular articles of the 1980 Order to provide that they apply equally to the provisions in the Civil Partnership Act 2004 corresponding to those in the 1980 Order.

***Paragraph 62 – Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/ 1120 (N.I. 13))***

1111. *Paragraph 62* amends Article 10 of the Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 which provides that a person is exempt from liability for conspiracy if the person with whom he or she agreed is his or her spouse. The amendment provides that the reference to a spouse in this Article also includes a civil partner.

***Paragraph 63 – Forfeiture (Northern Ireland) Order 1982 (S.I. 1982/ 1082 (N.I. 14))***

1112. Article 5 of the Forfeiture (Northern Ireland) Order 1982 provides that applications for financial maintenance made under particular provisions of the Matrimonial Causes (Northern Ireland) Order 1978 are not subject to the forfeiture rule. *Paragraph 63* amends Article 5 of the 1982 Order so that applications for financial provision made under the corresponding provisions of the Civil Partnership Act 2004 are also exempt from the forfeiture rule.

***Paragraph 64 – Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (S.I. 1984/1984 (N.I. 14))***

1113. *Paragraph 64* provides for amendments to Article 18 of the Family Law (Miscellaneous Provisions) Order. Currently Article 18 prohibits or restricts eligibility for marriage between people related within specific degrees by parentage, descent or marriage. Schedule 12 to the Act provides for parallel prohibitions and restrictions to apply to civil partnerships between people who are related within the same degrees by parentage, descent, marriage or civil partnership. Paragraph 64 provides for the extension of the prohibitions and restrictions that already apply to marriage so as to include relationships by civil partnership.

***Paragraphs 65 and 66 – Credit Unions (Northern Ireland) Order 1985 (S.I. 1985/1205 (N.I. 12))***

1114. Article 3 of the Credit Unions (Northern Ireland) Order 1985 provides that in order to qualify for registration as a credit union, a society must restrict its membership to persons who fulfil certain qualifications. Under Article 3(6) of the 1985 Order a credit union may make rules allowing a member of a member's family automatically to fulfil membership qualifications if they are part of the same household as the member. *Paragraph 65* extends the definition of a "member of the family" in article 2(2) of 1985

*These notes refer to the Civil Partnership Act 2004 (c.33)  
which received Royal Assent on 18th November 2004*

Order so as to include civil partners (including former civil partners) and their relations and in-laws. *Paragraph 65* also inserts a definition of a civil partner to include a former civil partner in article 2(2) of the 1985 Order.

1115. Article 17 of the 1985 Order provides that a registered society's member may not nominate an officer of the society to become entitled to their property upon their death unless the officer is related to the member. *Paragraph 66* amends Article 17 of the 1985 Order to include civil partners within the class of persons who are deemed to be related to the member.

***Paragraph 67 - Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))***

1116. *Paragraph 67* adds "civil partner" to the list of individuals named in the Mental Health (Northern Ireland) Order 1986 who may not provide a medical recommendation for the purposes of an application for compulsory admission to hospital of a patient for assessment or treatment under the Order.

***Paragraphs 68 to 75 and 90 – Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6)) and 1990 (S.I. 1990/593 (N.I.))***

1117. *Paragraphs 68* to 75 and 90 ensure that, in relation to the provisions of the Companies Orders of 1986 and 1990 specified in the Schedule, civil partners are to be treated in the same way as spouses.
1118. Article 10A of the 1986 Order provides that an offer of shares in or debentures of a private company is to be regarded as a domestic concern of the persons giving or receiving it if it is made to (among others) the widow or widower of a former member or employee of that company. *Paragraph 68* amends Article 10A(3)(iii) so that surviving civil partners are treated in the same way as surviving spouses.
1119. Article 11 of the 1986 Order sets out those persons who may participate in an "Employees' share scheme". *Paragraph 69* amends Article 11 of the 1986 Order so that an employee's civil partner is entitled to participate in the scheme in the same way as an employee's spouse.
1120. Under the Companies Order provisions persons with a notifiable interest in shares should notify the company. Article 211 of the Companies (Northern Ireland) Order 1986 deems a person to be interested in shares in which his spouse is interested. *Paragraph 70* extends this obligation to civil partners.
1121. Article 331 of the 1986 Order contains a prohibition on directors dealing in share options of his or her own company. Article 335 applies the prohibition to the wife or husband of a director. *Paragraph 71* extends the prohibition to the civil partner of a director.
1122. Article 332 of the 1986 Order requires directors to disclose shareholdings in their own company. Article 336 treats the interests of a wife or husband of a director as an interest of that director. *Paragraph 72* extends this to civil partners of directors.
1123. Part XI of the 1986 Order contains a number of provisions designed to enforce fair dealing by directors. A number of these provisions apply to persons connected with a director. Article 354 defines "connected person" to include spouse. *Paragraph 73* extends this definition to include civil partners.
1124. Article 423E of the 1986 Order disregards shares held by the associate of an offeror in certain circumstances (relating to takeover offers). Where an offeror is an individual, "associates" includes spouses, and this definition will be extended by *paragraph 74* to include civil partners.

*These notes refer to the Civil Partnership Act 2004 (c.33)  
which received Royal Assent on 18th November 2004*

1125. *Paragraph 90* defines “associate” to include civil partner as well as spouse for the purposes of the Companies’ Order 1990.

***Paragraphs 76 to 78 – Enduring Powers of Attorney (Northern Ireland) Order 1987 (S.I. 1987/ 1627 (N.I. 16))***

1126. Article 5(5) of the Enduring Powers of Attorney (Northern Ireland) Order 1987 enables an attorney to make gifts of reasonable value out of a donor’s property at the time or anniversary of a marriage. *Paragraph 76* extends Article 5(5) so that an attorney may also make such gifts at the time or on the anniversary of the registration of a civil partnership.
1127. *Paragraph 77* amends paragraph 2(1) of Schedule 1 to the 1987 Order to include civil partners in the list of relatives who are entitled to receive notification of an attorney’s intention to apply to register the instrument creating the power of attorney.

***Paragraph 79 – Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (S.I. 1989/677 (N.I. 4))***

1128. *Paragraph 79* amends Article 16 so that in respect of applications for financial relief following overseas divorces, no application may be made if the applicant either remarries or forms a subsequent civil partnership.

***Paragraphs 80 to 87 - The Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))***

1129. The Insolvency (Northern Ireland) Order 1989 contains various provisions protecting creditors from fraud and attempting to ensure a proper *pari passu* distribution amongst creditors. These provisions allow certain transactions, including transactions involving close family and other associated persons, entered into by a debtor or company prior to the onset of insolvency proceedings to be undone or adjusted. *Paragraph 80* amends the definition of “associate” in the 1989 Order so that the relevant anti-avoidance provisions cover a civil partner in the same way as they would if the civil partner were a spouse.
1130. *Paragraphs 81* to *87* amend various articles of the 1989 Order to provide that the civil partner of a debtor or a bankrupt is subject to the same treatment as the spouse of such persons for the purposes of the 1989 Order.

***Paragraphs 88 and 89 – Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/ 1341 (N.I. 12))***

1131. Article 79 of the Police and Criminal Evidence (Northern Ireland) Order 1989 makes provision in relation to the compellability of the spouse of an accused person to give evidence against the accused. *Paragraph 88* amends Article 79 of the 1989 Order to ensure that a civil partner of an accused person is treated in the same manner as a spouse.
1132. Article 79A of the 1989 Order provides that the failure of husband or wife of a person charged in any proceedings to give evidence in the proceedings shall not be made the subject of any comment in the prosecution. *Paragraph 89* amends Article 79A so that the failure of an accused person’s civil partner to give evidence shall also not be the subject of comment in the prosecution.

***Paragraph 91 – Food Safety (Northern Ireland) Order 1991 (S.I. 1990/ 762 (N.I. 7))***

1133. Article 42 of the Food Safety (Northern Ireland) Order 1991 provides that the registration or licensing of food premises may continue after the death of any person who was registered or held a licence in respect of such premises for the benefit of that person’s widow. *Paragraph 91* amends this reference to “widow” to include spouses and civil partners.

***Paragraph 92 – Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I. 5))***

1134. Article 23 of the Industrial Relations (Northern Ireland) Order 1992 makes provision in relation to the recovery of sums awarded in proceedings involving trade unions and employers' associations. Article 23(3) of the 1992 Order provides that "provident benefits" include (amongst other things) a payment in discharge or aid of funeral expenses on the death of a member or the wife of a member. *Paragraph 92* amends Article 23(3) of the 1992 Order by adding a reference to "spouse or civil partner" so that a member's civil partner has the same rights as those of his/her spouse.

***Paragraph 93 – Pension Schemes (Northern Ireland) Act 1993 (c.49)***

1135. Section 97E of the Pension Schemes (Northern Ireland) Act 1993 makes provision in relation to the discharge of liability where pension credits or alternative benefits were secured by insurance policies or annuity contracts. *Paragraph 93* amends section 97E to provide that civil partners are treated in the same manner as spouses.

***Paragraph 94 – Family Law (Northern Ireland) Order 1993 (S.I. 1993/ 1576 (N.I. 6))***

1136. *Paragraph 94* amends Article 12 of the Family Law (Northern Ireland) Order 1993 to provide that rules of court made under this article shall treat sums payable under the legal aid scheme in relation to defined matrimonial causes in the same manner as those sums payable in respect of corresponding civil partnership causes.

***Paragraphs 95 to 100 – Children (Northern Ireland) Order 1995 (S.I. 1995/ 755 (N.I. 2))***

1137. Article 8(4) of the Children (Northern Ireland) Order 1995 provides a definition of "family proceedings" for the purposes of the 1995 Order. *Paragraph 95* amends the definition in [Article 8\(4\)](#) to include specified civil partnership proceedings.
1138. *Paragraph 96* amends Article 50 of the 1995 Order to provide that a court may not make a care order or a supervision order in respect of any child who has reached the age of 16 and is married or in a civil partnership.
1139. Article 67 of the 1995 Order provides that a person must comply with a court's requirement to disclose any information relating to a child's whereabouts in relation to an emergency protection order. *Paragraph 97* amends [Article 67\(2\)](#) to provide that a person is not excused from complying with this requirement on the ground that complying might incriminate that person and his/her spouse or civil partner.
1140. Article 69 of the 1995 Order provides that a person may be required, by virtue of a Recovery Order, to disclose information relating to a child's whereabouts. *Paragraph 98* amends [Article 69\(11\)](#) to provide that a person is not excused from complying with this requirement on the ground that to do so would incriminate his/her spouse or civil partner.
1141. *Paragraph 99* amends Article 166 of the 1995 Order so that, with regard to appeals, proceedings in divorce county courts are treated in the same manner as proceedings in civil partnership proceedings county courts.
1142. *Paragraph 100* amends Article 171 of the 1995 Order to provide that, in applications for orders under the 1995 Order, no person shall be excused from giving evidence on the ground that to do so might incriminate him or his spouse or civil partner of an offence.

***Paragraph 101 – Trade Union and Labour Relations (Northern Ireland) Order 1995 (S.I. 1995/ 1980 (N.I. 12))***

1143. Article 125 of the Trade Union and Labour Relations (Northern Ireland) Order 1995 provides for criminal offences in relation to the intimidation or annoyance of any person or his wife or children. *Paragraph 101* amends Article 125 of the 1995 Order to provide that a civil partner has the same rights as a spouse for the purposes of the 1992 Order.

***Paragraphs 102 and 103 – Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16))***

1144. Article 85A of the Employment Rights (Northern Ireland) Order 1996 provides that an employee is entitled to take a reasonable amount of time off work in order to provide necessary assistance or make arrangements in respect of a dependant. *Paragraph 102* amends Article 85A(3)(a) of the 1996 Order to include civil partners in the list of dependants.
1145. Article 248(5) of the 1996 Order provides that, where an employee or employer has died, tribunal proceedings may be instituted or continued by any appropriate person that the court may appoint (including a widow or widower). *Paragraph 103* amends Article 248(5)(b) of the 1996 Order so that a bereaved civil partner has the same rights as that which belongs to a widow or widower.

***Paragraph 104 – Registration of Clubs (Northern Ireland) Order 1996 (S.I. 1996/ 3159 (N.I. 23))***

1146. Paragraph 11 of Schedule 1 to the Registration of Clubs (Northern Ireland) Order 1996 exempts a club member’s husband or wife from the restriction which applies in relation to the number of times a non-member can be admitted to a club in a twelve month period. *Paragraph 104* amends paragraph 11 of Schedule 1 to the 1996 Order so that a member’s civil partner is also exempt from this restriction in the same way as a member’s spouse.

***Paragraph 105 – Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6))***

1147. *Paragraph 105* amends the definition of “near relative” in Article 23(7) of this Order to include civil partners and relatives of civil partners. This affects housing discrimination provisions (Articles 22 to 24 of the Race Relations (Northern Ireland) Order as amended) which have the same effect as those in Articles 30 to 33 of the Sex Discrimination (Northern Ireland) Order 1976.

***Paragraphs 106 and 107 – Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))***

1148. *Paragraph 106* amends the meaning of “near relative” in Article 30(7) of this Order to include civil partners and relatives of civil partners.
1149. *Paragraph 107* amends the interpretation of a “connected person” to include civil partners.

***Paragraphs 108 to 112 - Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/ 3147 (N.I. 11))***

1150. The Welfare Reform and Pensions (Northern Ireland) Order 1999 makes provision in relation to pension sharing orders over shareable state scheme rights upon a divorce or nullity of a marriage. *Paragraphs 108 to 112* amend the 1999 Order to ensure that these provisions are applied in the same way on the dissolution or nullity of a civil partnership.

*These notes refer to the Civil Partnership Act 2004 (c.33)  
which received Royal Assent on 18th November 2004*

1151. *Paragraph 108* amends Article 21 of the 1999 Order to provide that pension information must be supplied in connection with the dissolution of a civil partnership just as it must be supplied in connection with a divorce.
1152. Article 22 of the 1999 Order allows persons responsible for pension arrangements to recover prescribed charges relating to earmarking orders made in relation to a marriage. *Paragraph 109* amends Article 22 so that it applies to earmarking orders made in relation to a civil partnership.
1153. Article 25 of the 1999 Order makes provision in relation to the activation of pension sharing orders. *Paragraph 110* amends Article 25 to provide that pension sharing orders made in relation to a civil partnership are dealt with in the same manner as those made in connection with a marriage.
1154. Article 31 of the 1999 Order makes provision in relation to the implementation period required for a pension credit to be effected in relation to a marriage. *Paragraph 111* amends Article 31 to ensure that pension credits to be effected in relation to a civil partnership are subject to the same implementation period.
1155. Article 45 of the 1999 Order provides for the activation of benefit sharing in relation to pension sharing orders made in connection with a marriage. *Paragraph 112* extends the scope of Article 45 so that it also applies to pension sharing orders made in connection with a civil partnership.

***Paragraph 113 – Housing (Northern Ireland) Order 2003 (S.I. 2003/ 412 (N.I. 2))***

1156. Article 85 of the Housing (Northern Ireland) Order 2003 sets out disposals of property which are deemed to be “exempt disposals” for the purposes of grant applications. *Paragraph 113* amends Article 85 of the 2003 Order to provide that disposals made in pursuance of orders made under particular provisions of the Civil Partnership Act 2004 are also exempt disposals.

***Paragraphs 114 and 115 – Marriage (Northern Ireland) Order 2003 (S.I. 2003/ 413 (N.I. 3))***

1157. Article 5 of the Marriage (Northern Ireland) Order 2003 provides that a registrar has the power to require evidence in relation to various matters, including the marital status of any party to a marriage notice. *Paragraph 114* amends Article 5 so that a registrar may require evidence as to a person’s civil partnership status.
1158. *Paragraph 115* amends Article 6(6)(b) of the 2003 Order to provide that a legal impediment will be deemed to exist in relation to a marriage where either party is or was already married or in a civil partnership.

***Paragraph 116 – Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/ 435 (N.I. 10))***

1159. Article 39 of the Access to Justice (Northern Ireland) Order 2003 provides that family proceedings cannot be the subject of an enforceable conditional fee agreement. This paragraph amends the definition of “family proceedings” for the purposes of Article 39 to include certain proceedings under the Civil Partnership Act 2004.
1160. Paragraph 2(d) of Schedule 2 to the 2003 Order sets out various proceedings (including proceedings under the Domestic Proceedings (Northern Ireland) Order 1980) in relation to which the Northern Ireland legal services commission may fund representation services. *Paragraph 116* amends Schedule 2 to the 2003 to include proceedings under the Civil Partnership Act 2004 corresponding to those under the 1980 Order.

*These notes refer to the Civil Partnership Act 2004 (c.33)  
which received Royal Assent on 18th November 2004*

***Paragraph 117 – Firearms (Northern Ireland) Order 2004 (S.I. 2004/ 702 (N.I. 3))***

1161. *Paragraph 117* amends the definition of “relative” contained within Article 2(2) of the Firearms (Northern Ireland) Order 2004 to include civil partners. This provides that civil partners are treated in the same manner as spouses for the purposes of the 2004 Order.