



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 6

#### RELATIONSHIPS ARISING THROUGH CIVIL PARTNERSHIP

#### **246 Interpretation of statutory references to stepchildren etc.**

- (1) In any provision to which this section applies, references to a stepchild or step-parent of a person (here, “A”), and cognate expressions, are to be read as follows—

A’s stepchild includes a person who is the child of A’s civil partner (but is not A’s child);

A’s step-parent includes a person who is the civil partner of A’s parent (but is not A’s parent);

A’s stepdaughter includes a person who is the daughter of A’s civil partner (but is not A’s daughter);

A’s stepson includes a person who is the son of A’s civil partner (but is not A’s son);

A’s stepfather includes a person who is the civil partner of A’s father (but is not A’s parent);

A’s stepmother includes a person who is the civil partner of A’s mother (but is not A’s parent);

A’s stepbrother includes a person who is the son of the civil partner of A’s parent (but is not the son of either of A’s parents);

A’s stepsister includes a person who is the daughter of the civil partner of A’s parent (but is not the daughter of either of A’s parents).

- (2) For the purposes of any provision to which this section applies—

“brother-in-law” includes civil partner’s brother,

“daughter-in-law” includes daughter’s civil partner,

“father-in-law” includes civil partner’s father,

“mother-in-law” includes civil partner’s mother,

“parent-in-law” includes civil partner’s parent,

“sister-in-law” includes civil partner’s sister, and

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“son-in-law” includes son’s civil partner.

**Modifications etc. (not altering text)**

**C1** S. 246 applied (11.5.2006) by The Civil Partnership Act 2004 (Relationships Arising Through Civil Partnership) Order 2006 (S.I. 2006/1121, art. 2

**247 Provisions to which section 246 applies: Acts of Parliament etc.**

- (1) Section 246 applies to—
  - (a) any provision listed in Schedule 21 (references to stepchildren, in-laws etc. in existing Acts),
  - (b) except in so far as otherwise provided, any provision made by a future Act, and
  - (c) except in so far as otherwise provided, any provision made by future subordinate legislation.
- (2) A Minister of the Crown may by order—
  - (a) amend Schedule 21 by adding to it any provision of an existing Act;
  - (b) provide for section 246 to apply to prescribed provisions of existing subordinate legislation.
- (3) The power conferred by subsection (2) is also exercisable—
  - (a) by the Scottish Ministers, in relation to a relevant Scottish provision;
  - (b) by a Northern Ireland department, in relation to a provision which deals with a transferred matter;
  - (c) by the National Assembly for Wales, if the order is made by virtue of subsection (2)(b) and deals with matters with respect to which functions are exercisable by the Assembly.
- (4) Subject to subsection (5), the power to make an order under subsection (2) is exercisable by statutory instrument.
- (5) Any power of a Northern Ireland department to make an order under subsection (2) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (6) A statutory instrument containing an order under subsection (2) made by a Minister of the Crown is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing an order under subsection (2) made by the Scottish Ministers is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) A statutory rule containing an order under subsection (2) made by a Northern Ireland department is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))).
- (9) In this section—
  - “Act” includes an Act of the Scottish Parliament;
  - “existing Act” means an Act passed on or before the last day of the Session in which this Act is passed;

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“existing subordinate legislation” means subordinate legislation made before the day on which this section comes into force;

“future Act” means an Act passed after the last day of the Session in which this Act is passed;

“future subordinate legislation” means subordinate legislation made on or after the day on which this section comes into force;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

“prescribed” means prescribed by the order;

“relevant Scottish provision” means a provision that would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament;

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) except that it includes an instrument made under an Act of the Scottish Parliament;

“transferred matter” has the meaning given by section 4(1) of the Northern Ireland Act 1998 (c. 47) and “deals with” in relation to a transferred matter is to be construed in accordance with section 98(2) and (3) of the 1998 Act.

#### Commencement Information

- II** S. 247 wholly in force at 5.12.2005; s. 247(2)-(7) in force at Royal Assent, see s. 263(7)(c); s. 247(8) (9) in force at 18.11.2004 by Royal Assent; s. 247(1) in force at 5.12.2005 by S.I. 2005/3175, art. 3, Sch. 2

#### 248 Provisions to which section 246 applies: Northern Ireland

- (1) Section 246 applies to—
- any provision listed in Schedule 22 (references to stepchildren, etc. in Northern Ireland legislation),
  - except in so far as otherwise provided, any provision made by any future Northern Ireland legislation, and
  - except in so far as otherwise provided, any provision made by any future subordinate legislation.
- (2) The Department of Finance and Personnel may by order—
- amend Schedule 22 by adding to it any provision of existing Northern Ireland legislation;
  - provide for section 246 to apply to prescribed provisions of existing subordinate legislation.
- (3) The power to make an order under subsection (2) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (4) An order under subsection (2) is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (1954 c. 33 (N.I.))).
- (5) In this section—

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“existing Northern Ireland legislation” means Northern Ireland legislation passed or made on or before the last day of the Session in which this Act is passed;

“existing subordinate legislation” means subordinate legislation made before the day on which this section comes into force;

“future Northern Ireland legislation” means Northern Ireland legislation passed or made after the last day of the Session in which this Act is passed;

“future subordinate legislation” means subordinate legislation made on or after the day on which this section comes into force;

“prescribed” means prescribed by the order;

“subordinate legislation” means any instrument (within the meaning of section 1(c) of the Interpretation Act (Northern Ireland) 1954 (1954 c. 33 (N.I.))).

#### **Commencement Information**

**I2** [S. 248](#) wholly in force at 5.12.2005; [s. 248\(2\)-\(5\)](#) in force at Royal Assent, see [s. 263\(7\)\(c\)](#); [s. 248\(1\)](#) in force at 5.12.2005 by [S.I. 2005/3255](#), [art. 2\(1\)](#), Sch.

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