



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,

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

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;
 - “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;

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“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.

248 Provisions to which section 246 applies: Northern Ireland

(1) Section 246 applies to—

- (a) any provision listed in Schedule 22 (references to stepchildren, etc. in Northern Ireland legislation),
- (b) except in so far as otherwise provided, any provision made by any future Northern Ireland legislation, and
- (c) 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—

- (a) amend Schedule 22 by adding to it any provision of existing Northern Ireland legislation;
- (b) 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—

“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;

Status: This is the original version (as it was originally enacted).

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