

*Status: Point in time view as at 05/12/2005.*

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## SCHEDULES

### SCHEDULE 27

Section 261(1)

#### MINOR AND CONSEQUENTIAL AMENDMENTS: GENERAL

##### *Explosive Substances Act 1883 (c. 3)*

- 1 In section 6 (inquiry by Attorney-General, and apprehension of absconding witnesses), in subsection (2), for “husband or wife” (in both places) substitute “spouse or civil partner”.

##### *Partnership Act 1890 (c. 39)*

- 2 In section 2 (rules for determining existence of partnership), in rule (3)(c), after “widow” insert “, widower, surviving civil partner”.

##### *Law of Distress Amendment Act 1908 (c. 53)*

- 3 In section 4(1) (exclusion of certain goods), after “husband or wife”, insert “ or civil partner”.

##### *Census Act 1920 (c. 41)*

- 4 In the Schedule (matters in respect of which particulars may be required), in paragraph 5 after “as to marriage” insert “ or civil partnership”.

##### *Trustee Act 1925 (c. 19)*

- 5 (1) Amend section 31(2)(i) (trust on reaching 18 or marrying under that age of accumulations during infancy) as follows.
- (2) In sub-paragraph (a)—
- (a) after “marries under that age” insert “ or forms a civil partnership under that age”, and
- (b) for “or until his marriage” substitute “, or until his marriage or his formation of a civil partnership”.
- (3) In sub-paragraph (b), after “marriage” insert “, or formation of a civil partnership”.
- (4) In the words after that sub-paragraph, after “marriage” insert “ or formation of a civil partnership”.
- 6 In section 33(1)(ii)(a) and (b) (trust to maintain principal beneficiary and his spouse and issue on failure of protective trust under paragraph (i)), for “wife or husband” substitute “ spouse or civil partner”.

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*Law of Property Act 1925 (c. 20)*

- 7 In section 205(1)(xxi) (which defines “valuable consideration” as including marriage), after “includes marriage” insert “, and formation of a civil partnership.”.

*Judicial Proceedings (Regulation of Reports) Act 1926 (c. 61)*

- 8 (1) Amend section 1 (restriction on publication of reports of judicial proceedings) as follows.
- (2) In subsection (1)(b), for “or for restitution of conjugal rights” substitute “ or for the dissolution or annulment of a civil partnership or for the separation of civil partners”.
- (3) Omit subsection (5).

*Population (Statistics) Act 1938 (c. 12)*

- 9 In the Schedule (particulars which may be required), in paragraph 2—
- (a) in paragraph (a), for “or divorced;” substitute “ , divorced, a civil partner or former civil partner, and, if a former civil partner, whether the civil partnership ended on death or dissolution; ”, and
- (b) in paragraph (b), after “surviving spouse” insert “ or civil partner ”.

*Landlord and Tenant (Requisitioned Land) Act 1942 (c. 13)*

- 10 In section 13(1) (definition of “member of the family”), after “the wife or husband of the tenant,” insert “ the civil partner of the tenant, ”.

*Limitation (Enemies and War Prisoners) Act 1945 (c. 16)*

- 11 In section 2 (interpretation), in the definition of “statute of limitation”, after the entry relating to the Matrimonial Causes Act 1973 insert— “ section 51(2) of the Civil Partnership Act 2004, ”.

*Statistics of Trade Act 1947 (c. 39)*

- 12 In section 10 (information from persons entering or leaving the United Kingdom by air), in subsection (1), after “marriage” insert “ or civil partnership ”.

*Marriage Act 1949 (c. 76)*

- 13 (1) Amend section 1 (marriages within prohibited degrees) as follows.
- (2) In subsection (1), for the words from “between a man” to “the said Part I,” substitute “ between a person and any person mentioned in the list in Part 1 of Schedule 1 ”.
- (3) In subsection (2), for the words from “between a man” to “the said Part II,” substitute “ between a person and any person mentioned in the list in Part 2 of Schedule 1 ”.
- (4) In subsection (4), for the words from “between a man” to “the said Part III” substitute “ between a person and any person mentioned in the list in Part 3 of Schedule 1 ”.
- (5) In subsection (5) for paragraphs (a) to (d) substitute—

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- “(a) in the case of a marriage between a person and the parent of a former spouse of that person, after the death of both the former spouse and the former spouse’s other parent;
- (b) in the case of a marriage between a person and the parent of a former civil partner of that person, after the death of both the former civil partner and the former civil partner’s other parent;
- (c) in the case of a marriage between a person and the former spouse of a child of that person, after the death of both the child and the child’s other parent;
- (d) in the case of a marriage between a person and the former civil partner of a child of that person, after the death of both the child and the child’s other parent.”

(6) Omit subsections (6) to (8).

#### Commencement Information

- II** Sch. 27 para. 13 partly in force at 5.12.2005; Sch. 23 para. 13 not in force at Royal Assent see s. 263; Sch. 27 para. 13(1)-(3) in force at 5.12.2005 and Sch. 27 para. 13(6) in force at 5.12.2005 for specified purposes by S.I. 2005/3175, art. 2

- 14 In section 27 (notice of marriage), in subsection (3), for “the name and surname, marital status, occupation, place of residence and nationality of each of the persons to be married” substitute “ the name and surname, occupation, place of residence and nationality of each of the persons to be married, whether either of them has previously been married or formed a civil partnership and, if so, how the marriage or civil partnership ended ”.

#### Commencement Information

- II** Sch. 27 para. 14 wholly in force at 5.12.2005; Sch. 27 para. 14 not in force at Royal Assent see s. 263; Sch. 27 para. 14 in force for certain purposes at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1 and Sch. 27 para. 14 in force otherwise at 5.12.2005 by S.I. 2005/3175, art. 2(2)

- 15 In section 28A (power to require evidence), for subsection (3) substitute—
- “(3) “Specified evidence”, in relation to a person, means such evidence as may be specified in guidance issued by the Registrar General—
- (a) of the person’s name and surname,
  - (b) of the person’s age,
  - (c) as to whether the person has previously been married or formed a civil partnership and, if so, as to the ending of the marriage or civil partnership, and
  - (d) of the person’s nationality.”
- 16 In section 78(1) (interpretation), in the definition of “child”, after “ “child”” insert “ , except where used to express a relationship, ”.
- 17 For Schedule 1 (kindred and affinity) substitute—

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## “SCHEDULE 1

### KINDRED AND AFFINITY

#### PART 1

##### PROHIBITED DEGREES: KINDRED

- 1 (1) The list referred to in section 1(1) is—
- Adoptive child
  - Adoptive parent
  - Child
  - Former adoptive child
  - Former adoptive parent
  - Grandparent
  - Grandchild
  - Parent
  - Parent’s sibling
  - Sibling
  - Sibling’s child
- (2) In the list “sibling” means a brother, sister, half-brother or half-sister.

#### PART 2

##### DEGREES OF AFFINITY REFERRED TO IN SECTION 1(2) AND (3)

- 2 The list referred to in section 1(2) is as follows—
- Child of former civil partner
  - Child of former spouse
  - Former civil partner of grandparent
  - Former civil partner of parent
  - Former spouse of grandparent
  - Former spouse of parent
  - Grandchild of former civil partner
  - Grandchild of former spouse

#### PART 3

##### DEGREES OF AFFINITY REFERRED TO IN SECTION 1(4) AND (5)

- 3 The list referred to in section 1(4) is as follows—
- Parent of former spouse
  - Parent of former civil partner
  - Former spouse of child
  - Former civil partner of child.”

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#### Commencement Information

- I3** Sch. 27 para. 17 partly in force at 5.12.2005; Sch. 27 para. 17 not in force at Royal Assent see s. 263; Sch. 27 para. 17 in force for certain purposes at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(1\)\(5\)](#), [Sch. 1](#)

#### *Maintenance Orders Act 1950 (c. 37)*

- 18 (1) Amend section 16 (application of Part 2) as follows.
- (2) After subsection (2)(a)(viii) insert—
- “(ix) Part 1, 8 or 9 of Schedule 5 to the Civil Partnership Act 2004, Schedule 6 to that Act or paragraph 5 or 9 of Schedule 7 to that Act;”.
- (3) After subsection (2)(b)(ix) insert—
- “(x) an order made on an application under Schedule 11 to the Civil Partnership Act 2004;”.
- (4) After subsection (2)(c)(ix) insert—
- “(x) Part 1, 7 or 8 of Schedule 15 to the Civil Partnership Act 2004, Schedule 16 to that Act or paragraph 5 or 9 of Schedule 17 to that Act;”.

#### *Births and Deaths Registration Act 1953 (c. 20)*

- 19 In section 41 (interpretation), in the definition of “relative”, after “by marriage” insert “ or civil partnership ”.

#### *Pharmacy Act 1954 (c. 61)*

- 20 In section 17(c) (benevolent fund: distressed relatives eligible for relief), for “widows,” substitute “ surviving spouses, surviving civil partners, ”.

#### *Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (c. 58)*

- 21 In section 1 (records of deaths, births and marriages among armed forces and service civilians and their families overseas), in subsection (1), for “and marriages solemnised,” substitute “ marriages solemnised and civil partnerships formed, ”.

#### Commencement Information

- I4** Sch. 27 para. 21 wholly in force at 5.12.2005; Sch. 27 para. 21 not in force at Royal Assent see s. 263; Sch. 27 para. 21 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 27 para. 21 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(2\)](#)

#### *Maintenance Orders Act 1958 (c. 39)*

- 22 (1) Amend section 4 (variation of orders registered in magistrates' courts) as follows.
- (2) In each of subsections (5A) and (5B) (application of section 60(4) to (11) of the Magistrates' Courts Act 1980), for “and section 15(2) of the Children Act 1989”

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substitute “, section 15(2) of the Children Act 1989 and paragraph 42 of Schedule 6 to the Civil Partnership Act 2004 ”.

- (3) In subsection (6B) (no application may be made for variation under the Act of certain registered orders), after “1984” insert “ or under Schedule 7 to the Civil Partnership Act 2004 ”.

*Offices, Shops and Railway Premises Act 1963 (c. 41)*

- 23 In section 2 (exception for premises in which only employer’s relatives or outworkers work), in subsection (1), after “wife” insert “, civil partner ”.

*Industrial and Provident Societies Act 1965 (c. 12)*

- 24 (1) Amend section 23 (nomination to property in society) as follows.
- (2) In subsection (2), for “husband, wife,” substitute “ spouse, civil partner, ”.
- (3) After subsection (6) insert—
- “ (7) The formation of a civil partnership by a member of a society revokes any nomination made by him before the formation of the civil partnership; but if any property of that member has been transferred by an officer of the society in pursuance of the nomination in ignorance of a civil partnership formed by the nominator after the date of the nomination—
- (a) the receipt of the nominee shall be a valid discharge to the society, and
- (b) the society shall be under no liability to any other person claiming the property.”

- 25 In section 25 (provision for intestacy), in subsection (2), after “widower” insert “, surviving civil partner ”.

*Criminal Appeal Act 1968 (c. 19)*

- 26 In section 44A (appeals in cases of death), in subsection (3)(a), after “widower” insert “ or surviving civil partner ”.

*Theft Act 1968 (c. 60)*

- 27 (1) Amend section 30 (husband and wife) as follows.
- (2) In subsections (4) and (5), after “wife or husband” in each place except paragraph (a)(ii) to the proviso to subsection (4) insert “ or civil partner ”.
- (3) At the end of paragraph (a)(ii) to the proviso insert “or
- (iii) an order (wherever made) is in force providing for the separation of that person and his or her civil partner.”,
- and omit “or” at the end of paragraph (a)(i) to the proviso.
- (4) For the heading to section 30 substitute “ Spouses and civil partners ”.
- 28 In section 31 (effect on civil proceedings and rights), in subsection (1)—
- (a) for “wife or husband” substitute “ spouse or civil partner ”, and

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- (b) for “married after the making of the statement or admission) against the wife or husband” substitute “ married or became civil partners after the making of the statement or admission) against the spouse or civil partner ”.

*Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)*

- 29 (1) Amend section 2 (restriction of publicity for certain matrimonial etc. proceedings) as follows.
- (2) In subsection (1), after paragraph (d) insert—
- “*(da)* proceedings under Part 9 of Schedule 5 to the Civil Partnership Act 2004 (provision corresponding to the provision referred to in paragraph (c) above);
- (db)* proceedings under section 58 of the 2004 Act (declarations as to subsistence etc. of civil partnership);”.
- (3) In subsection (3), after “(1)(d)” insert “ or (db) ”.

*Civil Evidence Act 1968 (c. 64)*

- 30 In section 14 (privilege against incrimination of self or spouse)—
- (a) in subsection (1)(b), for “husband or wife” substitute “ spouse or civil partner ”, and
- (b) in the heading, after “spouse” insert “ or civil partner ”.

*Gaming Act 1968 (c. 65)*

- 31 In Schedule 2 (grant, renewal, cancellation and transfer of licences), in paragraph 35A(8)(a) for “wife or husband” substitute “ spouse or civil partner ”.

*Medicines Act 1968 (c. 67)*

- 32 In section 114 (supplementary provisions as to rights of entry and related rights), in subsection (4), for “married) the husband or wife” substitute “ married or a civil partner) the spouse or civil partner ”.

*Employers' Liability (Compulsory Insurance) Act 1969 (c. 57)*

- 33 In section 2(2)(a) (persons whom employer is not required to insure) after “husband, wife,” insert “ civil partner, ”.

*Administration of Justice Act 1970 (c. 31)*

- 34 In Schedule 8 (meaning of “maintenance order” in Part 2 of the Act and in the Maintenance Orders Act 1958), after paragraph 14 insert—
- “15 An order for periodical or other payments made under Schedule 5, 6 or 7 to the Civil Partnership Act 2004.”

*Attachment of Earnings Act 1971 (c. 32)*

- 35 In Schedule 1 (maintenance orders to which the 1971 Act applies), after paragraph 14 insert—

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- “15 An order made under Schedule 5 to the Civil Partnership Act 2004 (financial relief in the High Court or a county court etc.), for periodical or other payments.
- 16 An order made under Schedule 6 to the 2004 Act (financial relief in magistrates' courts etc.), for maintenance or other payments to or in respect of a civil partner or child.”

*Criminal Damage Act 1971 (c. 48)*

- 36 In section 9 (evidence in connection with offences under the 1971 Act)—
- (a) for “wife or husband” substitute “ spouse or civil partner ”, and
  - (b) for “married after the making of the statement or admission) against the wife or husband” substitute “ married or became civil partners after the making of the statement or admission) against the spouse or civil partner ”.

*Immigration Act 1971 (c. 77)*

- 37 In section 5(4) (members of another’s family for purposes of deportation)—
- (a) in paragraph (a), after “his wife” insert “ or civil partner, ” and
  - (b) in paragraph (b), after “her husband” insert “ or civil partner, ”.

*Local Government Act 1972 (c. 70)*

- 38 In section 95 (pecuniary interests for purposes of section 94), after subsection (3) insert—
- “(4) In the case of civil partners living together the interest of one civil partner, shall, if known to the other, be deemed for the purpose of section 94 above to be also an interest of the other.”
- 39 In section 96 (general notices and recording of disclosures for purposes of section 94), in subsection (1), after “spouse” (in each place) insert “ or civil partner ”.

*Matrimonial Causes Act 1973 (c. 18)*

- 40 In section 11 (grounds on which marriage is void), at the end of paragraph (b) insert “ or a civil partner ”.
- 41 (1) Amend section 14 (marriages governed by foreign law or celebrated abroad under English law) as follows.
- (2) In subsection (1), at the beginning insert “ Subject to subsection (3) ”.
- (3) After subsection (2) insert—
- “(3) No marriage is to be treated as valid by virtue of subsection (1) if, at the time when it purports to have been celebrated, either party was already a civil partner.”
- 42 In section 24A (orders for sale of property), in subsection (5), after “re-marriage of” insert “ , or formation of a civil partnership by, ”.

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- 43 (1) Amend section 28 (duration of continuing financial provision orders in favour of party to marriage, and effect of remarriage) as follows.
- (2) In subsection (1)(a) and (b) after “remarriage of” insert “ , or formation of a civil partnership by, ”.
- (3) In subsection (2)—
- (a) after “remarriage of” insert “ , or formation of a civil partnership by, ”, and
- (b) after “the remarriage” insert “ or formation of the civil partnership ”.
- (4) In subsection (3), after “remarries whether at any time before or after the commencement of this Act”, insert “ or forms a civil partnership ”.
- (5) In the heading to section 28, after “remarriage” insert “ or formation of civil partnership ”.
- 44 In section 35 (alteration of agreements by court during lives of parties), in subsection (4)(a) and (b), after “remarriage of” insert “ , or formation of a civil partnership by, ”.
- 45 (1) Amend section 38 (orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage) as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “remarriage of”, insert “ , or formation of a civil partnership by, ”, and
- (b) in paragraph (b), after “remarriage” insert “ or formation of the civil partnership ”.
- (3) In subsection (6)—
- (a) in paragraph (a), after “remarriage of” insert “ , or formation of a civil partnership by, ” and
- (b) in the words following paragraph (b), after “had remarried” insert “ or formed a civil partnership ”.
- (4) In the heading to section 38, after “remarriage” insert “ or formation of civil partnership ”.
- 46 In section 52 (interpretation), after subsection (3), insert —
- “(3A) References in this Act to the formation of a civil partnership by a person include references to a civil partnership which is by law void or voidable.”

*Fair Trading Act 1973 (c. 41)*

- 47 In section 30 (offences in connection with exercise of powers under section 29), in subsection (6) for “married) the husband or wife” substitute “ married or a civil partner) the spouse or civil partner ”.

*Slaughterhouses Act 1974 (c. 3)*

- 48 In section 10 (temporary continuance of licence on death), for “his personal representative, or of his widow or any other member of his family, until the expiration of two months from his death,” substitute “ the deceased’s personal representative, or widow or widower or surviving civil partner or any other member of the deceased’s family, until the end of two months from the deceased’s death, ”.

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*Health and Safety at Work etc. Act 1974 (c. 37)*

- 49 In section 20 (powers of inspectors), in subsection (7), for “husband or wife” substitute “ spouse or civil partner ”.

*Consumer Credit Act 1974 (c. 39)*

- 50 In section 165 (obstruction of authorised officers), in subsection (3), for “married) the husband or wife” substitute “ married or a civil partner) the spouse or civil partner ”.

- 51 (1) Amend section 184 (associates) as follows.

- (2) For subsection (1) substitute—

“(1) A person is an associate of an individual if that person is—

- (a) the individual’s husband or wife or civil partner,
- (b) a relative of—
  - (i) the individual, or
  - (ii) the individual’s husband or wife or civil partner, or
- (c) the husband or wife or civil partner of a relative of—
  - (i) the individual, or
  - (ii) the individual’s husband or wife or civil partner.”

- (3) In subsection (2), after “husband or wife” insert “ or civil partner ”.

- (4) In subsection (5)—

- (a) omit the word “and” immediately before “references”,
- (b) for “or wife;” substitute “ or wife, and references to a civil partner include a former civil partner; ”, and
- (c) for “had been a child born to him in wedlock” substitute “ were the legitimate child of the relationship in question ”.

*Friendly Societies Act 1974 (c. 46)*

- 52 (1) Amend section 66 (power of member to nominate person to receive sums payable on his death) as follows.

- (2) In subsection (5)(a), for “husband, wife,” substitute “ spouse, civil partner, ”.

- (3) After subsection (7) insert—

“(7A) The formation of a civil partnership by a member of the society or branch revokes any nomination previously made by that member under this section.”

*Rehabilitation of Offenders Act 1974 (c. 53)*

- 53 In section 7 (limitations on rehabilitation under the 1974 Act, etc.), in subsection (2) (c), after “the marriage of any minor,” insert “ or the formation of a civil partnership by any minor, ”.

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*Sex Discrimination Act 1975 (c. 65)*

- 54 In section 82(5) (general interpretation: meaning of “near relative”)
- (a) after “wife or husband” (in both places) insert “ or civil partner ”, and
  - (b) for “by affinity” substitute “ by marriage or civil partnership ”.

*Race Relations Act 1976 (c. 74)*

- 55 In section 78(5) (general interpretation: meaning of “near relative”)—
- (a) after “wife or husband” (in both places) insert “ or civil partner ”, and
  - (b) for “by affinity” substitute “ by marriage or civil partnership ”.

*Criminal Law Act 1977 (c. 45)*

- 56 In section 2 (exemptions from liability for conspiracy), in subsection (2)(a), after “spouse” insert “ or civil partner ”.

*Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

- 57 In section 4 (duration of orders for financial provision for a party to a marriage), in subsection (2)—
- (a) after “remarriage of” insert “ , or formation of a civil partnership by, ”, and
  - (b) after “the remarriage” insert “ or formation of the civil partnership ”.
- 58 (1) Amend section 35 (orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage) as follows.
- (2) In subsection (1)—
    - (a) in paragraph (a), after “remarriage of” insert “ , or formation of a civil partnership by, ”, and
    - (b) in paragraph (b), after “that remarriage” insert “ or the formation of that civil partnership ”.
  - (3) In subsection (7)—
    - (a) in paragraph (a), after “remarriage of” insert “ , or formation of a civil partnership by, ”, and
    - (b) in the words following paragraph (b)—
      - (i) after “the remarriage” insert “ or the formation of that civil partnership ”, and
      - (ii) after “had remarried” insert “ or formed a civil partnership ”.
  - (4) In the heading to section 35, after “remarriage” insert “ or formation of civil partnership ”.

*Interpretation Act 1978 (c. 30)*

- 59 At the appropriate place in Schedule 1 (words and expressions defined) insert—
- ““Civil partnership” means a civil partnership which exists under or by virtue of the Civil Partnership Act 2004 (and any reference to a civil partner is to be read accordingly).”

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*Protection of Children Act 1978 (c. 37)*

- 60 In section 1A (marriage and other relationships), in subsections (1)(a) and (2)(a) after “were married” insert “ or civil partners of each other ”.

*Credit Unions Act 1979 (c. 34)*

- 61 (1) Amend section 31(1) (interpretation) as follows.
- (2) After the definition of “charitable” insert—
- ““civil partner” includes former civil partner;”.
- (3) In the definition of “relative”—
- (a) in paragraphs (a), (b) and (c), after “spouse” insert “ or civil partner ”, and
- (b) in the words following paragraph (c), for “a child born in wedlock” substitute “ the legitimate child of the relationship in question ”.

*Estate Agents Act 1979 (c. 38)*

- 62 In section 27 (obstruction and personation of authorised officers), in subsection (4), for “husband or wife” substitute “ spouse or civil partner ”.
- 63 (1) Amend section 32 (associates) as follows.
- (2) In subsection (2), after “spouse” insert “ or civil partner ”.
- (3) In subsection (3)—
- (a) omit the word “and” immediately before “references”,
- (b) for “reputed spouse;” substitute “ reputed spouse, and references to a civil partner include a former civil partner; ”, and
- (c) for “had been a child born to him in wedlock” substitute “ were the legitimate child of the relationship in question ”.

*Magistrates' Courts Act 1980 (c. 43)*

- 64 In section 59 (orders for periodical payments: means of payment), in subsection (7) (b), after “Domestic Proceedings and Magistrates' Courts Act 1978” insert “ or Schedule 6 to the Civil Partnership Act 2004 ”.
- 65 (1) Amend section 65 (meaning of family proceedings) as follows.
- (2) After subsection (1)(c) insert—
- “(ca) Schedule 2 to the Civil Partnership Act 2004;”.
- (3) After subsection (1)(ee) insert—
- “(ef) paragraphs 69 to 72 of Schedule 5 to the Civil Partnership Act 2004;”.
- (4) After subsection (1)(j) insert—
- “(ja) Schedule 6 to the Civil Partnership Act 2004;”.

*Disused Burial Grounds (Amendment) Act 1981 (c. 18)*

- 66 In section 9 (interpretation), in the definition of “relative”, for “husband or wife” substitute “ spouse or civil partner ”.

*Status: Point in time view as at 05/12/2005.*

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*Forgery and Counterfeiting Act 1981 (c. 45)*

- 67 In section 5 (offences relating to money orders, share certificates, passports, etc.), in subsection (5)(l)—
- (a) after “adoptions, marriages” insert “, civil partnerships”, and
  - (b) for “register marriages” substitute “ issue certified copies relating to such entries”.

*Supreme Court Act 1981 (c. 54)*

- 68 In section 18(1) (restrictions on appeals to Court of Appeal), before paragraph (g) insert—
- “(fa) from a dissolution order, nullity order or presumption of death order under Chapter 2 of Part 2 of the Civil Partnership Act 2004 that has been made final, by a party who, having had time and opportunity to appeal from the conditional order on which that final order was founded, has not appealed from the conditional order;”.
- 69 (1) Amend section 72 (withdrawal of privilege against incrimination of self or spouse in certain proceedings) as follows.
- (2) In subsection (1), after “spouse” insert “ or civil partner”.
  - (3) In subsection (3), for “married after the making of the statement or admission) against the spouse” substitute “ married or became civil partners after the making of the statement or admission) against the spouse or civil partner”.
- 70 In paragraph 3 of Schedule 1 (business assigned to Family Division of High Court), after sub-paragraph (h) insert—
- “(i) all civil partnership causes and matters (whether at first instance or on appeal);
  - (j) applications for consent to the formation of a civil partnership by a minor or for a declaration under paragraph 7 of Schedule 1 to the Civil Partnership Act 2004;
  - (k) applications under section 58 of that Act (declarations relating to civil partnerships).”

**Commencement Information**

- 15** Sch. 27 para. 70 wholly in force at 5.12.2005; Sch. 27 para. 70 not in force at Royal Assent see s. 263; Sch. 27 para. 70 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 27 para. 70 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(2\)](#)

*British Nationality Act 1981 (c. 61)*

- 71 In section 3(6)(a) (registration as British citizen of minor whose parents' marriage has terminated etc.), after “marriage” insert “ or civil partnership”.
- 72 In section 6(2) (naturalisation of person married to British citizen), after “is married to a British citizen” insert “ or is the civil partner of a British citizen”.
- 73 In section 10(2)(b) (registration as British citizen after pre-1983 renunciation of citizenship), after “has been married to” insert “, or has been the civil partner of,”.

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- 74 In section 12(5) (renunciation: persons who have married deemed of full age), after “has been married” insert “, or has formed a civil partnership, ”.
- 75 In section 17(6)(a) (registration as British overseas territories citizen of minor whose parents' marriage has terminated etc.), after “marriage” insert “ or civil partnership ”.
- 76 In section 18(2) (naturalisation of person married to a British overseas territories citizen), after “is married to such a citizen” insert “ or is the civil partner of such a citizen ”.
- 77 In section 22(2)(b) (naturalisation as British overseas territories citizen after pre-1983 renunciation of citizenship), after “has been married to” insert “, or has been the civil partner of, ”.
- 78 (1) Amend paragraphs 4(d) and 8(d) of Schedule 1 (requirements for naturalisation under sections 6(2) and 18(2)) as follows.
- (2) In the paragraph (f) set out in each of those provisions, after “to whom the applicant is married” insert “, or of whom the applicant is the civil partner, ”.

*Forfeiture Act 1982 (c. 34)*

- 79 In section 3 (application for financial provision not affected by forfeiture rule), in subsection (2), for paragraph (b) and the word “and” immediately preceding it substitute—
- “(b) sections 31(6) and 36(1) of the Matrimonial Causes Act 1973 (variation by court in England and Wales of periodical payments orders and maintenance agreements in respect of marriages);
  - (c) paragraphs 60(2) and 73(2) of Schedule 5 to the Civil Partnership Act 2004 (variation by court in England and Wales of periodical payments orders and maintenance agreements in respect of civil partnerships); and
  - (d) section 13(4) of the Family Law (Scotland) Act 1985 (variation etc. of periodical allowances in respect of marriages and civil partnerships).”

*Representation of the People Act 1983 (c. 2)*

- 80 (1) Amend section 14 (service qualification) as follows.
- (2) In subsection (1)(d), for “wife or husband” substitute “ spouse or civil partner ”.
- (3) For subsection (1)(e) substitute—
- “(e) is the spouse or civil partner of a person mentioned in paragraph (b) or paragraph (c) above and is residing outside the United Kingdom to be with his or her spouse or civil partner, ”.
- 81 In section 16 (contents of service declaration), for “wife or husband” substitute “ spouse or civil partner ”.
- 82 In section 59 (supplemental provisions as to members of forces and service voters), in subsection (3)(b), for “by him and any wife of his or, as the case may be, by her and any husband of hers,” substitute “ by that person and any spouse or civil partner of that person ”.

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- 83 In section 61 (other voting offences), in subsection (4), for “husband, wife,” substitute “ spouse, civil partner, ”.
- 84 In section 141 (duty to answer relevant questions), in subsections (1)(a)(i) and (2) (a), for “husband or wife,” substitute “ spouse or civil partner, ”.
- 85 (1) Amend Schedule 1 (parliamentary elections rules) as follows.
- (2) In rule 11(4), for “wife or husband” substitute “ spouse or civil partner ”.
- (3) In rule 35(2), for “husband (wife),” (in both places) substitute “ spouse, civil partner, ”.
- (4) In rule 39(3)(b), for “husband, wife,” substitute “ spouse, civil partner, ”.
- (5) In rule 44(2)(b), for “wives or husbands” substitute “ spouses or civil partners ”.

*Mental Health Act 1983 (c. 20)*

- 86 In—
- (a) section 12 (general provisions as to medical recommendations), in subsection (5), in the words following paragraph (e), and
- (b) section 25C (supervision applications: supplementary), in subsection (10), after “husband, wife” insert “ , civil partner ”.

*Mobile Homes Act 1983 (c. 34)*

- 87 In section 3(3) (succession to agreements to which Act applies), for “or widower” (in each place) substitute “ , widower or surviving civil partner ”.
- 88 In section 5(3) (meaning of “member of another’s family”)—
- (a) after “spouse,” insert “ civil partner, ”
- (b) in paragraph (a), after “marriage” insert “ or civil partnership ”, and
- (c) in the words after paragraph (b), after “as husband and wife” insert “ or as if they were civil partners ”.

*Dentists Act 1984 (c. 24)*

- 89 In section 41(4) (family or representatives may carry on deceased dentist’s business for three years), for “his widow” (in each place) substitute “ his surviving spouse or his surviving civil partner ”.

*Matrimonial and Family Proceedings Act 1984 (c. 42)*

- 90 (1) Amend section 12 (applications for financial relief after overseas divorce etc.) as follows.
- (2) In subsection (2) (no application may be made after remarriage), for “remarries” substitute “ forms a subsequent marriage or civil partnership, ”.
- (3) For subsection (3) substitute—

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“(3) The reference in subsection (2) above to the forming of a subsequent marriage or civil partnership includes a reference to the forming of a marriage or civil partnership which is by law void or voidable.”

91 In section 32 (meaning of “family business” etc.), after the definition of “family proceedings” insert—

““civil partnership cause” means an action for the dissolution or annulment of a civil partnership or for the legal separation of civil partners;”.

92 After section 36 insert—

*“Jurisdiction of county courts in civil partnership causes and matters  
Jurisdiction of county courts in civil partnership causes*

### **36A Jurisdiction of county courts in civil partnership causes**

- (1) The Lord Chancellor may by order—
  - (a) designate any county court as a civil partnership proceedings county court, and
  - (b) designate, as a court of trial, any county court designated as a civil partnership proceedings county court.
- (2) In this Part of this Act “civil partnership proceedings county court” means a county court designated under subsection (1)(a) above.
- (3) A civil partnership proceedings county court shall have jurisdiction to hear and determine any civil partnership cause, subject to subsection (4) below.
- (4) A civil partnership proceedings county court shall have jurisdiction to try a civil partnership cause only if it is designated under subsection (1)(b) above as a court of trial.
- (5) The jurisdiction conferred by this section on a civil partnership proceedings county court shall be exercisable throughout England and Wales, but rules of court may provide for a civil partnership cause pending in one such court to be heard and determined—
  - (a) partly in that court and partly in another such court, or
  - (b) in another such court.
- (6) Every civil partnership cause shall be commenced in a civil partnership proceedings county court.
- (7) Every civil partnership cause shall be heard and determined in a civil partnership proceedings county court unless, or except to the extent, it is transferred to the High Court under—
  - (a) section 39 below, or
  - (b) section 41 of the County Court Act 1984 (transfer to High Court by order of High Court).
- (8) The Lord Chancellor may by order designate a civil partnership proceedings county court as a court for the exercise of jurisdiction in civil partnership matters under Schedule 7 to the Civil Partnership Act 2004.

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- (9) The power to make an order under subsection (1) or (8) above shall be exercisable by statutory instrument.

*Jurisdiction of civil partnership proceedings county courts as respects financial relief and protection of children*

### **36B Jurisdiction of civil partnership proceedings county courts as respects financial relief and protection of children**

- (1) Subject to subsection (2) below, a civil partnership proceedings county court shall have the following jurisdiction—

- (a) a jurisdiction to exercise any power exercisable under—
- (i) section 63 of the Civil Partnership Act 2004 (restrictions on making of orders affecting children), or
  - (ii) Schedule 5 to that Act (financial relief in the courts), other than Part 12 (arrears and repayments) and paragraph 73 (alteration of maintenance agreements by court after death of one party),

in connection with any application or order pending in, or made by, a civil partnership proceedings county court;

- (b) a jurisdiction to exercise any power exercisable under—
- (i) Part 9 of that Schedule (failure to maintain: financial provision (and interim orders)), or
  - (ii) paragraphs 69 to 71 of that Schedule (alteration of maintenance agreements by court during lives of parties);
- (c) if designated under section 36A(8) above, jurisdiction to exercise any power under Schedule 7 to that Act.

- (2) Any proceedings for the exercise of a power which a civil partnership proceedings county court has jurisdiction to exercise by virtue of subsection (1) above shall be commenced in such civil partnership proceedings county court as may be prescribed by rules of court.

- (3) Nothing in this section shall affect the jurisdiction of a magistrates' court under paragraphs 69 to 71 of Schedule 5 to the Civil Partnership Act 2004.

*Consideration of agreements or arrangements*

### **36C Consideration of agreements or arrangements**

Where rules of court make provision for the purposes of section 43 of the Civil Partnership Act 2004 with respect to any power exercisable by the court on an application made under that section before an application is made for a dissolution or separation order, the rules shall confer jurisdiction to exercise the power on civil partnership proceedings county courts.

*Assignment of circuit judges to civil partnership proceedings*

### **36D Assignment of circuit judges to civil partnership proceedings**

The jurisdiction conferred by the preceding provisions of this Part of this Act on civil partnership proceedings county courts, so far as it exercisable by judges of such courts, shall be exercised by such Circuit judges as the Lord Chancellor may direct.”

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- 93 For section 38(3) (transfer of family proceedings from High Court to county court) substitute—
- “(3) Proceedings transferred under this section shall be transferred to such county court as the High Court directs, subject to subsections (3A) and (3B) below.
- (3A) Where a matrimonial cause or matter within the jurisdiction of a divorce county court only is transferred under this section, it shall be transferred to such divorce county court as the High Court directs.
- (3B) Where a civil partnership cause or matter within the jurisdiction of a civil partnership proceedings county court only is transferred under this section, it shall be transferred to such civil partnership proceedings county court as the High Court directs.”
- 94 In section 39(2) (family proceedings transferable to the High Court), for “or divorce county court” (in each place) substitute “, divorce county court or civil partnership proceedings county court ”.
- 95 In section 40(4)(b) (enforcement in High Court of orders of divorce county court), after “a divorce county court” insert “ or a civil partnership proceedings county court ”.
- 96 (1) Amend section 42 (county court proceedings in principal registry of Family Division) as follows.
- (2) In subsection (1)—
- (a) after “Sections 33 to 35” insert “ and 36A to 36C ”,
- (b) after “section 34(2)” insert “ or 36B(2) ”, and
- (c) after “divorce county court” insert “ or civil partnership proceedings county court ”.
- (3) After that subsection insert—
- “(1A) Subsection (2) below applies to—
- (a) the jurisdiction in matrimonial causes or matters conferred by sections 33, 34 and 35 above on divorce county courts, and
- (b) the jurisdiction in civil partnership causes or matters conferred by sections 36A, 36B and 36C above on civil partnership proceedings county courts.”
- (4) In subsection (2), for the words from the beginning to “on divorce county courts” substitute “ A jurisdiction to which this subsection applies ”.
- (5) For the words in subsection (2) after paragraph (b) substitute the following new subsection—
- “(2A) Rules of court may make provision—
- (a) for treating, for any purposes specified in the rules, matrimonial causes and matters pending in the registry with respect to which the jurisdiction mentioned in subsection (1A)(a) above is exercisable as pending in a divorce county court,
- (b) for treating, for any purposes specified in the rules, civil partnership causes and matters pending in the registry with respect to which the jurisdiction mentioned in subsection (1A)(b) above is exercisable as pending in a civil partnership proceedings county court, and

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- (c) for the application of section 74(3) of the Solicitors Act 1974 (costs) with respect to proceedings treated as mentioned in paragraph (a) or (b) above.”
- (6) In subsection (3), for “subsection (2)” substitute “ subsection (2A) ”.
- (7) After subsection (3) insert—
  - “(3A) Where, by virtue of rules under subsection (2A) above, a civil partnership cause or matter is pending in the registry as in a civil partnership proceedings county court, any ancillary or related proceedings which could be taken in a civil partnership proceedings county court and which are not of a description excluded by the rules from the operation of this subsection may be taken and dealt with in the registry as in a civil partnership proceedings county court.”
- (8) After subsection (4) insert—
  - “(4ZA) The principal registry shall be treated as a civil partnership proceedings county court—
    - (a) for the purposes of any provision to be made by rules of court under section 36A(5) above;
    - (b) for the purpose of any provision to be made under section 36B(2) above prescribing the county court in which any proceedings are to be commenced; and
    - (c) for the purpose of any transfer of family proceedings under section 38 or 39 above between the High Court and a civil partnership proceedings county court.”
- (9) In subsection (4A), after “in any matrimonial cause or matter” insert “ , or in any civil partnership cause or matter, ”.
- (10) In subsection (5), for paragraphs (a) and (b) substitute—
  - “(a) as regards service of process—
    - (i) as if proceedings commenced in the principal registry in a matrimonial cause or matter had been commenced in a divorce county court, and
    - (ii) as if proceedings commenced in that registry in a civil partnership cause or matter had been commenced in a civil partnership proceedings county court; and
  - (b) as regards enforcement of orders—
    - (i) as if orders made in that registry in the exercise of the family jurisdiction conferred by sections 33, 34 and 35 above on divorce county courts were orders made by such a court, and
    - (ii) as if orders made in that registry in the exercise of the family jurisdiction conferred by sections 36A, 36B and 36C above on civil partnership proceedings county courts were orders made by such a court.”
- (11) After that subsection insert—
  - “(5A) For the purposes of subsection (3A) above, proceedings—
    - (a) are “ancillary” to a civil partnership cause if they are connected with the cause, and

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- (b) are “related” to a civil partnership cause if they are for protecting or otherwise relate to any rights, or the exercise of any rights, of—
- (i) the civil partners as civil partners, or
  - (ii) any children of the family.”

*Police and Criminal Evidence Act 1984 (c. 60)*

- 97 (1) Amend section 80 (compellability of accused’s spouse) as follows.
- (2) In subsections (2), (2A) and (3), for “wife or husband” (in each place) substitute “spouse or civil partner”.
- (3) After subsection (5) insert—
- “(5A) In any proceedings a person who has been but is no longer the civil partner of the accused shall be compellable to give evidence as if that person and the accused had never been civil partners.”
- (4) In the heading to section 80, after “accused’s spouse” insert “ or civil partner ”.
- 98 In section 80A (rule where accused’s spouse not compellable)—
- (a) for “wife or husband” substitute “ spouse or civil partner ”, and
  - (b) in the heading, after “spouse” insert “ or civil partner ”.

*Companies Act 1985 (c. 6)*

- 99 In section 203 (notification of family and corporate interests), in subsection (1), after “spouse” insert “ or civil partner ”.
- 100 (1) Amend section 327 (extension of section 323 to spouses and children) as follows.
- (2) In subsection (1)—
- (a) in paragraph (a), after “wife or husband” insert “ or civil partner ”, and
  - (b) in the words following paragraph (b), after “as the case may be,” insert “ civil partner or ”.
- (3) In the heading to section 327, after “spouses” insert “ , civil partners ”.
- 101 (1) Amend section 328 (extension of section 324 to spouses and children) as follows.
- (2) In subsections (1)(a) and (2)(a), after “wife or husband” insert “ or civil partner ”.
- (3) In subsection (3)—
- (a) in paragraph (a), after “spouse” insert “ or civil partner ”, and
  - (b) in paragraph (b), after “spouse” insert “ or civil partner ” and after “wife, husband,” insert “ civil partner, ”.
- (4) In the heading to section 328, after “spouses” insert “ , civil partners ”.

- 102 In section 346 (connected persons) in subsection (2)—

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- (a) in paragraph (a), after “spouse,” insert “ civil partner, ”,
  - (b) in paragraph (c) after “spouse” (in both places) insert “ or civil partner ”.
- 103 In section 430E (associates), in subsection (8) after “spouse” insert “ or civil partner ”.
- 104 (1) Amend section 742A (meaning of “offer to the public”) as follows.
- (2) In subsection (3)(a)(iii), after “widower” insert “ or surviving civil partner ”.
  - (3) In subsection (6)(a), after “spouse” insert “ or civil partner ”.
- 105 In Schedule 7 (matters to be dealt with in directors' report), in paragraph 2B(3), after “spouse” insert “ or civil partner ”.

*Enduring Powers of Attorney Act 1985 (c. 29)*

- 106 In section 3 (scope of authority etc. of attorney under enduring power), in subsection (5)(a), for “or marriage” substitute “ , marriage or the formation of a civil partnership ”.
- 107 In Schedule 1 (notification prior to registration of instrument creating power of attorney), in paragraph 2(1)—
- (a) in paragraph (a), after “wife” insert “ or civil partner ”, and
  - (b) in paragraph (e), after “widower” insert “ or surviving civil partner ”.
- 108 Paragraphs 106 and 107 apply in relation to the exercise of powers under enduring powers of attorney created before the passing of this Act as well as in relation to those created on or after its passing.

*Food and Environment Protection Act 1985 (c. 48)*

- 109 In Schedule 2 (officers and their powers), in paragraph 2A(4), after “spouse” insert “ or civil partner ”.

*Child Abduction and Custody Act 1985 (c. 60)*

- 110 In section 24A (power to order disclosure of child’s whereabouts), in subsection (2), after “spouse” insert “ or civil partner ”.

*Airports Act 1986 (c. 31)*

- 111 In section 20 (powers of investment and disposal in relation to public airport companies), in subsection (6)(b), after “widowers” insert “ , civil partners, surviving civil partners ”.

*Insolvency Act 1986 (c. 45)*

- 112 In section 215 (proceedings under sections 213, 214), in subsection (3)(b), after “marriage” insert “ or the formation of a civil partnership ”.
- 113 In section 283A (bankrupt’s home ceasing to form part of estate), in subsection (1)
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- (a) in paragraph (b), after “spouse” insert “ or civil partner ”, and
  - (b) in paragraph (c), after “spouse” insert “ or former civil partner ”.
- 114 In section 313 (charge on bankrupt’s home), in subsection (1), after “former spouse” insert “ or by his civil partner or former civil partner ”.
- 115 In section 313A (low value home: application for sale, possession or charge), in subsection (1)—
- (a) in paragraph (a)(ii), after “spouse” insert “ or civil partner ”, and
  - (b) in paragraph (a)(iii), after “spouse” insert “ or former civil partner ”.
- 116 In section 329 (debts to spouse), in subsection (1), after “spouse” (in each place) insert “ or civil partner ”.
- 117 In section 332 (saving for bankrupt’s home), in subsection (1), after “former spouse” insert “ or by his civil partner or former civil partner ”.
- 118 In section 335A (rights under trusts of land), in subsection (2)(b)—
- (a) for “bankrupt’s spouse or former spouse” substitute “ bankrupt’s spouse or civil partner or former spouse or former civil partner ”, and
  - (b) in sub-paragraphs (i) and (ii), for “spouse or former spouse” substitute “ spouse, civil partner, former spouse or former civil partner ”.
- 119 In section 339 (transactions at an undervalue), in subsection (3)(b), after “marriage” insert “ or the formation of a civil partnership ”.
- 120 In section 366 (inquiry into bankrupt’s dealings and property), in subsection (1)(a), after “former spouse” insert “ or civil partner or former civil partner ”.
- 121 In section 423 (transactions defrauding creditors), in subsection (1)(b), after “marriage” insert “ or the formation of a civil partnership ”.
- 122 (1) Amend section 435 (meaning of “associate”) as follows.
- (2) For subsection (2) substitute—
- “(2) A person is an associate of an individual if that person is—
- (a) the individual’s husband or wife or civil partner,
  - (b) a relative of—
    - (i) the individual, or
    - (ii) the individual’s husband or wife or civil partner, or
  - (c) the husband or wife or civil partner of a relative of—
    - (i) the individual, or
    - (ii) the individual’s husband or wife or civil partner.”
- (3) In subsection (3), after “husband or wife” insert “ or civil partner ”.
- (4) In subsection (8), at the end insert “ and references to a civil partner include a former civil partner ”.

*Building Societies Act 1986 (c. 53)*

- 123 In section 70 (interpretation), in—
- (a) subsection (2)(a) and (c), and
  - (b) subsection (4),
- after “spouse” (in each place) insert “ or civil partner ”.

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*Family Law Act 1986 (c. 55)*

- 124 In section 33 (power to order disclosure of child's whereabouts), in subsection (2), after "spouse" insert " or civil partner ".
- 125 In section 50 (non-recognition of divorce or annulment in another jurisdiction no bar to remarriage), for the words from "re-marrying" to the end substitute " forming a subsequent marriage or civil partnership in that part of the United Kingdom or cause the subsequent marriage or civil partnership of either party (wherever it takes place) to be treated as invalid in that part. "

*Consumer Protection Act 1987 (c. 43)*

- 126 In section 47 (savings for certain privileges), in subsection (2), after "spouse" insert " or civil partner ".

*Criminal Justice Act 1988 (c. 33)*

- 127 In section 160A (marriage and other relationships), in subsections (1)(a) and (2)(a), after "were married" insert " or civil partners of each other ".

*Companies Act 1989 (c. 40)*

- 128 In section 52 (meaning of "associate"), in subsection (2)(a) after "spouse" insert " or civil partner ".

*Children Act 1989 (c. 41)*

- 129 (1) Amend section 8 (residence, contact and other orders with respect to children) as follows.
- (2) After subsection (4)(b) insert—  
“(ba) Schedule 5 to the Civil Partnership Act 2004;”.
- (3) After subsection (4)(e) insert—  
“(ea) Schedule 6 to the Civil Partnership Act 2004;”.

- 130 In section 48 (powers to assist in discovery of children who may be in need of emergency protection), in subsection (2), after "spouse" insert " or civil partner ".

- 131 In section 50 (recovery of abducted children etc.), in subsection (11), after "spouse" insert " or civil partner ".

- 132 In section 98 (self-incrimination), in subsections (1) and (2), after "spouse" insert " or civil partner ".

*Local Government and Housing Act 1989 (c. 42)*

- 133 In section 19 (members' interests) in subsection (7), after "spouse" insert " or civil partner ".

- 134 In section 69 (companies subject to local authority influence), in subsection (6)(c), after "spouse" insert " or civil partner ".

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*Opticians Act 1989 (c. 44)*

- 135 In section 29(1) (family or representatives may use deceased optician’s title for three years), in paragraphs (b) and (d), for “his widow” substitute “ his surviving spouse or his surviving civil partner ”.

*Food Safety Act 1990 (c. 16)*

- 136 In section 43 (continuance of registration or licence on death) in subsection (2), for the words from “the deceased’s personal representative” to “his death” substitute “the deceased’s personal representative, or widow or widower or surviving civil partner or any other member of the deceased’s family, until the end of—  
(a) the period of three months beginning with the deceased’s death”.

*Courts and Legal Services Act 1990 (c. 41)*

- 137 In section 10 (family proceedings in magistrates' courts and related matters), in subsection (1), after “Domestic Proceedings and Magistrates' Courts Act 1978” insert “ or Schedule 6 to the Civil Partnership Act 2004 ”.
- 138 In section 58A (conditional fee agreements: supplementary), omit “and” at the end of subsection (2)(f) and insert—  
“(fa) Chapter 2 of Part 2 of the Civil Partnership Act 2004 (proceedings for dissolution etc. of civil partnership);  
(fb) Schedule 5 to the 2004 Act (financial relief in the High Court or a county court etc.);  
(fc) Schedule 6 to the 2004 Act (financial relief in magistrates' courts etc.);  
(fd) Schedule 7 to the 2004 Act (financial relief in England and Wales after overseas dissolution etc. of a civil partnership); and”.

*Broadcasting Act 1990 (c. 42)*

- 139 In paragraph 1(2) of Part 1 of Schedule 2 (restrictions on the holding of licences)—  
(a) in paragraphs (a) and (d), after “husband or wife” (in each place) insert “ or civil partner ”, and  
(b) at the end insert “ and references to a civil partner shall include a former civil partner ”.

*Local Government Finance Act 1992 (c. 14)*

- 140 (1) In section 9(1)(a) (joint and several liability for council tax of married couple resident in same dwelling), after “is married to” insert “ , or is the civil partner of, ”.
- (2) After section 9(3) insert—  
“(4) For the purposes of this section two persons are civil partners of each other if they are of the same sex and either—  
(a) they are civil partners of each other; or  
(b) they are not civil partners of each other but are living together as if they were civil partners.”

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- (3) In section 18(1)(b) (power to make regulations to deal with death of a person liable for council tax as a spouse under section 9), after “spouse” insert “ or civil partner ”.

#### Commencement Information

- I6** Sch. 27 para. 140 wholly in force at 5.12.2005; Sch. 27 para. 140 not in force at Royal Assent see s. 263; Sch. 27 para. 140(3) in force for certain purposes at 15.4.2005 by S.I. 2005/1112, art. 2, Sch. 1 and Sch. 27 para. 140 in force otherwise at 5.12.2005 by S.I. 2005/3175, art. 2(2)

#### *Friendly Societies Act 1992 (c. 40)*

- 141 In section 77 (information on appointed actuary to be annexed to balance sheet), in subsection (3)(a), after “spouse” insert “ or civil partner ”.
- 142 In section 119A (meaning of “associate”), in subsection (1)(a), after “wife or husband” insert “ or civil partner ”.
- 143 In Schedule 2 (the activities of a friendly society), in Head A, in class II—
- (a) in the second column (description), after “Marriage” insert “ , civil partnership ”, and
  - (b) in the third column (nature of business), after “sum on marriage” insert “ or on the formation of a civil partnership ”.

#### *Trade Union and Labour Relations Act 1992 (c. 52)*

- 144 In section 23 (restriction on enforcement of awards against certain property), in subsection (3)(b) for “the wife” substitute “ the spouse or civil partner ”.
- 145 In section 241 (intimidation or annoyance by violence or otherwise), in subsection (1)(a), for “wife” substitute “ spouse or civil partner ”.
- 146 In section 292 (death of employee or employer), in subsection (3)(b), after “widow,” insert “ surviving civil partner, ”.

#### *Charities Act 1993 (c. 10)*

- 147 In Schedule 5 (meaning of “connected person” for purposes of section 36(2)) in paragraph 1(e) after “spouse” insert “ or civil partner ”.

#### *Pension Schemes Act 1993 (c. 48)*

- 148 In section 101E(1)(b) after “or widower” insert “ or surviving civil partner ”.

#### *Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

- 149 In section 97E(1)(b) after “or widower” insert “ or surviving civil partner ”.

#### *Disability Discrimination Act 1995 (c. 50)*

- 150 (1) In section 23 (exemption for small dwellings), amend subsection (7) as follows.
- (2) In the definition of “near relative”—

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- (a) after “spouse” insert “ or civil partner ”, and
- (b) for “by affinity)” substitute “ by marriage or civil partnership )”.

(3) For the definition of “partner” substitute—

““partner” means the other member of a couple consisting of—

- (a) a man and a woman who are not married to each other but are living together as husband and wife, or
- (b) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners.”

*Employment Rights Act 1996 (c. 18)*

151 In section 57A (time off for dependants), in subsection (3)(a), after “spouse” insert “ or civil partner ”.

*Family Law Act 1996 (c. 27)*

- 152 (1) Amend section 64 (provision for separate representation for children) as follows.
- (2) Omit “or” at the end of subsection (1)(c).
- (3) At the end of subsection (1)(d) insert “or
- (e) Schedule 5 or 6 to the Civil Partnership Act 2004.”

*Trusts of Land and Appointment of Trustees Act 1996 (c. 47)*

153 In paragraph 3 of Schedule 1 (family charges), after “in consideration of marriage” insert “ or the formation of a civil partnership ”.

*Civil Procedure Act 1997 (c. 12)*

154 In section 7 (power of courts to make orders for preserving evidence etc.), in subsection (7), after “spouse” insert “ or civil partner ”.

*National Minimum Wage Act 1998 (c. 39)*

155 In section 14 (powers of officers), in subsection (2), for “married, the person’s spouse” substitute “ married or a civil partner, the person’s spouse or civil partner ”.

*Access to Justice Act 1999 (c. 22)*

156 In Schedule 2 (community legal service: excluded services), in paragraph 2(3) (d), after “Domestic Proceedings and Magistrates’ Courts Act 1978” insert “ or Schedule 6 to the Civil Partnership Act 2004 ”.

*Welfare Reform and Pensions Act 1999 (c. 30)*

- 157 (1) Amend section 23 (supply of pension information in connection with divorce etc.) as follows.
- (2) After subsection (1)(a)(i) insert—

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- “(ia) financial relief under Schedule 5 or 7 to the Civil Partnership Act 2004 (England and Wales powers in relation to domestic and overseas dissolution of civil partnerships etc.),”.
- (3) In subsection (1)(a)(ii)—
- (a) after “1984” insert “ or Schedule 11 to the 2004 Act ”, and
- (b) at the end, omit “or”.
- (4) In subsection (1)(a)(iii) for “(corresponding Northern Ireland powers),” substitute “(Northern Ireland powers corresponding to those mentioned in sub-paragraph (i)), or
- (iv) financial relief under Schedule 15 or 17 to the 2004 Act (Northern Ireland powers corresponding to those mentioned in sub-paragraph (ia));”.
- (5) In subsection (1)(b), for “or (iii)” substitute “ (ia), (iii) or (iv) ”.
- 158 (1) Amend section 24 (charges by pension arrangements in relation to earmarking orders) as follows.
- (2) After paragraph (a) insert—
- “(aa) an order under Part 1 of Schedule 5 to the Civil Partnership Act 2004 (financial provision orders in connection with dissolution of civil partnerships etc.) so far as it includes provision made by virtue of Part 6 of that Schedule (powers to include provision about pensions),”.
- (3) At the end of paragraph (b) omit “or” and after paragraph (c) insert “, or
- (d) an order under Part 1 of Schedule 15 to the 2004 Act so far as it includes provision made by virtue of Part 5 of that Schedule (Northern Ireland powers corresponding to those mentioned in paragraph (aa)).”
- 159 (1) Amend section 28 (activation of pension sharing) as follows.
- (2) After subsection (1)(a) insert—
- “(aa) a pension sharing order under Schedule 5 to the Civil Partnership Act 2004,”.
- (3) After subsection (1)(d) insert—
- “(da) an order under Schedule 7 to the 2004 Act (financial relief in England and Wales after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (aa),”.
- (4) In subsection (1)(f)—
- (a) at the end of sub-paragraph (i) insert “ or between persons who are civil partners of each other ”, and
- (b) at the end of sub-paragraph (iii) insert “ or (as the case may be) on the grant, in relation to the civil partnership, of decree of dissolution or of declarator of nullity ”.
- (5) In subsection (1)(g), after “divorce etc.” insert “ or under Schedule 11 to the 2004 Act (financial provision in Scotland after overseas proceedings) ”.

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- (6) In subsection (1)(h) for “Northern Ireland legislation, and” substitute “ the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15)), ”.
- (7) After subsection (1)(i) insert—
- “(j) a pension sharing order under Schedule 15 to the 2004 Act, and
  - (k) an order under Schedule 17 to the 2004 Act (financial relief in Northern Ireland after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (j).”
- (8) In subsection (7)(a), omit “matrimonial”.
- (9) In subsection (8)—
- (a) in paragraph (a), after “divorce” insert “ , dissolution ”, and
  - (b) at the end of paragraph (b) insert “ or, where the order is under Schedule 11 to the 2004 Act, the date of disposal of the application under paragraph 2 of that Schedule ”.
- (10) In subsection (9)—
- (a) omit “matrimonial”, and
  - (b) in paragraphs (a) and (b)(i), after “divorce” insert “ , dissolution ”.
- 160 (1) Amend section 34 (“implementation period”) as follows.
- (2) In subsection (1)(b)(i), omit “matrimonial”.
- (3) In subsection (2)—
- (a) omit “matrimonial”, and
  - (b) in paragraph (b), after “divorce” insert “ , dissolution ”.
- 161 (1) Amend section 48 (activation of benefit sharing) as follows.
- (2) After subsection (1)(a) insert—
- “(aa) a pension sharing order under Schedule 5 to the Civil Partnership Act 2004,”.
- (3) After subsection (1)(d) insert—
- “(da) an order under Schedule 7 to the 2004 Act (financial relief in England and Wales after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (aa),”.
- (4) In subsection (1)(f)—
- (a) at the end of sub-paragraph (i) insert “ or between persons who are civil partners of each other ”, and
  - (b) at the end of sub-paragraph (iii) insert “ or (as the case may be) on the grant, in relation to the civil partnership, of decree of dissolution or of declarator of nullity ”.
- (5) In subsection (1)(g), after “divorce etc.” insert “ or under Schedule 11 to the 2004 Act (financial provision in Scotland after overseas proceedings) ”.
- (6) In subsection (1)(h) for “Northern Ireland legislation, and” substitute “ the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15)), ”.

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(7) After subsection (1)(i) insert—

- “(j) a pension sharing order under Schedule 15 to the 2004 Act, and
- (k) an order under Schedule 17 to the 2004 Act (financial relief in Northern Ireland after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (j).”

(8) In subsection (6)(a), omit “matrimonial”.

(9) In subsection (7)—

- (a) in paragraph (a), after “divorce” insert “, dissolution”, and
- (b) at the end of paragraph (b) insert “ or, where the order is under Schedule 11 to the 2004 Act, the date of disposal of the application under paragraph 2 of that Schedule ”.

(10) In subsection (8)—

- (a) omit “matrimonial”, and
- (b) in paragraphs (a) and (b)(i), after “divorce” insert “, dissolution”.

*Immigration and Asylum Act 1999 (c. 33)*

162 After section 24 insert—

**“24A Duty to report suspicious civil partnerships**

(1) Subsection (3) applies if—

- (a) a registration authority to whom a notice of proposed civil partnership has been given under section 8 of the Civil Partnership Act 2004,
- (b) any person who, under section 8 of the 2004 Act, has attested a declaration accompanying such a notice,
- (c) a district registrar to whom a notice of proposed civil partnership has been given under section 88 of the 2004 Act, or
- (d) a registrar to whom a civil partnership notice has been given under section 139 of the 2004 Act,

has reasonable grounds for suspecting that the civil partnership will be a sham civil partnership.

(2) Subsection (3) also applies if—

- (a) two people register as civil partners of each other under Part 2, 3 or 4 of the 2004 Act in the presence of the registrar, and
- (b) before, during or immediately after they do so, the registrar has reasonable grounds for suspecting that the civil partnership will be, or is, a sham civil partnership.

(3) The person concerned must report his suspicion to the Secretary of State without delay and in such form and manner as may be prescribed by regulations.

(4) The regulations are to be made—

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- (a) in relation to England and Wales, by the Registrar General for England and Wales with the approval of the Chancellor of the Exchequer;
  - (b) in relation to Scotland, by the Secretary of State after consulting the Registrar General of Births, Deaths and Marriages for Scotland;
  - (c) in relation to Northern Ireland, by the Secretary of State after consulting the Registrar General in Northern Ireland.
- (5) “Sham civil partnership” means a civil partnership (whether or not void)—
- (a) formed between a person (“A”) who is neither a British citizen nor a national of an EEA State other than the United Kingdom and another person (whether or not such a citizen or such a national), and
  - (b) formed by A for the purpose of avoiding the effect of one or more provisions of United Kingdom immigration law or the immigration rules.
- (6) “The registrar” means—
- (a) in relation to England and Wales, the civil partnership registrar acting under Part 2 of the 2004 Act;
  - (b) in relation to Scotland, the authorised registrar acting under Part 3 of the 2004 Act;
  - (c) in relation to Northern Ireland, the registrar acting under Part 4 of the 2004 Act.”

#### Commencement Information

- I7** Sch. 27 para. 162 wholly in force at 5.12.2005; Sch. 27 para. 162 not in force at Royal Assent see s. 263; Sch. 27 para. 162 in force for certain purposes at 15.4.2005 by [S.I. 2005/1112](#), [art. 2](#), [Sch. 1](#) and Sch. 27 para. 162 in force otherwise at 5.12.2005 by [S.I. 2005/3175](#), [art. 2\(2\)](#)

- 163 In section 166 (regulations and orders), in subsection (6)(b) after “24(3)” insert “, 24A(3)”.

#### *Representation of the People Act 2000 (c. 2)*

- 164 (1) Amend Schedule 4 (absent voting in Great Britain) as follows.
- (2) In paragraph 3(3)(c), for “his spouse,” (in both places) substitute “ his spouse or civil partner, ”.
- (3) In paragraph 6(6), for “husband, wife,” substitute “ spouse, civil partner, ”.

#### *Financial Services and Markets Act 2000 (c. 8)*

- 165 In section 422 (controller), in subsection (4)(a), after “spouse” insert “ or civil partner ”.
- 166 In Schedule 11 (offers of securities), in paragraph 16(2), after “wife, husband, widow, widower” insert “ , civil partner, surviving civil partner, ”.

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*Land Registration Act 2002 (c. 9)*

- 167 In section 125 (privilege against self-incrimination), in subsection (2), after “spouse” insert “ or civil partner ”.

*Enterprise Act 2002 (c. 40)*

- 168 In section 127 (associated persons), in subsections (4)(a) and (c) and (6), after “spouse” (in each place) insert “ , civil partner ”.
- 169 In section 222 (bodies corporate: accessories), in subsection (10), after “spouse” in paragraphs (a), (c), (d) and (e) (in each place) insert “ or civil partner ”.

*Licensing Act 2003 (c. 17)*

- 170 In section 101 (minimum of 24 hours between event periods), in subsection (3)(a) and (d), after “spouse” insert “ or civil partner ”.

*Local Government Act 2003 (c. 26)*

- 171 In paragraph 2(1)(a) of Schedule 4 (spouse of employee of the Valuation Tribunal Service disqualified for appointment as member of the Service), after “is married to” insert “ or is the civil partner of ”.

*Courts Act 2003 (c. 39)*

- 172 In section 76 (further provision about scope of Family Procedure Rules), in subsection (2)(b), after “divorce county court” insert “ or civil partnership proceedings county court (within the meaning of Part 5 of the Matrimonial and Family Proceedings Act 1984) ”.

*Sexual Offences Act 2003 (c. 42)*

- 173 (1) Amend section 23 (sections 16 to 19: marriage exception) as follows.
- (2) At the end of subsection (1)(b) insert “ or civil partners of each other ”.
- (3) In subsection (2), for “were lawfully married at the time” substitute “ were at the time lawfully married or civil partners of each other ”.
- (4) In the heading to section 23 for “marriage exception” substitute “ exception for spouses and civil partners ”.
- 174 (1) Amend section 28 (sections 25 and 26: marriage exception) as follows.
- (2) At the end of subsection (1)(b) insert “ or civil partners of each other ”.
- (3) In subsection (2), for “were lawfully married at the time” substitute “ were at the time lawfully married or civil partners of each other ”.
- (4) In the heading to section 28 for “marriage exception” substitute “ exception for spouses and civil partners ”.
- 175 (1) Amend section 43 (sections 38 and 41: marriage exception) as follows.
- (2) At the end of subsection (1)(b) insert “ or civil partners of each other ”.

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- (3) In subsection (2), for “were lawfully married at the time” substitute “ were at the time lawfully married or civil partners of each other ”.
- (4) In the heading to section 43 for “marriage exception” substitute “ exception for spouses and civil partners ”.

**Status:**

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