

2005 No. 3175 (C.136)

CIVIL PARTNERSHIP

**The Civil Partnership Act 2004 (Commencement No. 2) Order
2005**

Made - - - - *14th November 2005*

The Secretary of State makes the following Order in exercise of the powers conferred by section 263 of the Civil Partnership Act 2004^(a).

In accordance with that section of that Act, he has consulted the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland with respect to article 3 of, and Schedule 2 to, this Order.

Citation, interpretation and extent

1.—(1) This Order may be cited as the Civil Partnership Act 2004 (Commencement No. 2) Order 2005.

(2) In this Order—

- (a) “the Act” means the Civil Partnership Act 2004; and
- (b) “the 1949 Act” means the Marriage Act 1949^(b).

(3) This Order does not extend to the Channel Islands or the Isle of Man.

Commencement not requiring consultation

2.—(1) The provisions of the Act specified in Schedule 1 to this Order shall come into force on 5th December 2005.

(2) Subject to paragraphs (3) to (5), Schedule 27 to the Act shall, in so far as it is not already in force, come into force on 5th December 2005.

(3) Paragraph 13(4) and (5) of Schedule 27 shall not be commenced by this Order.

(4) Paragraph 13(6) of Schedule 27 shall only be commenced so as to omit subsections (6) and (7) of section 1 of the 1949 Act, and only in so far as those subsections apply to Part 2 of Schedule 1 to the 1949 Act.

(5) Paragraph 17 of Schedule 27 shall only be commenced in so far as it substitutes Parts 1 and 2 of Schedule 1 to the 1949 Act.

^(a) 2004 c. 33.
^(b) 1949 c. 76.

(6) Subject to paragraph (7), Schedule 30 to the Act, except so far as relating to any Acts of the Scottish Parliament or any provision which extends to Northern Ireland only, shall come into force on 5th December 2005.

(7) The amendment of the 1949 Act in Schedule 30 shall only be commenced so as to repeal subsections (6) and (7) of section 1 of that Act, and only in so far as those subsections apply to Part 2 of Schedule 1 to that Act.

(8) Paragraph 13(2)(a) of Schedule 9 to the Act shall come into force on 5th December 2005 immediately after section 3 of the Domestic Violence, Crime and Victims Act 2004(a) has come into force.

(9) Sections 75(2) and 79 of the Act shall come into force on 30th December 2005.

Commencement requiring consultation

3. The provisions of the Act specified in Schedule 2 to this Order shall come into force on 5th December 2005.

14th November 2005

Meg Munn
Parliamentary Under Secretary of State for Women and Equality
Department of Trade and Industry

SCHEDULE 1

Article 2(1)

COMMENCEMENT OF PROVISIONS NOT REQUIRING CONSULTATION

Section 2 in so far as it is not already in force

Sections 3 to 7

Section 8 in so far as it is not already in force

Section 9

Section 10 in so far as it is not already in force

Section 11

Section 12(1) and (3)

Section 13

Section 14(1), (3), (4) and (5)

Sections 15 to 17

Sections 18 and 19 in so far as they are not already in force

Section 20

Section 21 in so far as it is not already in force

Sections 22 to 24

Section 25(1), (2), (3), (4), (6) and (7)

(a) 2004 c. 28.

Sections 26 to 33

Section 34(2)

Sections 37 to 41

Section 42 in so far as it is not already in force

Sections 43 and 44

Section 45(1), (2), (5), (6), (7) and (8)

Sections 46 to 60

Section 61 in so far as it is not already in force

Sections 62 and 63

Section 64(3)

Section 65

Section 66 in so far as it is not already in force

Sections 67 to 74

Section 75(1), (3) and (4)

Sections 76 to 78

Sections 80 to 84

Sections 249, 251 and 253

Section 254(1) in so far as it relates to the provisions in Schedule 24 to the Act which are brought into force by this Order

Sections 256 and 257

Section 261(1)

Section 261(4) except so far as relating to any Acts of the Scottish Parliament or any provision which extends to Northern Ireland only

Schedule 1 in so far as it is not already in force, except paragraphs 3 and 9

Schedule 2, except paragraph 15(2) and (3)

Schedules 3 and 4

Schedule 5 in so far as it is not already in force, except Part 7

Schedule 6 in so far as it is not already in force

Schedule 7 in so far as it is not already in force, except paragraph 10(4)(b), (5)(b) and (9)(c)

Schedule 8

Schedule 9 except paragraph 13(2)(a)

Schedule 23 in so far as it is not already in force

Schedule 24 except paragraphs 7 to 12, 67 to 85, 87, 89 to 99, 102 to 105, 107 to 117, 128 to 137, and 148 to 151

Schedule 25

Schedule 26 in so far as it is not already in force

SCHEDULE 2

Article 3

COMMENCEMENT OF PROVISIONS REQUIRING CONSULTATION

Section 1

Section 210(3)

Section 212

Section 213(1)

Sections 214 to 218

Section 220 in so far as it is not already in force

Sections 221 and 222

Sections 224 and 225

Section 227

Section 228 in so far as it is not already in force

Sections 229 and 230

Sections 232 to 236

Section 237(1) and (6)

Section 238

Section 245 in so far as it is not already in force

Sections 246 and 247(1)

Section 250

Schedules 20 and 21

EXPLANATORY NOTE

(This note is not part of the Order)

This Order brings into force on 5th December 2005 all the remaining provisions of the Civil Partnership Act 2004 (c.33) (“the Act”) (other than those provisions that come into force by Order made by the Scottish Ministers or the Department of Finance and Personnel in Northern Ireland) with the following exceptions –

Section 75(2) of the Act, which amends section 4A(1) of the Children Act 1989 (c. 41) (acquisition of parental responsibility by step-parent), is brought into force by this Order on 30th December 2005

Section 79 of the Act, which amends the Adoption and Children Act 2002 (c. 38) to ensure that civil partners are treated equally with spouses for the purposes of adoption, is brought into force by this Order on 30th December 2005

Paragraphs 3 and 9 of Schedule 1 to the Act (prohibited degrees of relationship: England and Wales) are not commenced by this Order

Part 7 of Schedule 5 to the Act and paragraph 10(4)(b), (5)(b) and (9)(c) of Schedule 7 to the Act, which relate to pension protection fund compensation, are not commenced by this Order

Paragraph 13(4) and (5) of Schedule 27 to the Act, which amends section 1(4) and (5) of the Marriage Act 1949 (c. 76) (“the 1949 Act”) (marriages within prohibited degrees), is not commenced by this Order

Paragraph 13(6) of Schedule 27 to the Act, which omits section 1(6) to (8) of the 1949 Act (marriages within prohibited degrees), is only partially commenced on 5th December 2005

Paragraph 17 of Schedule 27 to the Act, which amends Schedule 1 to the 1949 Act (kindred and affinity), is only partially commenced on 5th December 2005

The amendment of section 1 of the 1949 Act (marriages within prohibited degrees) in Schedule 30 to the Act is only partially commenced on 5th December 2005

A regulatory impact assessment has not been prepared for this Order, as it has no impact on the cost of business, charities, voluntary bodies or any public bodies distinct from that of the Act itself. A full regulatory impact assessment for civil partnership was published alongside the Act and can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Act have been brought into force by commencement orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 2(4)(b) (partially)	15.4.2005	2005/1112
Section 8(2) (partially)	15.4.2005	2005/1112
Section 10(2)(c) (partially)	15.4.2005	2005/1112
Section 12(2)	15.4.2005	2005/1112
Section 14(2)	15.4.2005	2005/1112
Section 18(4) (partially)	15.4.2005	2005/1112
Section 19(5) (partially)	15.4.2005	2005/1112
Section 21(2) (partially)	15.4.2005	2005/1112
Section 25(5)	15.4.2005	2005/1112
Section 34(1)	15.4.2005	2005/1112
Section 35	15.4.2005	2005/1112
Section 36	15.4.2005	2005/1112
Section 42(1) (partially)	15.4.2005	2005/1112
Section 42(2)	15.4.2005	2005/1112
Section 45(3) and (4)	15.4.2005	2005/1112
Section 61(1) (partially)	15.4.2005	2005/1112
Section 61(2)	15.4.2005	2005/1112
Section 64(1) and (2)	15.4.2005	2005/1112
Section 66(1)(b) (partially)	15.4.2005	2005/1112
Section 66(3)	15.4.2005	2005/1112
Section 88(1) and (5) (partially)	14.9.2005	SSI 2005/428
Section 89(1) (partially)	14.9.2005	SSI 2005/428
Section 89(2)	14.9.2005	SSI 2005/428
Section 90(4)	14.9.2005	SSI 2005/428
Section 94 (partially)	14.9.2005	SSI 2005/428
Section 95(3) and (4)	14.9.2005	SSI 2005/428
Section 97(3) (partially)	14.9.2005	SSI 2005/428
Section 99(2) (partially)	14.9.2005	SSI 2005/428
Section 122(3)	14.9.2005	SSI 2005/428
Section 122(4) (partially)	14.9.2005	SSI 2005/428
Section 126	14.9.2005	SSI 2005/428
Section 134 (partially)	14.9.2005	SSI 2005/428
Section 135 and 136	14.9.2005	SSI 2005/428
Section 139(2) and (3) (partially)	5.9.2005	2005/2399
Section 140(1)(a) (partially)	5.9.2005	2005/2399
Section 143 (partially)	5.9.2005	2005/2399
Section 144(4) (partially)	5.9.2005	2005/2399
Section 144(6) (partially)	5.9.2005	2005/2399
Section 145(3) (partially)	5.9.2005	2005/2399
Section 147(1) (partially)	5.9.2005	2005/2399
Section 149(2)(a) (partially)	5.9.2005	2005/2399
Section 152(5)	5.9.2005	2005/2399
Section 155(3) (partially)	5.9.2005	2005/2399
Section 156(1) and (3)(partially)	5.9.2005	2005/2399

Section 157	5.9.2005	2005/2399
Section 159	5.9.2005	2005/2399
Section 160	5.9.2005	2005/2399
Section 169(3) and (4)	5.9.2005	2005/2399
Section 184(1) (partially)	5.9.2005	2005/2399
Section 184(2)	5.9.2005	2005/2399
Section 184(6)	5.9.2005	2005/2399
Section 184(8)	5.9.2005	2005/2399
Section 187(1) and (2)	5.9.2005	2005/2399
Section 188	5.9.2005	2005/2399
Section 189(1)	5.9.2005	2005/2399
Section 189(2) (partially)	5.9.2005	2005/2399
Section 190(2), (3) and (4) (partially)	5.9.2005	2005/2399
Section 191(3) (partially)	5.9.2005	2005/2399
Section 210(1), (2), (4) and (5)	15.4.2005	2005/1112
Section 211	15.4.2005	2005/1112
Section 219	15.4.2005	2005/1112
Section 220 (partially)	15.4.2005	2005/1112
Section 223	15.4.2005	2005/1112
Section 226	15.4.2005	2005/1112
Section 228 (partially)	15.4.2005	2005/1112
Section 231	15.4.2005	2005/1112
Section 237(2) to (5)	15.4.2005	2005/1112
Section 239	15.4.2005	2005/1112
Section 240	15.4.2005	2005/1112
Section 241	15.4.2005	2005/1112
Section 242	15.4.2005	2005/1112
Section 243	15.4.2005	2005/1112
Section 244	15.4.2005	2005/1112
Section 245 (partially)	15.4.2005	2005/1112
Schedule 1 paragraph 5(3) (partially)	15.4.2005	2005/1112
Schedule 2 paragraph 15(2) and (3)	15.4.2005	2005/1112
Schedule 5 paragraphs 15(2), 19(2) and (3), 27(c), 28 and 29(2) and (3) (partially)	15.4.2005	2005/1112
Schedule 5 paragraph 46(2) (partially)	15.4.2005	2005/1112
Schedule 5 paragraph 46(3)	15.4.2005	2005/1112
Schedule 5 paragraph 57(3) and (4) (partially)	15.4.2005	2005/1112
Schedule 5 paragraph 80(3) (partially)	15.4.2005	2005/1112
Schedule 6 paragraphs 10 and 11(2) (partially)	15.4.2005	2005/1112
Schedule 7 paragraphs 2(3), 4(1), and 12(1) and (5) (partially)	15.4.2005	2005/1112
Schedule 7 paragraph 14(4) and (5)	15.4.2005	2005/1112
Schedule 13 paragraph 6 (partially)	5.9.2005	2005/2399
Schedule 15 paragraph 10(2) (partially)	7.11.2005	2005/3058
Schedule 15 paragraph 14(2), (3) and (4) (partially)	7.11.2005	2005/3058
Schedule 15, paragraphs 22(c), 23, and 24(2) and (3) (partially)	7.11.2005	2005/3058
Schedule 15 paragraph 41(2) (partially)	5.9.2005	2005/2399
Schedule 15 paragraph 41(3)	5.9.2005	2005/2399
Schedule 15 paragraph 50(3), (4) and (5) (partially)	5.9.2005	2005/2399
Schedule 15 paragraph 75(4) (partially)	5.9.2005	2005/2399

Schedule 16 paragraphs 10 and 11(2) (partially)	5.9.2005	2005/2399
Schedule 17 paragraphs 2(3), 4(1), and 12(1) and (5) (partially)	5.9.2005	2005/2399
Schedule 17 paragraphs 14(4), (5) and (6)	5.9.2005	2005/2399
Schedule 23 paragraphs 2(1) and (3), 4, 6, 9, 10(1) and (3), 13, 15(1) and (3), 16(3)(a) and 17 (partially)	15.4.2005	2005/1112
Schedule 26 paragraphs 4, 5, 8 and 17 (partially)	15.4.2005	2005/1112
Schedule 27 paragraph 12	15.4.2005	2005/1112
Schedule 27 paragraph 14 (partially)	15.4.2005	2005/1112
Schedule 27 paragraph 21 (partially)	15.4.2005	2005/1112
Schedule 27 paragraph 70 (partially)	15.4.2005	2005/1112
Schedule 27 paragraph 137	15.4.2005	2005/1112
Schedule 27 paragraph 140(3) (partially)	15.4.2005	2005/1112
Schedule 27 paragraph 162 (partially)	15.4.2005	2005/1112
Schedule 27 paragraph 163	15.4.2005	2005/1112
Schedule 27 paragraph 172	15.4.2005	2005/1112
Schedule 29 paragraph 94 (partially)	5.9.2005	2005/2399

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