
STATUTORY INSTRUMENTS

2020 No. 1143

**The Marriage and Civil Partnership
(Northern Ireland) (No. 2) Regulations 2020**

PART 7

Amendments of Legislation

Civil Partnership Act 2004

44.—(1) The Civil Partnership Act 2004⁽¹⁾ is amended as follows.

(2) In section 1(1) (formation and deemed formation of civil partnerships), after paragraph (b) insert—

“, or

(c) which results from the conversion, under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, of their marriage.”.

(3) In section 1(3) (ways in which a civil partnership may end), after paragraph (c) insert—

“, or

(d) in the case of a civil partnership formed as mentioned in subsection (1)(a)(iii) or (iv), on the conversion of the civil partnership into a marriage—

(i) under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or

(ii) under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014.”.

(4) In section 54 (validity in England and Wales of civil partnerships formed elsewhere), after subsection (2) insert—

“(2A) Where two people convert, or purport to convert, their marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, the civil partnership is—

(a) void, if it would be void in Northern Ireland under section 173, and

(b) voidable, if it would be voidable there under section 174.”.

(5) In section 173 (grounds on which a civil partnership is void)—

(a) the existing text becomes subsection (1) of that section, and

(b) after that subsection insert—

⁽¹⁾ Section 1 was amended by the Marriage (Same Sex Couples) Act 2013 (c. 30), the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), S.I. 2019/1458 and S.I. 2019/1514, and is prospectively amended by the Civil Partnership (Scotland) Act 2020 (asp 15).

“(2) Subsection (3) applies in the case of a civil partnership which results from the conversion, or purported conversion, of a marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.

(3) The civil partnership is void if (but only if) the marriage was void.”.

(6) After section 174 insert—

“174A. Civil partnership converted from a marriage: when voidable

(1) Subsections (2) and (3) apply in the case of a civil partnership which results from the conversion of a marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.

(2) Section 174(1) applies in relation to the civil partnership, but does so as if—

- (a) the reference in paragraph (a) to either party not validly consenting to the formation of the civil partnership were a reference to either party not validly consenting to the marriage, and
- (b) a reference in paragraphs (b) to (e) to the time of the civil partnership’s formation were a reference to the time of the marriage.

(3) Section 175 applies in relation to the civil partnership as if—

- (a) the reference in subsection (1)(a) to obtaining a nullity order were a reference to obtaining a nullity order or (at times before the conversion) to having the marriage avoided,
- (b) the reference in subsection (2) to the date of the formation of the civil partnership were a reference to the date of the marriage, and
- (c) the reference in subsection (6) to the time of the formation of the civil partnership were a reference to the time of the marriage.”.