STATUTORY INSTRUMENTS

2006 No. 1945

The Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006

Introductory

Title, interpretation and commencement

1.—(1) This Order may be cited as the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2006.

(2) The Interpretation Act (Northern Ireland) 1954 (c. 33) applies to this Order as it applies to an Act of the Assembly.

(3) This Order comes into operation on the expiration of two months from the day on which it is made.

Physical punishment of children

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2.—(1) In relation to any offence specified in paragraph (2), battery of a child cannot be justified on the ground that it constituted reasonable punishment.

(2) The offences referred to in paragraph (1) are—

(a) an offence under section 18 of the Offences against the Person Act 1861 (c. 100) (wounding, or causing grievous bodily harm, with intent);

(b) an offence under section 20 of that Act (malicious wounding or grievous bodily harm);

(c) an offence under section 43 of that Act (aggravated assault);

(d) an offence under section 47 of that Act (assault occasioning actual bodily harm and common assault); and

(e) an offence under section 20(1) of the Children and Young Persons Act (Northern Ireland) 1968 (c. 34) (cruelty to persons under 16).

(3) Battery of a child causing actual bodily harm to the child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment.

(4) For the purposes of paragraph (3), "actual bodily harm" has the same meaning as it has for the purposes of section 47 of the Offences against the Person Act 1861.

(5) In section 20 of the Children and Young Persons Act (Northern Ireland) 1968, subsection (6) is hereby repealed.

Prohibited degrees of relationship

Marriage between certain persons related by affinity not to be void

3.—(1) In Article 18 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (NI 14) (prohibited degrees of relationship), the following provisions (which provide that a marriage between a person and the parent of a former spouse or former civil partner or between a person and the former spouse or former civil partner of a child of that person is void unless certain conditions are satisfied) are hereby repealed—

(a) in paragraph (1), Part 3 of the Table; and

(b) paragraphs (2C) and (2D).

(2) In paragraph (3) of that Article—

(a) for ", (2A) or (2C)" there shall be substituted "or (2A)"; and

(b) for "(2B) or (2D)" there shall be substituted "(2B)".

(3) In consequence of paragraph (1), sub-paragraphs (6) and (7) of paragraph 64 of Schedule 29 to the Civil Partnership Act 2004 (c. 33) (which amend the paragraphs mentioned in paragraph (1)(b)) are hereby repealed.

(4) Nothing in this Article shall affect any marriage solemnised before the commencement of this Order.

Corresponding provision for civil partnership

4. Paragraph 3 of Schedule 12 to the Civil Partnership Act 2004 (c. 33) is hereby repealed.

Repeal of superseded provisions

5. The following are hereby repealed—

(a) paragraphs (2DA), (2DB) and (2DC) of Article 18 of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (NI 14) (which are superseded by subsequent amendments to that Article);

(b) paragraphs (2) and (3) of Article 4 of the Family Law (Northern Ireland) Order 1993 (NI 6) (which are superseded by subsequent amendments to Article 18 of the 1984 Order);

(c) paragraph 8 of Schedule 4 to the Gender Recognition Act 2004 (c. 7) (which inserts the paragraphs mentioned in sub-paragraph (a)).

Minor correction

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6. In Schedule 16 to the Civil Partnership Act 2004 (c. 33) in paragraph 30(1) (variation, etc. of orders) for "Part 2 or 3" substitute "Part 1, 2 or 3".

A.K. Galloway
Clerk of the Privy Council