

2005 No. 479

CIVIL PARTNERSHIP

**The Civil Partnership Act 2004 (Consequential
Amendments) Order (Northern Ireland) 2005**

Made - - - - - 4th November 2005

Coming into operation 5th December 2005

*To be laid before Parliament under paragraph 7(3) of the
Schedule to the Northern Ireland Act 2000*

The Department of Finance and Personnel, in exercise of the powers conferred on it by sections 254 and 259 of the Civil Partnership Act 2004^(a) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Civil Partnership Act 2004 (Consequential Amendments) Order (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Amendments of legislation

2. The Schedule (which contains amendments to miscellaneous legislation) shall have effect.

Sealed with the Official Seal of the Department of Finance and Personnel on 4th November 2005.

(L.S.)

Ethne E. Harkness

A senior officer of the Department of Finance and Personnel

^(a) 2004 c. 33.

AMENDMENTS TO MISCELLANEOUS LEGISLATION

Fisheries Act (Northern Ireland) 1966(a)

1. In section 119 (temporary continuance of licence on death), for “widow” substitute “surviving spouse or civil partner”.

Health and Personal Social Services (Northern Ireland) Order 1972(b)

2.—(1) In the definition of “relative” in Article 2(2) (interpretation), after “spouse” insert “or civil partner”.

(2) In Article 100 (liability to maintain spouse and children)—

(a) in paragraph (1)(a) for “wife” substitute “spouse or civil partner”,

(b) in paragraph (1)(b) for “husband” substitute “spouse or civil partner”,

(c) in the heading to Article 100, after “spouse” insert “or civil partner”.

Financial Provisions (Northern Ireland) Order 1976(c)

3.—(1) In Article 15(1), after “marriage” insert “, civil partnership”.

(2) In the heading to Article 15, after “marriage” insert “, civil partnership”.

Pneumoconiosis, etc., (Workers’ Compensation) (Northern Ireland) Order 1979(d)

4.—(1) In Article 5(1)(a) (meaning of “dependant”)—

(a) after “a spouse” insert “or a civil partner”;

(b) after “that spouse” both times it occurs insert “or that civil partner”.

(2) In Article 5(1)(c)—

(a) after “a reputed spouse” insert “or a reputed civil partner”;

(b) after “that reputed spouse” insert “or that reputed civil partner”.

(3) In Article 5(3), after “wedlock” insert “or in the course of a civil partnership”.

Credit Unions (Northern Ireland) Order 1985(e)

5. In the definition of “civil partner” in Article 2(2) (interpretation), after “former civil partner” insert “and reputed civil partner”.

Insolvency (Northern Ireland) Order 1989(f)

6. In Article 4(8) (“Associate”), after “former civil partner” insert “and a reputed civil partner”.

Children (Northern Ireland) Order 1995(g)

7. In Article 24(3A)(b) (recoupment of cost of providing services, etc.), for “married or unmarried couple” substitute “couple”.

(a) 1966 c. 17 (N.I.).

(b) S.I. 1972/1265 (N.I. 14).

(c) S.I. 1976/1212 (N.I. 21). Article 15 was amended by the Northern Ireland (Modification of Enactments - No.1) Order 1999 (S.I. 1999/663).

(d) S.I. 1979/925 (N.I. 9), to which there are amendments not relevant to this Order.

(e) S.I. 1985/1205 (N.I. 12). The definition of “civil partner” in Article 2(2) was inserted by section 261(3) of, and paragraph 65 of Schedule 29 to the Civil Partnership Act 2004 (c. 33).

(f) S.I. 1989/2405 (N.I. 19). The words “and references to a civil partner include a former civil partner” in Article 4(8) were inserted by section 261(3) of, and paragraph 80(4) of Schedule 29 to the Civil Partnership Act 2004 (c. 33).

(g) S.I. 1995/755 (N.I. 2). Paragraph (3A) was inserted by section 14 of, and paragraph 23 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)).

Road Traffic (Northern Ireland) Order 1995(a)

8. In Article 25(2)(bb) (payments in respect of applicants for exemption from wearing seat belts), for “married or unmarried couple” substitute “couple”.

(a) S.I. 1995/2994 (N.I. 18). Sub-paragraph (bb) of paragraph (2) was inserted by section 14 of, and paragraph 27 of Schedule 2 to the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes minor amendments to Northern Ireland legislation to take account of the Civil Partnership Act 2004 (“the Act”).

Paragraph 1 of the Schedule amends section 119 of the Fisheries Act (Northern Ireland) 1966 (c. 17 (N.I.)) and provides that a dealer’s licence continues for the benefit of the surviving civil partner of a licence holder for two months from the date of the death of the licence holder.

Paragraph 2 of the Schedule amends the Health and Personal Social Services (Northern Ireland) Order 1972 (S.I. 1972/1265 (N.I. 14)). The definition of “relative” in Article 2 is amended to include civil partners. Article 100, which provides that husbands and wives are responsible for maintaining their spouses and children, is amended to make similar provision in respect of civil partners and their children.

Paragraph 3 of the Schedule amends Article 15 of the Financial Provisions (Northern Ireland) Order 1976 (S.I. 1976/1212 (N.I. 21)) to provide that a fee is payable for the issue of a certificate of civil partnership under section 10 of the Savings Banks Act 1887 (c. 40).

Paragraph 4 of the Schedule amends the definition of “dependant” in Article 5 of the Pneumoconiosis, etc., (Workers’ Compensation) (Northern Ireland) Order 1979 (S.I. 1979/925 (N.I. 9)) to include references to civil partners and reputed civil partners, as appropriate.

Paragraphs 5 and 6 of the Schedule amend Article 2(2) of the Credit Unions (Northern Ireland) Order 1985 (S.I. 1985/1205 (N.I. 12)) and Article 4(8) of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)) respectively by inserting the term “reputed civil partner” alongside existing references to “reputed spouse” and “reputed husband and wife” respectively.

Paragraph 7 of the Schedule amends Article 24(3A)(b) of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) by replacing the term “married or unmarried couple” with the term “couple” which includes civil partners and two persons living together as if they were civil partners. The term “couple” is to be understood by reference to the definition of “couple” in section 17 of the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)).

Paragraph 8 of the Schedule amends Article 25(2)(bb) of the Road Traffic (Northern Ireland) Order 1995 (S.I. 1995/2994 (N.I. 18)) by replacing the term “married or unmarried couple” with the term “couple” which includes civil partners and two persons living together as if they were civil partners. The term “couple” is to be understood by reference to the definition of “couple” in section 17 of the State Pension Credit Act (Northern Ireland) 2002 (c. 14 (N.I.)).

A regulatory impact assessment has not been produced for this Order as it has no impact on the costs of business, charities or voluntary bodies; neither does it have significant financial impact on any public bodies. A full regulatory impact assessment for civil partnership was published alongside the Act and can be viewed at <http://www.dti.gov.uk/access/ris/index.htm#equality>.

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