
STATUTORY RULES OF NORTHERN IRELAND

2005 No. 482

The Civil Partnership Regulations (Northern Ireland) 2005

Citation and commencement

1. These Regulations may be cited as the Civil Partnership Regulations (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Interpretation

2.—(1) In these Regulations—

“approval” means place approval or temporary place approval;

“approval holder” means the person on whose application the approval was granted pursuant to these regulations or a person who is deemed to be the approval holder under regulation 24;

“approved place” means a place which has been approved by an authority under these regulations and for which said approval is still current;

“applicant” means an applicant for an approval;

“authority” means the local registration authority as referred to in Section 151 of the Act;

“place” means any place whose position within the district can be suitably defined in words or figures for the purpose of recording where the civil partnership registration took place and includes any premises, fixed building, temporary structure, enclosures and similar structures, land and any vessels or vehicles;

“place approval” means the approval, by an authority of a place where civil partnership registration may take place for a period in its district;

“status” means marriage or civil partnership status;

“temporary place approval” means approval by an authority of a place where a civil partnership registration may take place for one occasion in its district;

“the Act” means the Civil Partnership Act 2004.

(2) The Interpretation Act (Northern Ireland) 1954(1) shall apply to these regulations as it applies to an Act of the Assembly.

Civil Partnership Notice

3.—(1) A civil partnership notice shall be in the form as set out in Schedule 1.

(2) The civil partnership notice for each party to a civil partnership intended to be registered in Northern Ireland shall be served on the registrar at least 14 days before the date of the intended civil partnership except where—

(a) the registrar has received a written request from one or both of the parties giving the reason why 14 days notice cannot be given; and

- (b) the registrar has been authorised by the Registrar General to reduce the period of 14 days to such shorter period as he considers necessary.

4. The registrar may require either of the parties to the civil partnership to give the civil partnership notice in person to the registrar of the district in which the civil partnership is to take place or to a registrar of any other district where—

- (a) the registrar is not satisfied that the civil partnership notice has been completed correctly; or
- (b) there is any doubt about the identity of the parties; or
- (c) there appears to be a legal impediment to the civil partnership; or
- (d) any of the documents submitted is not in order.

Civil Partnership Notice Book

5. The prescribed particulars, in relation to a person to be taken from each civil partnership notice received by the registrar, shall be that person's—

- (a) surname and name;
- (b) address;
- (c) marital or civil partnership status;
- (d) date of birth; and
- (e) date of intended civil partnership registration.

Civil Partnership Schedule

- 6. A civil partnership schedule shall be in the form set out in Schedule 2.

Civil Partnership Registration in Approved Places

Applicants for an approval of a place for civil partnership registration

7.—(1) An application for a place approval may, following the procedures set out in regulation 8, be made to the authority by any person.

(2) An application for a temporary approval may, following the procedures set out in regulation 9, be made to the authority by either of the parties to an intended civil partnership registration in respect of any place which at the time of the application does not have place approval, other than one where an approval will expire before the date of the intended civil partnership registration.

Place approvals

8.—(1) An applicant for place approval shall deliver to the authority an application in writing to include—

- (a) the name and address of the applicant; and
- (b) a description of the place where it is intended that civil partnership registration will take place sufficient to identify that place and to allow the authority to inspect it and, in the case of a vessel or vehicle, a description of that vessel or vehicle and the location at which it may be inspected.

(2) The required fee, or an amount on account of that fee, determined in accordance with regulation 18, must accompany the application.

(3) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(4) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

Temporary place approvals

9.—(1) An applicant for a temporary place approval shall deliver to the authority an application in writing to include—

- (a) the name and address of the applicant; and
- (b) the date and time of the intended civil partnership registration; and
- (c) a description of the place where it is intended that the civil partnership registration will take place sufficient to identify that place and to allow the authority to inspect it and, in the case of a vessel or vehicle, a description of that vessel or vehicle and the location at which it may be inspected.

(2) The required fee, or an amount on account of that fee, determined in accordance with regulation 18, must accompany the application.

(3) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(4) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

Public notice

10.—(1) As soon as practicable after receiving an application the authority shall, in accordance with paragraph (2), cause a notice to be placed on public display at the place named in the application.

(2) The notice referred to in paragraph (1) shall—

- (a) identify the place and the applicant;
- (b) state the date and time of the intended civil partnership registration, in relation to a temporary place approval;
- (c) state that objections to the application may be made to the authority in accordance with regulation 11;
- (d) state the address at which the application can be inspected and the address to which such objections should be given.

Objections

11.—(1) Any person may give notice in writing to the authority of an objection to an application in accordance with this regulation.

(2) The authority shall consider the objection provided that the objection—

- (a) specifies the name and address of the person making it; and
- (b) specifies reasons for the objection; and
- (c) was made to the authority within 21 days from the date on which notice was placed on public display under regulation 10.

(3) On special cause shown, the authority may consider an objection to which this regulation applies notwithstanding that it was not made within the period required by paragraph (2)(c).

(4) The authority shall send a copy of any objection submitted in accordance with this regulation to the applicant.

Determination of applications

12.—(1) The authority shall not grant an approval if the application has not been made in accordance with these regulations.

(2) The authority shall not grant an approval if, in its opinion—

- (a) the place will compromise the solemnity and dignity of civil partnership registration;
- (b) the place has a recent or continuing connection with any religious body or religious practice which would be incompatible with the use of that place for civil partnership registrations; or
- (c) the place does not fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the place are suitable.

(3) The authority shall not grant an approval without—

- (a) having regard to the guidance issued by the Registrar General under regulation 26; and
- (b) taking account of any objections in respect of the application which have been made in accordance with regulation 11.

(4) The authority shall not grant a place approval if, in its opinion, the applicant is not a fit and proper person.

Conditions attached to approvals

13. In granting an approval the authority—

- (a) shall attach to a place approval the standard conditions contained in Schedule 3; and
- (b) may attach to a temporary place approval such conditions, and to a place approval such further conditions, as it considers reasonable in order to ensure that the facilities provided at the place are suitable.

Notification of decisions

14.—(1) The authority shall, within 7 days of its decision, notify the applicant in writing of that decision including any conditions attached to an approval under regulation 13.

(2) If an application for an approval is refused, or if any conditions are attached under regulation 13(b), the authority shall include with the notification under paragraph (1)—

- (a) the reason for its decision; and
- (b) details of the right to a review of a decision in accordance with regulation 22.

(3) The authority shall, at the same time as it notifies the applicant under paragraph (1), send a copy of any approval to the registrar.

Restriction on successive applications

15. Where the authority has refused an application for an approval it shall not, within one year of that refusal, consider a subsequent application for the same kind of approval in respect of the same place unless, in its opinion, there has been a material change in the circumstances.

Duration of approvals

16.—(1) Subject to regulations 17(3), 20 and 21, a place approval shall be valid from the date it is granted for a period of three years, or such lesser period as the authority may determine.

(2) Subject to regulations 20 and 21, a temporary place approval shall be valid only for the date stated in that approval unless the authority, on the request of the applicant in writing, agrees to amend the stated date.

Renewal of place approvals

17.—(1) An application for renewal of a place approval may be made by the approval holder.

(2) Regulations 8 and 10 to 16 shall apply to an application to renew a place approval as they apply to an application for a place approval and as though any reference in them—

(a) to an applicant were to an applicant for renewal; and

(b) to a grant of a place approval were to a renewal of a place approval.

(3) If an application for renewal has been made in accordance with paragraph (1) and (2) and that application has not been finally determined or withdrawn before the date on which the approval would otherwise expire, the approval shall continue in effect until such time as the application is finally determined or withdrawn.

Fees for applications and renewals

18.—(1) An authority may, in accordance with this regulation, determine a fee in respect of an application for an approval, or the renewal of a place approval.

(2) A fee determined for a particular application or renewal shall not exceed the amount which reasonably represents the costs incurred or to be incurred by the authority in respect of that application or renewal.

(3) An authority may charge a fee in respect of an application or renewal, or an amount on account of such fee, where it has not yet incurred any costs in respect of that application or renewal.

Fees for attendance of Registrars

19. An authority may determine a fee in respect of the attendance by the registrar at approved places and any such fee shall—

(a) be the amount which reasonably represents the costs incurred or to be incurred directly or indirectly by the authority in respect of that attendance; and

(b) be payable to the authority by the parties to an intended civil partnership registration not less than 14 days, or such lesser period as the authority may determine, prior to the registration of the civil partnership.

Revocation and suspension of approvals

20.—(1) An authority may revoke or suspend an approval in accordance with the provisions of this regulation.

(2) An authority may revoke or suspend an approval if in its opinion—

(a) the approval holder has failed to comply with one or more of the conditions attached to the approval under regulation 13;

(b) the approved place is no longer suitable for the registration of civil partnerships, having regard to regulation 12(2); or

- (c) in the case of a place approval, the approval holder is not or is no longer a fit and proper person.
- (3) Subject to paragraph (6), an authority before revoking or suspending an approval shall give—
- (a) the approval holder; and
 - (b) any person who has made representations relevant to the matters to be considered at a hearing,
- an opportunity to be heard by the authority or, if that person prefers, to submit written representations.
- (4) The authority shall have complied with its duty under paragraph (3) if it has served on the persons referred to in that paragraph, not later than 21 days before the hearing, notice that the authority propose to hold a hearing, together with a copy of any representations referred to in paragraph (3)(b) and a note of the grounds upon which the revocation or suspension of the approval is to be considered.
- (5) A revocation or suspension of an approval shall, subject to paragraph (7), come into operation—
- (a) upon expiry of the period for applying for a review under regulation 22; or
 - (b) where such an application has been lodged, when the review has been determined in favour of the revocation or suspension.
- (6) If an authority, at any time after granting an approval, determines that the circumstances justify immediate suspension it may, without prejudice to its other powers and duties, suspend the approval immediately.
- (7) The period of suspension of an approval shall be the unexpired portion of the duration of that approval, or such shorter period as the authority may determine; and the effect of suspension shall be that the approval shall cease to have effect during the period of the suspension.
- (8) An authority may, whether upon an application made to them or not, recall a suspension of an approval made under this regulation.
- (9) An authority shall within 7 days of its decision under paragraph (1) serve notice of its decision, together with details of the right to a review of the decision under regulation 22, on the approval holder and any person who in pursuance of paragraph (3)(b) was heard by or submitted written representation to, the authority before it reached its decision.
- (10) Upon receipt of the notice of revocation or suspension under paragraph (9) the approval holder shall forthwith serve notice of the revocation or suspension on all parties whose intended civil partnerships have not yet been registered in the place in respect of which the notice of revocation or suspension has been received.

Variation of approvals

- 21.**—(1) Subject to the following paragraphs an authority may, at any time, vary the conditions attached to an approval under regulation 13(b) on any grounds it thinks fit.
- (2) An authority, before proceeding to vary an approval under paragraph (1) shall, no later than 7 days before the day on which the proposed variation is to be considered, notify the approval holder in writing of the proposed variation and shall give that person an opportunity to be heard by the authority on that day or, if preferred by the approval holder, to submit written representations.
- (3) An authority shall, within 7 days of its decision under paragraph (1), serve notice of its decision on the approval holder, together with details of the right to a review of the decision under regulation 22.
- (4) A variation of an approval shall come into operation—
- (a) upon expiry of the period for applying for a review under regulation 22; or

- (b) where such an application has been lodged, when the review has been determined in favour of the variation.

Review

22.—(1) An applicant or an approval holder may seek a review by the authority of any decision made by the authority in relation to an application (including any decision to revoke or suspend, or vary any of the conditions imposed in relation to, an approval granted in pursuance of that application).

(2) An application for review under paragraph (1) must be lodged with the authority within 14 days of the date of receipt of the notice served by the authority informing the approval holder of its decision.

(3) On review under paragraph (1) the authority shall notify the applicant or the approval holder of its decision together with details of the right of appeal to the county court in accordance with regulation 23.

Appeal

23.—(1) An applicant or an approval holder may appeal any decision made by an authority on review under regulation 22 to the county court.

(2) An appeal under paragraph (1) must be lodged within 28 days of the date of receipt of the notice served under regulation 22(3).

(3) An appeal under paragraph (1) may be made only on one or more of the following grounds—

- (a) that the authority's decision was based on an error of law;
- (b) that the authority's decision was based on an incorrect material fact;
- (c) that the authority has acted contrary to natural justice; or
- (d) that the authority has acted unreasonably in the exercise of its discretion.

Deemed approval holder

24.—(1) Without prejudice to the provisions of these regulations as to the duration, or the revocation, suspension or variation, of an approval, a place approval shall remain in operation notwithstanding that the approval holder ceases to have an interest in the approved place and the person to whom his interest is transferred shall be deemed to be the approval holder in his place.

(2) Where a person is deemed to be an approval holder under paragraph (1) that person shall immediately notify the authority of that fact, whereupon the authority shall consider the matter and may revoke, suspend or vary the approval, in accordance with regulations 20 and 21.

Registers of approved places

25.—(1) Each authority shall keep a register of every approved place within its area for which an approval has been granted, containing—

- (a) the name, description and full postal address (if any) of the approved place;
- (b) the name and address of the approval holder;
- (c) the date of grant of the approval and, where that approval is renewed, the date of such renewal; and
- (d) the due date of expiry of that approval and, where the approval is suspended, the date on which such suspension takes effect, the period of that suspension, and any date of recall.

(2) The authority shall make the appropriate entries in the register forthwith on the grant of any approval and shall amend the register forthwith on notification that any of the details listed in paragraph (1) have changed or on revocation of the approval.

(3) The authority shall, on making or amending any entry in the register under paragraph (2), deliver forthwith a copy of that entry or amendment to the Registrar General and to the registrar.

(4) The authority shall make the register available for public inspection during the normal working hours of the authority.

Guidance concerning grants of approval and approved places

26. The Registrar General shall from time to time issue guidance supplementing the provisions made by these regulations for or in connection with the approval of places where civil partnerships will be registered.

Medical statement

27. The medical statement for the purposes of section 144(6) of the Act shall be in the form set out in Schedule 4.

Consent

28. The relevant consents for the purpose of section 145 of the Act shall be in the form set out in Schedule 5.

29. The prescribed particulars to be taken from an order made under Schedule 13 Part 2 or from each consent under Schedule 13 Part 3 of the Act shall be—

- (a) date of intended civil partnership registration;
- (b) name and surname of each party;
- (c) address of each party;
- (d) age of each party;
- (e) name of each person giving consent;
- (f) name of Health and Social Services Board or Health and Social Services Trust (if applicable); and
- (g) date of consent or order.

Corrections

30.—(1) The Registrar General or any registrar may—

- (a) correct any clerical error in a civil partnership registration; and
- (b) correct any error of fact or substance in a civil partnership registration if a person requiring the error to be corrected produces documentary proof of the true facts or produces a statutory declaration specifying the true facts or statutory declaration by a credible witness possessing knowledge of the true facts.

(2) The statutory declaration referred to in paragraph (1)(b) shall be in the form set out in Schedule 6.

Detained persons

31. The statement for the purposes of section 149(2) of the Act shall be in the form set out in Schedule 7.

Certified copies of entries

32. The document given under section 155(3)(b) of the Act—

- (a) shall be in the form as set out in Schedule 8 where it is given by the Registrar General; and
- (b) shall be in the form as set out in Schedule 9 where it is given by the registrar.

33.—(1) The document for the purposes of section 156(1) of the Act shall be in the form set out in Schedule 10.

(2) The statutory provisions to be prescribed under section 156(1) of the Act are listed in Schedule 11.

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

L.S.

T. N. Caven
Senior Officer of the
Department of Finance and Personnel