

SCHEDULE

Article 2

AMENDMENTS TO MISCELLANEOUS SUBORDINATE LEGISLATION

Cremation (Belfast) Regulations (Northern Ireland) 1961(1)

- 1.—(1) In Form A of the Schedule (Application for Cremation with Statutory Declaration)—
- (a) for “(Whether married, widow, widower, or unmarried)” substitute “(Whether married or in a civil partnership, surviving spouse or civil partner or single (never married or never having formed a civil partnership))”.
 - (b) in the note to “near relatives” in question 4, for “widow or widower” substitute “surviving spouse or civil partner”.
- (2) In Form G of the Schedule (Register of Cremations), after “married or unmarried” in column 5 insert “or in a civil partnership”.

Intestate Succession (Interest) Order (Northern Ireland) 1985(2)

2. In Article 2 (Interest on statutory legacy), after “spouse's” insert “or civil partner's”.

Enduring Powers of Attorney Regulations (Northern Ireland) 1989(3)

3. In the marginal notes to Part B of the Schedule (Prescribed Form)—
- (a) after “married” insert “or in a civil partnership”; and
 - (b) for “husband or wife” substitute “spouse or civil partner”.

The Adoption Agencies Regulations (Northern Ireland) 1989(4)

- 4.—(1) In Part III of the Schedule (PARTICULARS RELATING TO EACH NATURAL PARENT, INCLUDING WHERE APPROPRIATE THE FATHER OF AN ILLEGITIMATE CHILD), for paragraph 2 substitute—
- “2. Marital or civil partnership status and date and place of marriage or civil partnership (if any).”.
- (2) In Part VI of the Schedule (PARTICULARS RELATING TO THE PROSPECTIVE ADOPTER), for paragraph 3 substitute—
- “3. Marital or civil partnership status and the date and place of marriage or civil partnership (if any) and comments on stability of relationship.”.
- (3) In Part VII of the Schedule (MATTERS TO BE COVERED IN REPORT ON HEALTH OF THE PROSPECTIVE ADOPTER), for paragraph 3 substitute—
- “3. Marital or civil partnership history including (if applicable) reasons for inability to have children.”.

Burial Grounds Regulations (Northern Ireland) 1992(5)

5. In the definition of “relative” in paragraph 20(1) (interpretation) of Schedule 2, for “husband or wife” substitute “spouse or civil partner”.

(1) [S.R. & O. \(N.I.\) 1961 No. 61.](#)
(2) [S.R. 1985 No. 8.](#)
(3) [S.R. 1989 No 64.](#)
(4) [S.R. 1989 No. 253](#), to which there are amendments not relevant to this Order.
(5) [S.R. 1992 No. 238.](#)

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Trade Union (Nominations) Regulations (Northern Ireland) 1992(6)

6.—(1) In regulation 2(6) (Power to make nominations), for “husband, wife” substitute “spouse or civil partner”.

(2) In regulation 3(1) (Revocation of nominations), for sub-paragraph (c), substitute—

“(c) by the formation of a subsequent marriage or civil partnership by the nominator.”

(3) In regulation 3(2)—

(a) for “marriage of the nominator” substitute “formation of a subsequent marriage or civil partnership by the nominator”; and

(b) after “that marriage” insert “or civil partnership”.

Definition of Independent Visitors (Children) Regulations (Northern Ireland) 1996(7)

7. In regulation 2 (Independent visitors), in paragraphs (a) and (b) after “spouse” in both places where it occurs, insert “or civil partner”.

The Representations Procedure (Children) Regulations (Northern Ireland) 1996(8)

8.—(1) In the definition of “independent person” in regulation 1(2) (Citation, commencement and interpretation), after “spouse” insert “or civil partner”.

(2) In regulation 10(1)(c) (Application to voluntary organisations and registered children’s homes), after “spouse” insert “or civil partner”.

The Placement of Children with Parents etc. Regulations (Northern Ireland) 1996(9)

9. In paragraph 1(d) of Schedule 1 (Particulars to be taken into account in considering suitability of persons and households), after “marital” insert “or civil partnership” and after “marriage” insert “or civil partnership”.

Registration of Clubs (Accounts) Regulations (Northern Ireland) 1997(10)

10. For the definition of “relative” in regulation 1(2) (Citation, commencement and interpretation) substitute—

““relative” means spouse or civil partner, brother or sister (whether of the whole or half blood), parent or child and includes those connected by consanguinity, marriage or civil partnership, step relations and relations by adoption.”.

The Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2002(11)

11.—(1) In regulation 2 (Interpretation), for the definition of “spouse” substitute ““spouse” or “civil partner” includes a person with whom the applicant lives as his spouse or as if they were civil partners”.

(2) In regulation 4 (Persons who may apply for a grant), in paragraphs (1) and (2) after “spouse” in each place where it occurs insert “or civil partner”.

(6) [S.R. 1992 No. 239](#).

(7) [S.R. 1996 No. 434](#).

(8) [S.R. 1996 No. 451](#), to which there are amendments not relevant to this Order.

(9) [S.R. 1996 No. 463](#), to which there are amendments not relevant to this Order.

(10) [S.R. 1997 No. 333](#), to which there are amendments not relevant to this Order.

(11) [S.R. 2002 No. 56](#); regulation 4 was amended by [S.R. 2003 No. 385](#).

Paternity and Adoption Leave Regulations (Northern Ireland) 2002(12)

12.—(1) In regulation 4 (Entitlement to paternity leave: birth)—

(a) in paragraph (2)(b)(ii), after “married to” insert “, the civil partner”; and

(b) in paragraph (2)(c)(ii), after “mother’s husband” insert “, civil partner”.

(2) In regulation 8(2)(b) (Entitlement to paternity leave: adoption), after “married to” insert “, the civil partner”.

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002(13)

13. In regulation 11(1)(a) (Conditions of entitlement to statutory paternity pay (adoption): relationship with child and with person with whom the child is placed for adoption), after “married to” insert “, the civil partner”.

Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations (Northern Ireland) 2002(14)

14. In regulation 14(2)(b) (Provision of information), after “spouse” insert “, civil partner”.

Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003(15)

15. In regulation 3(1)(b)(ii) (Entitlement to request contract variation), after “married to” insert “, the civil partner”.

Paternity and Adoption Leave (Adoption from Overseas) Regulations (Northern Ireland) 2003(16)

16.—(1) For regulation 5(2) (Application) substitute—

“(2) For paragraphs (1) and (2), substitute—

“(1) The provisions relating to adoption leave under regulation 15 have effect only where the adopter’s child enters Northern Ireland on or after 9th April 2003.

(2) The provisions relating to paternity leave under regulation 8 have effect only in relation to a person who is married to or is the civil partner or partner of an adopter whose child enters Northern Ireland on or after 9th April 2003.”

(2) In regulation 7 (Entitlement to paternity leave: adoption from overseas)—

(a) for substituted regulation 8(2)(c) (Entitlement to paternity leave) substitute—

“(c) the employee is either married to or is the civil partner or the partner of the child’s adopter, and”;

(b) for substituted regulation 10(3) (Notice and evidential requirements for leave under regulation 8) substitute—

“(3) Where the employer requests it, an employee must give his employer, within 14 days of receipt of a request, a written declaration, signed by the employee, to the effect

(12) [S.R. 2002 No. 377](#).

(13) [S.R. 2002 No. 378](#), to which there are amendments not relevant to this Order.

(14) [S.R. 2002 No. 379](#).

(15) [S.R. 2003 No. 174](#).

(16) [S.R. 2003 No. 222](#).

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that his partner, spouse or civil partner has received an official notification and that he satisfies the conditions of entitlement in regulation 8(2)(c) and (d).”

Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoption from Overseas) Regulations (Northern Ireland) 2003(17)

17. For regulation 5(1)(a) (Conditions of entitlement to statutory paternity pay (adoption) in respect of adoptions from overseas: relationship with child and with adopter), substitute—

“(a) is married to or is the civil partner or the partner of a child’s adopter, and”

Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003(18)

18.—(1) After regulation 3(2) (Discrimination on grounds of sexual orientation) insert—

“(3) For the purposes of paragraph (2), in a comparison of B’s case with that of another person the fact that one of the persons (whether B or not) is a civil partner while the other is married shall not be treated as a material difference between their respective circumstances.”.

(2) For regulation 28 (Exception for benefits dependent on marital status), substitute—

“Exception for benefits dependent on a person’s status

28. Nothing in Part II or III shall render unlawful—

- (a) anything which prevents or restricts access to a benefit by reference to marital status where the right to the benefit accrued or the benefit is payable in respect of periods of service prior to the coming into force of the Civil Partnership Act 2004;
- (b) the conferring of a benefit on married persons and civil partners to the exclusion of all other persons.”.

The Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(19)

19.—(1) In regulation 2(1) (Interpretation)—

(a) for the definition of “close relative”, substitute—

““close relative” means a parent, parent-in-law, son, son-in-law, daughter, daughter-in-law, step-parent, step-son, step-daughter, brother, sister or if any of the preceding persons is one of a couple, the other member of that couple;”;

(b) after the definition of “concessionary payment”, insert—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;
- (b) a man and woman who are not married to each other but are living together as husband and wife;
- (c) two people of the same sex who are civil partners of each other and are members of the same household; or
- (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners;”;

(17) [S.R. 2003 No. 223.](#)

(18) [S.R. 2003 No. 497.](#)

(19) [S.R. 2004 No. 8.](#)

- (c) for the definition of “family”, substitute—
 - ““family” means—
 - (a) a couple;
 - (b) a couple and a member of the same household for whom one of the couple is, or both are, responsible, and who is a child or young person;
 - (c) a person who is not a member of a couple and a member of the same household for whom that person is responsible and who is a child or young person;”;
 - (d) omit the definitions of “married couple”, “member of a couple” and “unmarried couple”;
 - (e) in the definition of “partner”, delete “married or unmarried”.
- (2) For regulation 11(2)(b)(ii) (The applicable amount), substitute—
 - “(ii) those relevant persons who are members of a couple, the other member of which is in receipt of guarantee credit,”
- (3) In the definition of “contribution” in regulation 42 (Interpretation), after “spouse” insert “or civil partner”.
- (4) In paragraph 10(b) (Bereavement Premium) of Schedule 1 (APPLICABLE AMOUNTS), after “spouse” insert “or civil partner”.
- (5) For paragraph 12(b) of Schedule 2 (SUMS TO BE DISREGARDED IN THE DETERMINATION OF EARNINGS), substitute—
 - “(b) is a member of a couple and the other member of that couple is in receipt of guarantee credit, his earnings.”.
- (6) In Schedule 3 (SUMS TO BE DISREGARDED IN THE DETERMINATION OF INCOME OTHER THAN EARNINGS)—
 - (a) for paragraph 4(b), substitute—
 - “(b) is a member of a couple and the other member of that couple is in receipt of guarantee credit,”;
 - (b) in paragraph 13, after “widower's” insert “or surviving civil partner's”;
 - (c) in paragraph 14(b), after “widower's” insert “or surviving civil partner's”;
 - (d) in paragraph 35, after “divorced” in each place where it occurs insert “or whose civil partnership with the relevant person has been dissolved”.
- (7) In Schedule 4 (CAPITAL TO BE DISREGARDED)—
 - (a) in paragraphs 5 and 24, after “divorced” in each place where it occurs insert “or whose civil partnership with the relevant person has been dissolved”;
 - (b) for paragraph 6(b), substitute—
 - “(b) is a member of a couple and the other member of that couple is in receipt of guarantee credit,”;
 - (c) in paragraph 25(1), after “former partner” insert “or the dissolution of his civil partnership with his former partner”;
 - (d) in paragraph 52, after “spouse” in both places where it occurs insert “civil partner”;
 - (e) in paragraph 56, after “spouse” in both places where it occurs insert “or civil partner”.

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The Personal Social Services and Children’s Services (Direct Payments) Regulations (Northern Ireland) 2004(20)

20. In regulation 7(2) (Conditions in respect of direct payments), after “spouse” in each place where it occurs insert “or civil partner”.

Limited Liability Partnership Regulations (Northern Ireland) 2004(21)

21. In Schedule 3 (MODIFICATIONS TO THE 1989 ORDER), in the modification relating to Article 4, new paragraph (3A) of the Insolvency (Northern Ireland) Order 1989(22) (“associate”), after “wife” insert “or civil partner”.

(20) S.R. 2004 No. 120.

(21) S.R. 2004 No. 307.

(22) S.I. 1989/2405 (N.I. 19).