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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 536**

**CIVIL PARTNERSHIP**

**The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order (Northern Ireland) 2005**

*Made - - - - 1st December 2005*  
*Coming into operation 5th December 2005*

The Department for Social Development, in exercise of the powers conferred on it by sections 254(3) and (5), 258 and 259 of the Civil Partnership Act 2004<sup>(1)</sup>, 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 (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

**Amendment of legislation**

2.—(1) Schedule 1, which contains amendments of legislation relating to pension sharing on divorce etc., shall have effect.

(2) Schedule 2, which contains amendments of legislation relating to occupational pension and personal pension schemes, shall have effect.

(3) Schedule 3, which contains amendments of legislation relating to social security, shall have effect.

(4) Schedule 4, which contains amendments of legislation relating to child support, shall have effect.

(5) Schedule 5, which contains transitory provisions relating to child support, shall have effect.

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<sup>(1)</sup> 2004 c. 33; subsection (3) of section 254 applies in accordance with subsection (2), and subsection (5) applies section 171(3), (5) and (6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) to the exercise of the power under section 259

### **Transitional provision relating to housing benefit**

**3.—**(1) Paragraph (2) applies in the case of a claimant who is a member of a couple who live together as if they were civil partners on or after 5th December 2005, in respect of whom there is an award of housing benefit on 5th December 2005.

(2) In such a case, subject to paragraphs (3) and (4)—

- (a) the provisions of regulation 8(2)(2) and (10)(3) of the Decisions and Appeals Regulations (date from which a decision superseding an earlier decision takes effect) shall not apply; and
- (b) a superseding decision made in consequence of the amendments made by paragraph 13 or 14 of Schedule 3 shall take effect—
  - (i) from the date that the claimant reports to the relevant authority that the couple live together as if they were civil partners,
  - (ii) from the date on which the relevant authority otherwise becomes aware that the couple are living together as if they were civil partners, or
  - (iii) where there exists an award of a relevant benefit on 5th December 2005, from the date the superseding decision is made in relation to the relevant benefit that is consequential on the amendments made by paragraph 12, 23 or 30 of Schedule 3, whichever is the earliest date.

(3) The relevant authority may, where the provisions of paragraph (2)(b)(i) or (ii) apply, determine such earlier effective date for the superseding decision as it considers appropriate if it is satisfied that the claimant could reasonably have been expected to report that he is a member of a couple who live together as if they were civil partners earlier than the date which would otherwise apply under that paragraph.

(4) The provisions of regulation 8(2) and (10) of the Decisions and Appeals Regulations shall apply in a case falling within paragraph (1) where the application of those provisions is advantageous to the claimant.

(5) In this Article—

“couple” has the same meaning as in regulation 2(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(4);

“the Decisions and Appeals Regulations” means the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(5);

“relevant authority”(6) has the same meaning as in regulation 2(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987;

“relevant benefit” means income support, income-based jobseeker’s allowance or a guarantee credit awarded under section 2(1) of the State Pension Credit Act (Northern Ireland) 2002(7).

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(2) Paragraph (2) was amended by regulation 19(2)(a) of S.R. 2003 No. 197

(3) Paragraph (10) was added by regulation 4(3) of S.R. 2003 No. 224

(4) S.R. 1987 No. 461; the definition of “couple” is substituted by paragraph 13(2)(b) of Schedule 3 to this Order

(5) S.R. 2001 No. 213

(6) The definition of “relevant authority” was inserted by regulation 2(a) of S.R. 2001 No. 215

(7) 2002 c. 14 (N.I.)

Sealed with the Official Seal of the Department for Social Development on 1st December 2005.

L.S.

*John O'Neill*  
A senior officer of the  
Department for Social Development

## SCHEDULE 1

Article 2(1)

## Amendment of legislation relating to pension sharing on divorce

**Pensions on Divorce etc. (Provision of Information) Regulations**

1.—(1) The Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000<sup>(8)</sup> shall be amended in accordance with sub-paragraphs (2) to (5).

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “notice of discharge of liability”, after “former spouse” there shall be inserted “or former civil partner”;
- (b) in the definition of “notice of implementation”, after “former spouse” there shall be inserted “or former civil partner”.

(3) In regulation 2 (basic information about pensions on divorce)—

- (a) in the heading, at the end there shall be added “or dissolution of a civil partnership”;
- (b) in paragraph (1), after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;
- (c) in paragraph (6)—
  - (i) in sub-paragraph (b), after “spouse” there shall be inserted “or civil partner”, and
  - (ii) after “his spouse,” there shall be inserted “civil partner,”.

(4) In regulation 3 (information about pensions on divorce: valuation of pension benefits)—

- (a) in the heading, after “on divorce” there shall be inserted “and dissolution of a civil partnership”;
- (b) in paragraph (1), for “Article 21(1)(a)(i) or (ii)” there shall be substituted “Article 21(1)(a)(i), (ia)<sup>(9)</sup> or (ii)”.

(5) In regulation 10(5)(a) (provision of information after receipt of an earmarking order), after “divorce” there shall be inserted “or dissolution of a civil partnership”.

**Pensions on Divorce etc. (Charging) Regulations**

2.—(1) The Pensions on Divorce etc. (Charging) Regulations (Northern Ireland) 2000<sup>(10)</sup> shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2 (general requirements as to charges)—

- (a) in paragraph (1)(a)(i), after “divorce” there shall be inserted “or dissolution of a civil partnership”;
- (b) in paragraph (2), for “his spouse” (in each place where it occurs) there shall be substituted “the member’s spouse or civil partner”;
- (c) in paragraph (8)<sup>(11)</sup>—
  - (i) for “his spouse” (where it first occurs), there shall be substituted “the member’s spouse or civil partner”, and
  - (ii) in sub-paragraph (a), for “his spouse” there shall be substituted “the member’s spouse, civil partner”.

<sup>(8)</sup> S.R. 2000 No. 142; to which there are amendments not relevant to this Order

<sup>(9)</sup> Sub-paragraph (a)(ia) is inserted by paragraph 108(2) of Schedule 29 to the Civil Partnership Act 2004

<sup>(10)</sup> S.R. 2000 No. 143; relevant amending Regulations are S.R. 2000 No. 335

<sup>(11)</sup> Paragraph (8) was substituted by regulation 9(3) of S.R. 2000 No. 335

(3) In regulation 6(2)(b) (additional amounts recoverable in respect of pension sharing activity), for “his spouse” there shall be substituted “the member’s spouse or civil partner”.

### **Pension Sharing (Valuation) Regulations**

3. In regulation 2(1)(b) of the Pension Sharing (Valuation) Regulations (Northern Ireland) 2000(12) (rights under a pension arrangement which are not shareable), after “by virtue of being the widow, widower” there shall be inserted “, surviving civil partner”.

### **Pension Sharing (Implementation and Discharge of Liability) Regulations**

4. In regulation 15(2)(b) of the Pension Sharing (Implementation and Discharge of Liability) Regulations (Northern Ireland) 2000(13) (disqualification as a destination for pension credit – annuity contracts and insurance policies), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

### **Pension Sharing (Pension Credit Benefit) Regulations**

5. In regulation 15(2)(a) of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(14) (further conditions on which liability may be discharged), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

### **Pension Sharing (Safeguarded Rights) Regulations**

6.—(1) The Pension Sharing (Safeguarded Rights) Regulations (Northern Ireland) 2000(15) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 6 (ways of giving effect to safeguarded rights – money purchase schemes)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and

(ii) in sub-paragraph (b), after “widower,” there shall be inserted “surviving civil partner,”;

(b) in paragraph (9)(a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

(3) In regulation 9(8)(a) (ways of giving effect to safeguarded rights – salary related schemes), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

### **Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations**

7.—(1) The Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations (Northern Ireland) 2000(16) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2 (basic information about the sharing of state scheme rights for the purposes of divorce, etc.)—

(a) in the heading, after “divorce” there shall be inserted “or dissolution of a civil partnership”;

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(12) [S.R. 2000 No. 144](#)

(13) [S.R. 2000 No. 145](#)

(14) [S.R. 2000 No. 146](#)

(15) [S.R. 2000 No. 147](#)

(16) [S.R. 2000 No. 362](#)

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- (b) in paragraph (1)(b), after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;
  - (c) in paragraph (3)(c), after “spouse” there shall be inserted “or civil partner”;
  - (d) in paragraph (5)—
    - (i) in sub-paragraph (b), after “the spouse” there shall be inserted “or civil partner”, and
    - (ii) after “his spouse,” there shall be inserted “civil partner.”
- (3) In regulation 3 (information about the sharing of state scheme rights for the purposes of divorce, etc: valuation of shareable state scheme rights), in the heading, after “divorce” there shall be inserted “or dissolution of a civil partnership”.

## SCHEDULE 2

Article 2(2)

Amendment of legislation relating to occupational pension and personal pension schemes

### **Personal Pension Schemes (Disclosure of Information) Regulations**

1.—(1) The Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987(17) shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 3(4)(a)(ii) (constitution of scheme), after “spouses” there shall be inserted “and civil partners”.

(3) In regulation 4(3)(a)(ii) (basic information about the scheme), after “spouses” there shall be inserted “and civil partners”.

(4) In Schedule 2 (information to be made available to individuals), in paragraph 2A(18)—

(a) in sub-paragraph (4)(b)—

(i) after “married” there shall be inserted “or in a civil partnership”, and

(ii) after “surviving spouse” there shall be inserted “or surviving civil partner”;

(b) in sub-paragraph (5)(a), after “not married” there shall be inserted “or in a civil partnership”.

### **Occupational Pension Schemes (Preservation of Benefit) Regulations**

2. In regulation 19 of the Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991(19) (widows, widowers and dependants)—

(a) in the heading, after “widowers” there shall be inserted “, surviving civil partners”;

(b) after “if the person is married to,” there shall be inserted “in a civil partnership with,”;

(c) after “or (as the case may be)” there shall be inserted “in a civil partnership with, or”.

### **Occupational Pension Schemes (Revaluation) Regulations**

3. In regulation 7(4) of the Occupational Pension Schemes (Revaluation) Regulations (Northern Ireland) 1991(20) (commutation, forfeiture and surrender), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

(17) S.R. 1987 No. 288; relevant amending Regulations are S.R. 2002 No. 410

(18) Paragraph 2A was inserted by regulation 2(4) of S.R. 2002 No. 410

(19) S.R. 1991 No. 37

(20) S.R. 1991 No. 38; regulation 7(4) was amended by paragraph 27(9) of Schedule 2 to S.R. 1994 No. 300

### **Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations**

4. In regulation 2(1)(b) of the Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996(21) (meaning of “prescribed persons” and “complainant of a prescribed description”), after “widower” there shall be inserted “, surviving civil partner”.

### **Occupational Pension Schemes (Modification of Schemes) Regulations**

5. In regulation 2 of the Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 1997(22) (extension of meaning of “member”), for “widow or widower” (in each place where it occurs) there shall be substituted “widow, widower or surviving civil partner”.

### **Occupational Pension Schemes (Disclosure of Information) Regulations**

6.—(1) The Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997(23) shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 3(3)(b) (constitution of scheme), after “spouses” there shall be inserted “and civil partners”.

(3) In regulation 4(3)(b) (basic information about the scheme), after “spouse” there shall be inserted “or civil partner”.

(4) In regulation 6(6)(b) (availability and content of annual report), after “spouses” there shall be inserted “and civil partners”.

(5) In regulation 7(4)(b) (availability of actuarial valuation, schedule of contributions, payment schedule and statement of investment principles), after “spouses” there shall be inserted “and civil partners”.

(6) In Schedule 2 (information to be made available to individuals), in paragraph 6ZA(24)—

(a) in sub-paragraph (4)(b)—

(i) after “married” there shall be inserted “or in a civil partnership”,

(ii) after “surviving spouse” there shall be inserted “or, as the case may be, a surviving civil partner”;

(b) in sub-paragraph (5)(a), after “not married” there shall be inserted “or not in a civil partnership”.

### **Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations**

7.—(1) The Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations (Northern Ireland) 1997(25) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2 (commutation of a pension under an occupational pension scheme)—

(a) in paragraph (1)(b), for “his widow or her widower” there shall be substituted “the member’s widow, widower or surviving civil partner”;

(b) in paragraph (2), for “widow’s or widower’s” (in each place where it occurs) there shall be substituted “widow’s, widower’s or surviving civil partner’s”.

(21) [S.R. 1996 No. 203](#); to which there are amendments not relevant to this Order

(22) [\(S.R. 1997 No. 97](#)

(23) [\(S.R. 1997 No. 98](#); relevant amending Regulations are [S.R. 2002 No. 410](#)

(24) [\(Paragraph 6ZA was inserted by regulation 3\(4\) of S.R. 2002 No. 410](#)

(25) [\(S.R. 1997 No. 153](#); to which there are amendments not relevant to this Order

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(3) In regulation 6(1)(a) (forfeiture of occupational pension), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

### **Stakeholder Pension Schemes Regulations**

8. In regulation 18 of the Stakeholder Pension Schemes Regulations (Northern Ireland) 2000<sup>(26)</sup> (disclosure of information to members)—

- (a) in paragraph (5E)(b)<sup>(27)</sup>—
  - (i) after “is married” there shall be inserted “or in a civil partnership”,
  - (ii) after “surviving spouse” there shall be inserted “or surviving civil partner”;
- (b) in paragraph (5F)(a), after “not married” there shall be inserted “or not in a civil partnership”.

### **Occupational and Personal Pension Schemes (Bankruptcy) Regulations**

9. In regulation 7(2) of the Occupational and Personal Pension Schemes (Bankruptcy) Regulations (Northern Ireland) 2002<sup>(28)</sup> (calculation and verification of rights under pension arrangements)—

- (a) after “about pensions on divorce” there shall be inserted “and dissolution of a civil partnership”;
- (b) after “domestic and overseas divorce etc.” there shall be inserted “and dissolution of a civil partnership”.

## SCHEDULE 3

Article 2(3)

### Amendment of legislation relating to social security

#### **Social Security (Benefit) (Married Women and Widows Special Provisions) Regulations**

1. In regulation 3(1) of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975<sup>(29)</sup> (modifications, in relation to widows, of provisions with respect to short-term incapacity benefit and maternity allowance) after “by reason of remarriage” there shall be inserted “, the formation of a civil partnership”.

#### **Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations**

2. In Schedule 1 to the Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations (Northern Ireland) 1975<sup>(30)</sup>, in paragraph 1 of Part II (employments not to be treated as employed earners' employments for industrial injuries purposes)—

- (a) after “spouse” there shall be inserted “or civil partner”;
- (b) in sub-paragraph (a), after “spouse's” there shall be inserted “or civil partner's”.

<sup>(26)</sup> (S.R. 2000 No. 262; relevant amending Regulations are S.R. 2002 No. 410

<sup>(27)</sup> (Paragraphs (5E) and (5F) were inserted by regulation 4(3)(b) of S.R. 2002 No. 410

<sup>(28)</sup> S.R. 2002 No. 127

<sup>(29)</sup> S.R. 1975 No. 19; regulation 3(1) was amended by regulation 3(1) of S.R. 1978 No. 102, regulation 2(a) of S.R. 1995 No. 150 and regulation 2(a) of S.R. 1996 No. 289

<sup>(30)</sup> S.R. 1975 No. 90; to which there are amendments not relevant to this Order



### **Social Security (Hospital In-Patients) Regulations**

3.—(1) The Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975(31) shall be amended in accordance with sub-paragraphs (2) to (8).

(2) In regulation 2(3)(b) (interpretation), for “husband or wife” there shall be substituted “husband, wife or civil partner”.

(3) In regulation 6(3)(32) (adjustment of personal benefit after 52 weeks in hospital)—

(a) after “who is married” there shall be inserted “or in a civil partnership”;

(b) in sub-paragraph (a), for “husband or wife” there shall be substituted “husband, wife or civil partner”;

(c) in sub-paragraph (b)(i), for “his wife or her husband” there shall be substituted “the beneficiary’s wife, husband or civil partner”.

(4) In regulation 9(ii)(33) (circumstances in which dependency benefit is to be adjusted), for “husband or wife” there shall be substituted “husband, wife or civil partner”.

(5) In regulation 11(34) (adjustment of dependency benefit where dependant is husband or wife of beneficiary and is in hospital), in the heading, for “husband or wife” there shall be substituted “husband, wife or civil partner”.

(6) In regulation 16(1)(35) (adjustment or further adjustment of benefit in certain cases after 52 weeks in hospital), for “wife or husband” (in each place where it occurs) there shall be substituted “wife, husband or civil partner”.

(7) In regulation 19(36) (treatment of age addition), after “nor with a spouse” there shall be inserted “or civil partner”.

(8) In Schedule 1 (beneficiary to be regarded as having a dependant if any of these benefits is or would be payable), in paragraph (c)(37), after “spouse” there shall be inserted “or civil partner”.

### **Social Security (Credits) Regulations**

4.—(1) The Social Security (Credits) Regulations (Northern Ireland) 1975(38) shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 7A(1)(39) (credits for carer’s allowance), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”.

(3) In regulation 7C(40) (credits for working tax credit)—

(a) in paragraphs (2)(a) and (3), for “a married or unmarried couple” there shall be substituted “a couple”;

(b) in paragraph (6), for ““married couple” and “unmarried couple” have” there shall be substituted ““couple” has”(41).

(31) S.R. 1975 No. 109; relevant amending regulations are S.R. 1977 No. 316, S.R. 1987 Nos. 12 and 391 and S.R. 2003 No. 261

(32) Paragraph (3) was substituted by regulation 3(2) of S.R. 1977 No. 316 and amended by regulation 2(6)(d) of S.R. 1987 No. 391

(33) Regulation 9 was substituted by regulation 4 of S.R. 1977 No. 316 and amended by regulation 2(7) of S.R. 2003 No. 261

(34) Regulation 11 was substituted by regulation 4 of S.R. 1977 No. 316

(35) Regulation 16(1) was amended by regulation 5(3)(b) of S.R. 1977 No. 316 and regulation 2(12)(a) of S.R. 1987 No. 391

(36) Regulation 19 was amended by regulation 2(6) of S.R. 1987 No. 12

(37) Paragraph (c) was substituted by regulation 2(7)(b) of S.R. 1987 No. 12

(38) S.R. 1975 No. 113; relevant amending Regulations are S.R. 1976 No. 99, S.R. 1987 No. 153, S.R. 1988 No. 326, S.R. 1995 No. 479, S.R. 2001 No. 108, S.R. 2002 No. 323 and S.R. 2003 No. 195

(39) Regulation 7A was inserted by regulation 19 of S.R. 1976 No. 99 and paragraph (1) was amended by regulation 6(a) of S.R. 1987 No. 153, regulation 2(5)(c) of S.R. 1988 No. 326, regulation 3(5) of S.R. 2001 No. 108 and paragraph 1 of the Schedule to S.R. 2002 No. 323

(40) Regulation 7C was inserted by regulation 2 of S.R. 1995 No. 479 and paragraph (3) was amended by Schedule 4 to S.R. 2003 No. 195

(41) Paragraph 99(3) of Schedule 24 to the Civil Partnership Act 2004 (c. 33) inserts a definition of “couple” into section 133 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7)

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(4) In regulation 8C(2)(42) (credits on termination of bereavement benefits), after “remarriage” there shall be inserted “, forming a civil partnership,”.

### **Social Security (Invalid Care Allowance) Regulations**

5. In regulation 9(3)(c) of the Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976(43) (conditions relating to residence and presence in Northern Ireland), after “spouse,” there shall be inserted “civil partner,”.

### **Social Security Benefit (Dependency) Regulations**

6.—(1) The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(44) shall be amended in accordance with sub-paragraphs (2) to (7).

(2) In regulation 3 (allocation of contributions for spouse)—

- (a) in the heading(45), after “spouse” there shall be inserted “or civil partner”;
- (b) in paragraphs (1) and (2)(46), after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”.

(3) In regulation 4A(47) (circumstances in which a person who is not entitled to child benefit is to be treated as if he were so entitled)—

- (a) in paragraph (1)(b), after “spouse” there shall be inserted “or civil partner”;
- (b) in paragraph (4)(48), after “spouse” there shall be inserted “or civil partner”.

(4) In regulation 5(5)(49) (contributions towards cost of providing for child)—

- (a) after “neither the beneficiary nor his spouse” there shall be inserted “or, as the case may be, his civil partner”;
- (b) after “if he has a spouse” and “and his spouse” there shall be inserted “or civil partner”.

(5) In regulation 8(50) (earnings rules for increases for adult dependants)—

- (a) in paragraph (1)(51)—
  - (i) at the end of sub-paragraph (a) “or” shall be inserted,
  - (ii) at the end of sub-paragraph (b) “or” shall be omitted, and
  - (iii) sub-paragraph (c) shall be omitted;
- (b) after paragraph (1) there shall be inserted the following paragraph—
 

“(1A) This paragraph applies in cases where an increase of benefit is claimed in respect of a spouse or a civil partner who, in either case, is residing with the beneficiary and the increase is claimed under paragraph 6(1)(a)(i) of Schedule 7 to the Contributions

(42) Regulation 8C was inserted by regulation 3(7) of S.R. 2001 No. 108

(43) S.R. 1976 No. 99; regulation 9(3) was substituted by regulation 17(2) of S.R. 1977 No. 73

(44) S.R. 1977 No. 74; relevant amending Regulations are S.R. 1977 No. 90, S.R. 1980 No. 144, S.R. 1983 No. 193, S.R. 1984 Nos. 373 and 382, S.R. 1985 No. 229, S.R. 1988 No. 138, S.R. 1992 No. 521, S.R. 1994 No. 485, S.R. 1996 Nos. 289 and 520, and S.R. 2003 No. 213

(45) The heading to regulation 3 was amended by regulation 2(2) of S.R. 1983 No. 193 and regulation 2(2)(a)(i) S.R. 2003 No. 213

(46) Paragraph (1) was amended by regulation 2(3) of S.R. 1983 No. 193, regulation 3(a) of S.R. 1984 No. 382, regulation 2(2) of S.R. 1985 No. 229, regulation 15(3)(a) of S.R. 1994 No. 485, regulation 5(3)(a) of S.R. 1996 No. 289 and regulation 2(2)(a)(ii) of S.R. 2003 No. 213; paragraph (2) was amended by regulation 2(4) of S.R. 1983 No. 193

(47) Regulation 4A was inserted by regulation 2 of S.R. 1980 No. 144

(48) Paragraph (4) was amended by regulation 2(3) of S.R. 1984 No. 373

(49) Paragraph (5) was added by regulation 2 of S.R. 1977 No. 90

(50) Regulation 8 was substituted by regulation 2(3) of S.R. 1992 No. 521

(51) Paragraph (1) was amended by regulation 15(4) of SR 1994 No. 485

and Benefits Act<sup>(52)</sup> (increase of disablement pension in respect of a spouse or civil partner where beneficiary entitled to unemployment supplement).”;

(c) in paragraph (2)<sup>(53)</sup>—

(i) after “paragraph (1)” there shall be inserted “or (1A)”, and

(ii) after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;

(d) in paragraph (6) after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”.

(6) In regulation 11 (contribution to maintenance of adult dependant), after paragraph (1) there shall be inserted the following paragraph—

“(1A) Subject to paragraphs (2) and (3), for the purposes of section 82 of, and paragraph 6(1)(a)(i) of Schedule 7 to, the Contributions and Benefits Act<sup>(54)</sup> (increase of maternity allowance and increase of disablement pension where beneficiary entitled to unemployment supplement) a beneficiary shall not be deemed to satisfy the requirement contained in those provisions (that he is contributing to the maintenance of his civil partner at a weekly rate of not less than the standard rate of increase) unless when in employment, or not incapable of work, or not entitled to a Category A or a Category B retirement pension, as the case may be (except in a case where the dependency did not arise until later), he contributed to his civil partner’s maintenance at a weekly rate not less than the standard rate of increase.”.

(7) In Schedule 2 (prescribed circumstances for increase of a carer’s allowance)—

(a) in paragraph 2A<sup>(55)</sup>—

(i) for sub-paragraph (a) there shall be substituted the following sub-paragraph—

“(a) a beneficiary is a member of a couple; and”, and

(ii) in sub-paragraph (b) for “person” there shall be substituted “member of the couple”;

(b) in paragraph 2C<sup>(56)</sup>—

(i) the definition of “unmarried couple” shall be omitted, and

(ii) before the definition of “week”<sup>(57)</sup> there shall be inserted the following definition—

““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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they

<sup>(52)</sup> Paragraph 6(1) is amended by paragraph 105(4)(a) of Schedule 24 to the Civil Partnership Act 2004

<sup>(53)</sup> Paragraph (2) was amended by regulation 5(4)(a) of [SR 1996 No. 289](#)

<sup>(54)</sup> Section 82 was amended by paragraph 7 of Schedule 2 and Schedule 3 to the Jobseekers (Northern Ireland) Order 1995 (S.I.1995/2705 (N.I. 15)) and is amended by paragraph 89 of Schedule 24 to the Civil Partnership Act 2004 and paragraph 31 of Schedule 1 to the Child Benefit Act 2005 (c. 6)

<sup>(55)</sup> Paragraph 2A was inserted by regulation 3(c) of [S.R. 1984 No. 382](#)

<sup>(56)</sup> Paragraph 2C was inserted by regulation 3(c) of [S.R. 1984 No. 382](#)

<sup>(57)</sup> The definition of “week” was substituted by regulation 17(b) of [SR 1996 No.520](#)

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would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

- (c) in paragraph 4(a)(ii), after “spouses” there shall be inserted “or civil partners”;
- (d) in paragraph 7(a)(58), after “a spouse” there shall be inserted “or civil partner”.

### **Social Security Benefit (Persons Residing Together) Regulations**

7. In regulation 2(2) of the Social Security Benefit (Persons Residing Together) Regulations (Northern Ireland) 1977(59) (circumstances in which a person is to be treated as residing or not residing with another person or in which persons are to be treated as residing or not residing together), after “spouses” there shall be inserted “or civil partners”.

### **Social Security Benefit (Persons Abroad) Regulations**

8.—(1) The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978(60) shall be amended in accordance with sub-paragraphs (2) to (5).

(2) In regulation 2(4)(b)(61) (modification of the Act in relation to incapacity benefit, severe disablement allowance, unemployability supplement and maternity allowance), after “spouse,” there shall be inserted “civil partner,”.

(3) In regulation 4 (modification of the Act in relation to widow’s benefit, bereavement benefit, child’s special allowance, guardian’s allowance and retirement pension)—

- (a) in paragraph (2B)(62)—
  - (i) in sub-paragraph (a)(63)—
    - (aa) after “deceased spouse” there shall be inserted “or deceased civil partner”,
    - (bb) after “surviving spouse” there shall be inserted “or surviving civil partner”,
    - and
    - (cc) after “deceased spouse's” there shall be inserted “or deceased civil partner's”,
  - (ii) in sub-paragraph (b)—
    - (aa) after “surviving spouse” there shall be inserted “or surviving civil partner”,
    - and
    - (bb) after “deceased spouse's” there shall be inserted “or deceased civil partner's”, and
  - (iii) in sub-paragraph (c), after “surviving spouse” there shall be inserted “or surviving civil partner”;
- (b) in paragraph (4)(64)—
  - (i) after “surviving spouse” (in each place where it occurs) there shall be inserted “or surviving civil partner”, and

(58) Paragraph 7(a) was substituted by regulation 5(a) of S.R. 1988 No. 138

(59) S.R. 1977 No. 166; regulation 2(2) was substituted by regulation 9 of S.R. 1983 No. 36 and amended by regulation 11 of, and Schedule 2 to, S.R. 1984 No. 317, regulation 8 of S.R. 1995 No. 150 and regulation 6 of S.R. 1996 No. 289

(60) S.R. 1978 No. 114; relevant amending instruments are S.R. 1979 No. 392, S.I. 1986/1888 (N.I. 18), S.R. 1989 No. 373, S.R. 1994 Nos. 45 and 269 and S.R. 2001 Nos. 108 and 287

(61) Paragraph (5) was added by regulation 2(4) of S.R. 1994 No. 45 and renumbered as paragraph (4) by regulation 2 of S.R. 1994 No. 269

(62) Paragraph (2B) was inserted by regulation 6(3)(b) of S.R. 2001 No. 108

(63) Sub-paragraph (a) was substituted by regulation 3 of S.R. 2001 No. 287

(64) Paragraph (4) was inserted by regulation 3(b) of S.R. 1979 No. 392 and amended by Article 19(1)(b) of the Social Security (Northern Ireland) Order 1986 (S.I. 1986/1888 (N.I. 18))

- (ii) after “former spouse” (in each place where it occurs) there shall be inserted “or former civil partner”.
- (4) In regulation 5 (application of disqualification in respect of up-rating of benefit)—
  - (a) in paragraph (3)—
    - (i) in sub-paragraph (b)(65)—
      - (aa) for “a widow or a widower” there shall be substituted “a widow, a widower or a surviving civil partner”, and
      - (bb) after “former spouse” there shall be inserted “or former civil partner”, and
    - (ii) in sub-paragraph (d)(66), after “deceased spouse” there shall be inserted “or deceased civil partner”;
  - (b) in paragraph (5)(67), after “former spouse” (in each place where it occurs) there shall be inserted “or former civil partner”;
  - (c) in paragraph (6)(68)—
    - (i) after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;
    - (ii) after “were husband and wife” there shall be inserted “or were civil partners”; and
    - (iii) after “became husband and wife” there shall be inserted “or formed a civil partnership”.
- (5) In regulation 14 (modification of the Act in relation to a dependant)—
  - (a) after “A husband or wife” there shall be inserted “or civil partner”;
  - (b) after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;
  - (c) for “the husband or wife” there shall be substituted “the husband, wife or civil partner”.

### **Social Security (Overlapping Benefits) Regulations**

9.—(1) The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979(69) shall be amended in accordance with sub-paragraphs (2) to (4).

(2) In regulation 6(5)(70) (adjustments of personal benefit under Chapters I and II of Part II of the Act by reference to industrial injuries benefits and benefits not under the Act, and adjustments of industrial injuries benefits)—

- (a) in sub-paragraph (a), after “surviving spouse” there shall be inserted “or surviving civil partner”;
- (b) in sub-paragraph (b)(ii), after “former spouse” there shall be inserted “or former civil partner”.

(3) In regulation 15(4)(a) (priority between persons entitled to increase of benefit), after “spouse” there shall be inserted “or civil partner”.

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(65) Sub-paragraph (b) was substituted by regulation 4(3) of S.R. 1979 No. 392

(66) Sub-paragraph (d) was amended by regulation 6(3)(a)(iii) of S.R. 1989 No. 373 and regulation 6(4) of S.R. 2001 No. 108

(67) Paragraph (5) was substituted by regulation 4(5) of S.R. 1979 No. 392 and amended by regulation 6(3)(c) of S.R. 1989 No. 373 and regulation 3(2) of S.R. 1994 No. 269

(68) Paragraph (6) was substituted by regulation 4(6) of S.R. 1979 No. 392 and amended by regulation 6(3)(d) of S.R. 1989 No. 373

(69) S.R. 1979 No. 242; relevant amending instruments are S.R. 1983 No. 36, S.I. 1986/1888 (N.I. 18) and S.R. 1995 No. 150

(70) Paragraph (5) was amended by Article 19(1)(a) of the Social Security (Northern Ireland) Order 1986 and regulation 14(4)(a) of S.R. 1995 No. 150

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(4) In Schedule 1 (personal benefits which are required to be adjusted by reference to benefits not under Chapters I and II of Part II of the Act), in Column (2) in paragraph 4(71), after “surviving spouse” there shall be inserted “or surviving civil partner”.

### **Social Security (Widow’s Benefit and Retirement Pensions) Regulations**

10.—(1) The Social Security (Widow’s Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(72) shall be amended in accordance with sub-paragraphs (2) to (5).

(2) In regulation 7A(73) (Category B retirement pension for surviving spouses by virtue of deceased spouse’s contributions)—

(a) in the heading—

(i) after “surviving spouses” there shall be inserted “and surviving civil partners”; and

(ii) after “deceased spouse's” there shall be inserted “or deceased civil partner's”;

(b) in paragraph (2)(e), after “remarried” there shall be inserted “or formed a civil partnership”;

(c) in paragraph (3)(a), after “spouse” there shall be inserted “or civil partner”.

(3) In regulation 8 (substitution of former spouse’s contribution record to give entitlement to a Category A retirement pension)—

(a) in the heading, after “former spouse's” there shall be inserted “or former civil partner's”;

(b) in paragraph (1)—

(i) in sub-paragraph (a), after “did not remarry” there shall be inserted “or, as the case may be, form a civil partnership”;

(ii) after sub-paragraph (a), there shall be inserted the following sub-paragraph—

“(aa) any person whose last civil partnership terminated before he attained pensionable age and who did not form a subsequent civil partnership or, as the case may be, marry before that date;”;

(iii) in sub-paragraph (b)(74)—

(aa) after “attaining pensionable age” there shall be inserted “or whose civil partner died on or after the date on which the man or woman had attained that age”, and

(bb) after “former spouse” there shall be inserted “or former civil partner”, and

(iv) in sub-paragraph (c)—

(aa) after “last marriage” there shall be inserted “or last civil partnership”, and

(bb) after “his spouse” there shall be inserted “or, as the case may be, his civil partner”;

(c) in paragraph (2)—

(i) after “marriage” there shall be inserted “or civil partnership”, and

(ii) after “former spouse” there shall be inserted “or former civil partner”;

(d) in paragraph (3)—

(i) after “former spouse” there shall be inserted “or former civil partner”, and

(ii) after “marriage” there shall be inserted “or civil partnership”;

(71) Paragraph 4 was amended by regulation 12(3)(a) of S.R. 1983 No. 36

(72) S.R. 1979 No. 243; relevant amending Regulations are S.R. 2001 Nos. 108 and 148

(73) Regulation 7A was inserted by regulation 8(4) of S.R. 2001 No. 108

(74) Sub-paragraph (b) was substituted by regulation 8(5) of S.R. 2001 No. 108

- (e) in paragraph (6) after “his spouse's” there shall be inserted “or his civil partner's”.
- (4) In regulation 16ZA(75) (provision in relation to entitlement to child benefit for the purposes of a widowed parent’s allowance)—
  - (a) in paragraph (1)—
    - (i) after “(“the surviving spouse”)” there shall be inserted “or whose civil partner has died (“surviving civil partner””, and
    - (ii) in sub-paragraph (b), after “the surviving spouse” there shall be inserted “or surviving civil partner”;
  - (b) in paragraph (2)—
    - (i) after “a surviving spouse” there shall be inserted “or surviving civil partner”,
    - (ii) after “more than once married” there shall be inserted “, has formed more than one civil partnership, or who has been both married and formed a civil partnership”,
    - (iii) after “with the deceased spouse” there shall be inserted “or, as the case may be, the deceased civil partner”,
    - (iv) after “Act, the deceased spouse” there shall be inserted “or deceased civil partner”,
    - (v) in sub-paragraph (a)—
      - (aa) after “previous spouse” there shall be inserted “or civil partner”,
      - (bb) after “surviving spouse” there shall be inserted “or surviving civil partner”,
      - (cc) after “marriage” there shall be inserted “or, as the case may be, by the formation of a civil partnership”, and
      - (dd) after “that previous spouse's” there shall be inserted “or previous civil partner's”, and
    - (vi) in sub-paragraph (b)—
      - (aa) after “surviving spouse” there shall be inserted “or surviving civil partner”, and
      - (bb) after “deceased spouse” there shall be inserted “or deceased civil partner”.
- (5) In Schedule 1 (method of treating former spouse’s contributions as those of the beneficiary so as to entitle him to a Category A retirement pension)—
  - (a) in the heading, after “former spouse's” there shall be inserted “or former civil partner's”;
  - (b) in paragraph 1—
    - (i) after “the former spouse's” (in each place where it occurs) there shall be inserted “or former civil partner's”, and
    - (ii) after “the marriage” (in each place where it occurs) there shall be inserted “or, as the case may be, the civil partnership”;
  - (c) in paragraph 2 after “marriage” (in each place where it occurs) there shall be inserted “or civil partnership”;
  - (d) in paragraph 3—
    - (i) after “in which the marriage took place” (in each place where it occurs) there shall be inserted “or the civil partnership was formed”, and
    - (ii) for “in which the marriage terminated” (in each place where it occurs) there shall be substituted “in which the marriage or civil partnership terminated”.

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## **Social Security (Widow’s Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations**

11. In regulation 12 of the Social Security (Widow’s Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations (Northern Ireland) 1979(76) (provision relating to increase of retirement pension where pensioner’s deceased spouse had deferred retirement)—

- (a) in the heading, after “deceased spouse” there shall be inserted “or deceased civil partner”;
- (b) after “deceased spouse” (in each place where it occurs) there shall be inserted “or deceased civil partner”;
- (c) after “whose spouse dies on or after 6th April 1979” there shall be inserted “or whose civil partner dies on or after 5th December 2005”;
- (d) for “that date” there shall be substituted “6th April 1979”.

## **Income Support (General) Regulations**

12.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(77) shall be amended in accordance with sub-paragraphs (2) to (9).

(2) In regulation 2(1) (interpretation)—

- (a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or, if any of the preceding persons is one member of a couple, the other member of that couple”;
- (b) for the definition of “couple” there shall be substituted the following definition—

““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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(c) in the definition of “war widower’s pension”(78)—

- (i) after “any widower’s” there shall be inserted “or surviving civil partner’s”,
- (ii) after “for a widower” there shall be inserted “or surviving civil partner”.

(3) In regulation 21(3) (special cases), in paragraph (c) of the definition of “partner of a person subject to immigration control”(79) for “his” there shall be substituted “the member’s”.

(4) In regulation 54 (interpretation: chapter VII)—

(76) S.R. 1979 No. 244; regulation 12 was amended by regulation 9(2) of S.R. 1989 No. 373

(77) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 Nos. 146 and 193, S.R. 1991 No. 204, S.R. 1992 No. 201, S.R. 1994 No. 327, S.R. 1995 No. 410, S.R. 1996 Nos. 199 and 405, S.R. 1998 No. 81, S.R. 1999 No. 317, S.R. 2000 Nos. 71 and 260, S.R. 2001 Nos. 4, 278, and 392, S.R. 2002 No. 128 and S.R. 2003 No. 154

(78) The definition of “war widower’s pension” was inserted by regulation 2(2) of S.R. 2002 No. 128

(79) The definition of “partner of a person subject to immigration control” was substituted by regulation 5(4)(a) of S.R. 2000 No. 71



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- (a) in paragraph (a) of the definition of “liable relative” for “or former spouse” there shall be substituted “, former spouse, civil partner or former civil partner”;
  - (b) in the definition of “payment”**(80)**, after paragraph (a)(ii) there shall be inserted—
    - “or
    - (iii) any proceedings for separation, dissolution or nullity in relation to a civil partnership;”.
- (5) In regulation 61(1)**(81)** (interpretation: Chapter VIII), in the definition of “contribution”**(82)**, after “the holder’s spouse” there shall be inserted “or civil partner”.
- (6) In Schedule 1B**(83)** (prescribed categories of person), in paragraph 16A**(84)** (certain persons aged between 55 and 60 whose spouse has died)—
- (a) in the heading, after “spouse” there shall be inserted “or civil partner”;
  - (b) in sub-paragraph (b), after “9th April 2006” there shall be inserted “or whose civil partner died during the period beginning on and including 5th December 2005 and ending on 9th April 2006”.
- (7) In Schedule 2 (applicable amounts), in paragraph 8A(1)(b)**(85)** (bereavement premium), after “9th April 2001” there shall be inserted “or of a civil partner who died on or after 5th December 2005”.
- (8) In Schedule 9 (sums to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 16(c)**(86)**, for “widow or widower” there shall be substituted “surviving spouse or surviving civil partner”;
  - (b) in paragraph 39**(87)**—
    - (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
    - (ii) in sub-paragraph (3)**(88)**, after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
    - (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
    - (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
  - (c) in paragraph 54**(89)**, for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
  - (d) in paragraph 55**(90)**, for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;

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**(80)** The definition of “payment” was amended by regulation 24 of [S.R. 1988 No. 146](#)

**(81)** Regulation 61 was renumbered as regulation 61(1) by regulation 3(3) of [S.R. 2000 No. 241](#)

**(82)** The definition of “contribution” was substituted by regulation 5(8)(a) of [S.R. 1996 No. 405](#) and amended by regulation 3(2)(d) of [S.R. 1998 No. 81](#), regulation 3(2)(a) of [S.R. 1999 No. 317](#) and regulation 2(1)(c) of [S.R. 2001 No. 278](#)

**(83)** Schedule 1B was inserted by regulation 22 of [S.R. 1996 No. 199](#)

**(84)** Paragraph 16A was inserted by regulation 2(2) of [S.R. 2000 No. 260](#) for the period from 9th April 2001 to 9th April 2006 only

**(85)** Paragraph 8A was inserted by regulation 2(3)(b) of [S.R. 2000 No. 260](#) for the period from 9th April 2001 to 9th April 2006 only

**(86)** Paragraph 16 was substituted by regulation 5(3) of [S.R. 1995 No. 410](#) and sub-paragraph (1) was amended by regulation 2(5)(b) of [S.R. 2002 No. 128](#)

**(87)** Paragraph 39 was substituted by regulation 4(7)(b) of [S.R. 1991 No. 204](#)

**(88)** Sub-paragraph (3) was amended by regulation 5(7)(b)(iii) of [S.R. 1992 No. 201](#)

**(89)** Paragraph 54 was added by regulation 2(10)(b) of [S.R. 1994 No. 327](#) and amended by regulation 2(5)(c) of [S.R. 2002 No. 128](#)

**(90)** Paragraph 55 was added by regulation 2(10)(b) of [S.R. 1994 No. 327](#) and amended by regulation 2(5)(c) of [S.R. 2002 No. 128](#)

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- (e) in paragraph 56(1)(91)—
  - (i) in head (a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and
  - (ii) in head (b), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”.
- (9) In Schedule 10 (capital to be disregarded)—
  - (a) in paragraph 4(b)(92), after “estranged or divorced” there shall be inserted “or with whom he formed a civil partnership that has been dissolved”;
  - (b) in paragraph 22(93)—
    - (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
    - (ii) in sub-paragraph (3)(94), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
    - (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
    - (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
  - (c) in paragraph 25(95), after “estrangement or divorce from” there shall be inserted “or dissolution of his civil partnership with”;
  - (d) in paragraph 57(c) and (d)(96), after “deceased spouse” there shall be inserted “or deceased civil partner”;
  - (e) in paragraph 61(97), after “deceased spouse” (in each place where it occurs) there shall be inserted “or deceased civil partner”.

### **Housing Benefit (General) Regulations**

13.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987(98) shall be amended in accordance with sub-paragraphs (2) to (10).

- (2) In regulation 2(1) (interpretation)—
  - (a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”;
  - (b) for the definition of “couple” there shall be substituted the following definition—

(91) Paragraph 56(1) was added by regulation 2(10)(b) of S.R. 1994 No. 327 and amended by regulation 2(5)(d) and (e) of S.R. 2002 No. 128

(92) Paragraph 4(b) was amended by regulation 3(a) of S.R. 1988 No. 193

(93) Paragraph 22 was substituted by regulation 4(8)(a) of S.R. 1991 No. 204

(94) Sub-paragraph (3) was amended by regulation 5(8)(a)(iii) of S.R. 1992 No. 201

(95) Paragraph 25 was added by regulation 3(b) of S.R. 1988 No. 193 and amended by regulation 2(3)(a) of S.R. 2003 No. 154

(96) Paragraph 57 was added by regulation 2(a) of S.R. 2001 No. 4

(97) Paragraph 61 was added by regulation 2(a) of S.R. 2001 No. 392

(98) S.R. 1987 No. 461; relevant amending Regulations are S.R. 1988 Nos. 186, 314 and 424, S.R. 1989 No. 125, S.R. 1991 No. 204, S.R. 1992 Nos. 201 and 549, S.R. 1993 No. 145, S.R. 1994 No. 335, S.R. 1995 No. 410 and 481, S.R. 1996 Nos. 111 and 405, S.R. 1998 No. 81, S.R. 1999 No. 317, S.R. 2000 No. 260, S.R. 2001 Nos. 4, 215, 278 and 392, S.R. 2002 No. 128 and S.R. 2004 No. 45

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“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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

- (c) the definitions of “married couple” and “unmarried couple” shall be omitted;
- (d) in the definition of “partner”, in paragraph (a), for “a married or unmarried couple” there shall be substituted “a couple”;
- (e) in the definition of “war widower’s pension”(99)—
  - (i) after “any widower’s” there shall be inserted “or surviving civil partner’s”,
  - (ii) after “for a widower” there shall be inserted “or surviving civil partner”.

(3) In regulation 5(5)(b)(100) (circumstances in which a person is or is not to be treated as occupying a dwelling as his home), for “a married or unmarried couple” there shall be substituted “a couple”.

(4) In regulation 46(1) (interpretation: part VII), in the definition of “contribution”(101), after “spouse” there shall be inserted “or civil partner”.

(5) In regulation 63(3)(102), (4) and (5) (non-dependant deductions), for “a married or unmarried couple” there shall be substituted “a couple”.

(6) In regulation 71(1)(103) (who may claim), for “a married or unmarried couple” there shall be substituted “a couple”.

(7) In Schedule 1A(104) (decisions of rent payable), in paragraph 9(a) (size criteria), for “a married or an unmarried couple” there shall be substituted “a couple”.

(8) In Schedule 2 (applicable amounts), in paragraph 8A(1)(b)(105), after “on or after 9th April 2001” there shall be inserted “or of a civil partner who died on or after 5th December 2005”.

(9) In Schedule 4 (sums to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 13(c)(106) for “widow or widower” there shall be substituted “surviving spouse or surviving civil partner”;
- (b) in paragraph 37(107)—

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(99) The definition of “war widower’s pension” was inserted by regulation 3(2) of [S.R. 2002 No. 128](#)

(100) Paragraph (5)(b) was amended by regulation 2 of [S.R. 1992 No. 549](#)

(101) The definition of “contribution” was substituted by regulation 4(4)(a) of [S.R. 1996 No. 405](#) and amended by regulation 3(1) and (2)(c) of [S.R. 1998 No. 81](#), regulation 4(2)(a) of [S.R. 1999 No. 317](#) and regulation 2(1)(c) of [S.R. 2001 No. 278](#)

(102) Paragraph (3) was amended by regulation 9 of [S.R. 1993 No. 145](#)

(103) Paragraph (1) was amended by regulation 3(1) of, and Schedule 1 to, [S.R. 2001 No. 215](#)

(104) Schedule 1A was inserted by Schedule 1 to [S.R. 1996 No. 111](#)

(105) Paragraph 8A was inserted by regulation 4(2)(b) of [S.R. 2000 No. 260](#) for the period 9th April 2001 to 9th April 2006 only

(106) Paragraph 13 was substituted by regulation 4(2)(a) of [S.R. 1995 No. 410](#) and sub-paragraph (c) was amended by regulation 2 of [S.R. 1995 No. 481](#) and regulation 3(3)(b) of [S.R. 2002 No. 128](#)

(107) Paragraph 37 was substituted by regulation 3(7) of [S.R. 1991 No. 204](#)

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- (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
- (ii) in sub-paragraph (3)(**108**), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
- (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
- (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
- (c) in paragraph 56(**109**), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
- (d) in paragraph 57(**110**), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
- (e) in paragraph 58(1)(**111**)—
  - (i) in head (a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and
  - (ii) in head (b), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”.
- (10) In Schedule 5 (capital to be disregarded)—
  - (a) in paragraph 4(b)(**112**), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that has been dissolved”;
  - (b) in paragraph 23(**113**)—
    - (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
    - (ii) in sub-paragraph (3)(**114**), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
    - (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
    - (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
  - (c) in paragraph 24(**115**), after “or divorce from” there shall be inserted “, or dissolution of his civil partnership with,”;

(108) Sub-paragraph (3) was amended by regulation 4(7)(c)(i) of S.R. 1992 No. 201

(109) Paragraph 56 was added by regulation 12(b) of S.R. 1994 No. 335 and amended by regulation 3(3)(c) of S.R. 2002 No. 128

(110) Paragraph 57 was added by regulation 12(b) of S.R. 1994 No. 335 and amended by regulation 3(3)(c) of S.R. 2002 No. 128

(111) Paragraph 58 was added by regulation 12(b) of S.R. 1994 No. 335 and sub-paragraph (1) was amended by regulation 3(3)(d) and (e) of S.R. 2002 No. 128

(112) Paragraph 4 was substituted by regulation 20(a) of S.R. 1988 No. 424

(113) Paragraph 23 was substituted by regulation 3(8)(a) of S.R. 1991 No. 204

(114) Sub-paragraph (3) was amended by regulation 4(8)(a)(iii) of S.R. 1992 No. 201

(115) Paragraph 24 was added by regulation 5 of S.R. 1988 No. 186 and amended by regulation 12 of S.R. 1989 No. 125 and regulation 3(3)(b) of S.R. 2004 No. 45

- (d) in paragraph 59(c) and (d)(**116**), after “deceased spouse” there shall be inserted “or deceased civil partner”;
- (e) in paragraph 63(**117**), after “deceased spouse” (in each place where it occurs) there shall be inserted “or deceased civil partner”.

14.—(1) The Housing Benefit (General) Regulations (Northern Ireland) 1987, as modified in their application to persons to whom regulation 2(1) of the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003(**118**) applies, shall be amended in accordance with subparagraphs (2) to (4).

(2) In regulation 25(1)(k) (meaning of “income”), for “by his spouse or former spouse or towards the maintenance of the claimant’s partner by his spouse or former spouse, ” there shall be substituted “by his spouse, civil partner, former spouse or former civil partner or towards the maintenance of the claimant’s partner by his spouse, civil partner, former spouse or former civil partner.”.

(3) In Schedule 4A(**119**) (amounts to be disregarded in the calculation of income other than earnings)—

- (a) in paragraph 1(c), for “widow or widower” there shall be substituted “surviving spouse or surviving civil partner”;
- (b) in paragraph 5, for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
- (c) in paragraph 6, for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
- (d) in paragraph 7(1)—
  - (i) in head (a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and
  - (ii) in head (b), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
- (e) in paragraph 14, after “spouse” there shall be inserted “or civil partner”;
- (f) in paragraph 21(1), for “by the claimant’s spouse or former spouse, or the claimant’s partner’s spouse or former spouse” there shall be substituted “by the claimant’s spouse, civil partner, former spouse or former civil partner or the claimant’s partner’s spouse, civil partner, former spouse, or former civil partner”.

(4) In Part 1 of Schedule 5ZA(**120**) (capital to be disregarded)—

- (a) in paragraph 4(b), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that has been dissolved”;
- (b) in paragraph 6(**121**), after “from his former partner” there shall be inserted “or the dissolution of a civil partnership with his former partner”;
- (c) in paragraph 13(c) and (d), after “deceased spouse” there shall be inserted “or deceased civil partner”;
- (d) in paragraph 15, after “deceased spouse” (in each place where it occurs) there shall be inserted “or deceased civil partner”;

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(**116**) Paragraph 59 was added by regulation 2(b) of [S.R. 2001 No. 4](#)

(**117**) Paragraph 63 was added by regulation 2(b) of [S.R. 2001 No. 392](#)

(**118**) [S.R. 2003 No. 197](#); relevant amending Regulations are [S.R. 2004 No. 45](#)

(**119**) Schedule 4A was inserted by paragraph 1(b) of Schedule 2 to [S.R. 2003 No. 197](#) for the purposes only of regulation 12(2) and (3) of that Rule

(**120**) Schedule 5ZA was inserted by paragraph 1(c) of Schedule 2 to [S.R. 2003 No. 197](#) for the purposes only of regulation 12(2) and (3) of that Rule

(**121**) Paragraph 6 was amended by regulation 6(a) of [S.R. 2004 No. 45](#)

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- (e) in paragraph 16—
- (i) in sub-paragraph (2), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
  - (ii) in sub-paragraph (3), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
  - (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
  - (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”.

### **Social Security (Claims and Payments) Regulations**

15.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(122) shall be amended in accordance with sub-paragraphs (2) to (8).

(2) In regulation 2 (interpretation)—

(a) after the definition of “claim for benefit” there shall be inserted the following definition—

““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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(b) the definitions of “married couple” and “unmarried couple” shall be omitted;

(c) in the definition of “partner”, for “a married or unmarried couple” there shall be substituted “a couple”.

(3) In regulation 4(3)(123), (3B)(a)(124), (3C)(125) and (4) (making a claim for benefit), for “a married or unmarried couple” there shall be substituted “a couple”.

(4) In regulation 4C(7) and (8)(126) (making a claim for state pension credit), for “married or unmarried couple” there shall be substituted “couple”.

(5) In regulation 6(31)(127) (date of claim), after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”.

(122) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1989 No. 373, S.R. 1996 Nos. 354 and 449, S.R. 2002 No. 327, S.R. 2003 No. 191 and S.R. 2004 No. 378

(123) Paragraph (3) was amended by regulation 3(3)(a) of S.R. 1996 No. 449

(124) Paragraph (3B) was inserted by regulation 2(4)(a) of S.R. 1996 No. 354

(125) Paragraph (3C) was inserted by regulation 3(3)(b) of S.R. 1996 No. 449

(126) Regulation 4C was inserted by regulation 4(3) of S.R. 2003 No. 191

(127) Paragraph (31) was added by regulation 2 of S.R. 2004 No. 378

(6) In regulation 15(6)(**128**) (advance notice of retirement and claim for and award of pension), after “the spouse” (in each place where it occurs) there shall be inserted “or civil partner”.

(7) In regulation 17(1A)(**129**) (duration of awards), for “a married or unmarried couple” there shall be substituted “a couple”.

(8) In regulation 35(2)(a)(**130**) (payment to a partner as alternative payee), for “of a married or unmarried” there shall be substituted “member of a”.

### **Housing Benefit (Supply of Information) Regulations**

16. In regulation 1(2) of the Housing Benefit (Supply of Information) Regulations (Northern Ireland) 1988(**131**) (interpretation)—

(a) after the definition of “claimant” there shall be inserted—

““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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(b) in the definition of “partner”, in paragraph (a), for “a married or unmarried couple” there shall be substituted “a couple”.

### **Social Security (Payments on account, Overpayments and Recovery) Regulations**

17. In regulation 17 of the Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988(**132**) (recovery from couples), for “a married or unmarried couple” (in each place where it occurs) there shall be substituted “a couple”.

### **Social Security (Attendance Allowance) Regulations**

18. In regulation 2(2)(c) of the Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992(**133**) (conditions as to residence and presence in Northern Ireland), after “spouse,” there shall be inserted “civil partner,”.

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(**128**) Paragraph (6) was substituted by regulation 12(1)(b) of S.R. 1989 No. 373

(**129**) Paragraph (1A) was substituted by regulation 2(10)(a) of S.R. 1996 No. 354

(**130**) Paragraph (2) was added by regulation 2(3) of S.R. 2002 No. 327

(**131**) S.R. 1988 No. 118

(**132**) S.R. 1988 No. 142; regulation 17 was amended by regulation 14(8) of S.R. 1992 No. 6, regulation 15(5) of S.R. 1996 No. 289 and regulation 26(5) and (6) of S.R. 2003 No. 191

(**133**) S.R. 1992 No. 20

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### **Social Security (Disability Living Allowance) Regulations**

19. In regulation 2(2)(c) of the Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992(**134**) (conditions as to residence and presence in Northern Ireland), after “spouse,” there shall be inserted “civil partner,”.

### **Social Security (Incapacity Benefit) Regulations**

20. In regulation 15(4)(a) of the Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994(**135**) (conditions relating to residence or presence), after “spouse,” there shall be inserted “civil partner,”.

### **Social Security (Incapacity Benefit – Increases for Dependants) Regulations**

21.—(1) The Social Security (Incapacity Benefit – Increases for Dependants) Regulations (Northern Ireland) 1994(**136**) shall be amended in accordance with sub-paragraphs (2) to (5).

(2) In regulation 3(**137**) (allocation of contributions for a spouse)—

- (a) in the heading, after “spouse” there shall be added “or civil partner”;
- (b) after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”.

(3) In regulation 9(1)(**138**) (increase of incapacity benefit for adult dependants and persons having the care of children)—

- (a) in sub-paragraph (a), after “spouse” (in each place where it occurs) there shall be inserted “or civil partner”;
- (b) in sub-paragraph (b), after “spouse” there shall be inserted “or civil partner”.

(4) In regulation 12(1) (contribution to maintenance of adult dependant)—

- (a) in sub-paragraph (a)—
  - (i) after “his spouse” there shall be inserted “or civil partner”, and
  - (ii) after “that spouse's” there shall be inserted “, civil partner's”;
- (b) in sub-paragraph (b), after “the spouse” there shall be inserted “, civil partner”.

(5) In regulation 14(1) (disqualification for receipt of increases in cases of imprisonment and absence abroad), after “the spouse” there shall be inserted “or civil partner”.

### **Social Security (Incapacity for Work) (General) Regulations**

22. In regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**139**) (interpretation)—

- (a) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”;
- (b) after the definition of “confinement” there shall be inserted the following definition—

““couple” means—

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(134) S.R. 1992 No. 32

(135) S.R. 1994 No. 461; regulation 15 was added by regulation 2(5) of S.R. 2000 No. 404

(136) S.R. 1994 No. 485; relevant amending regulations are S.R. 2003 No. 213

(137) Regulation 3 was substituted by regulation 2(7)(a) of S.R. 2003 No. 213

(138) Paragraph (1) was amended by regulation 2(7)(c) of S.R. 2003 No. 213

(139) S.R. 1995 No. 41; relevant amending Regulations are S.R. 1996 No. 601



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- (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,  
and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;
- (c) in the definition of “relative”(140), for “a spouse or, in the case of an unmarried couple, the other member of that couple” there shall be substituted “the other member of a couple”.

### **Jobseeker’s Allowance Regulations**

23.—(1) The Jobseeker’s Allowance Regulations (Northern Ireland) 1996(141) shall be amended in accordance with sub-paragraphs (2) to (13).

(2) In regulation 1(2) (interpretation)—

- (a) in the definition of “close relative”(142), for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”;
- (b) for the definition of “couple” there shall be substituted the following definition—  
““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,  
and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;
- (c) in the definition of “partner”, in paragraph (a) for “a married or unmarried couple” there shall be substituted “a couple”;
- (d) in the definition of “war widower’s pension”(143), after “to a man as a widower” there shall be inserted “or to a surviving civil partner”.

(140) The definition of “relative” was inserted by regulation 4(2)(c) of S.R. 1996 No. 601

(141) S.R. 1996 No. 198; relevant amending Regulations are S.R. 1996 Nos. 356 and 503, S.R.1998 No. 81, S.R. 1999 No. 317 and 428 (C. 32), S.R. 2000 Nos. 71, 260 and 350, S.R. 2001 Nos. 4, 278 and 392, S.R. 2002 No. 128 and S.R. 2003 No. 154

(142) The definition of “close relative” was amended by regulation 2(2)(b) of S.R. 1996 No. 503

(143) The definition of “war widower’s pension” was inserted by regulation 4(2) of S.R. 2002 No. 128

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- (3) In regulation 4 (interpretation of Parts II, IV and V), in the definition of “close relative”**(144)**—
- (a) for “a spouse or other member of an unmarried couple” there shall be substituted “a member of a couple”;
  - (b) for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”.
- (4) In regulation 57(2)(a) (interpretation of Part IV)—
- (a) after “of a married couple” there shall be inserted “or of a civil partnership”;
  - (b) after “that couple” there shall be inserted “or civil partnership”.
- (5) In regulation 85(4) (special cases), in the definition of “partner of a person subject to immigration control”**(145)**, in paragraph (c) for “his” there shall be substituted “the member's”.
- (6) In regulation 117 (interpretation: Chapter VII)—
- (a) in the definition of “liable relative”, in paragraph (a), for “or former spouse” there shall be substituted “, former spouse, civil partner or former civil partner”;
  - (b) in the definition of “payment”, after paragraph (a)(ii) there shall be inserted—
    - “or
    - (iii) any proceedings for separation, dissolution or nullity in relation to a civil partnership;”.
- (7) In regulation 130 (interpretation: Chapter IX), in the definition of “contribution”**(146)**, after “holders spouse” there shall be inserted “or civil partner”.
- (8) In regulation 140(1) (meaning of “person in hardship”)—
- (a) in sub-paragraph (c)**(147)**—
    - (i) for “a married or unmarried couple” there shall be substituted “a couple”, and
    - (ii) for head (i) there shall be substituted the following head—
      - “(i) at least one member of the couple is a woman who is pregnant, and”;
  - (b) in sub-paragraph (e), for “a married or unmarried couple” there shall be substituted “a couple”.
- (9) In regulation 146A(1)(a)**(148)** (meaning of “couple in hardship”), for “the woman member of the joint-claim couple is pregnant” there shall be substituted “at least one member of the joint-claim couple is a woman who is pregnant”.
- (10) In regulation 167(1) (recovery orders), after “claimant’s spouse” there shall be inserted “or civil partner”.
- (11) In Schedule 1 (applicable amounts)—
- (a) in column (1) in paragraph 1(3)(a)(iv) and (iva)**(149)**, after “married” there shall be inserted “or civil partners”;

**(144)** The definition of “close relative” was amended by regulation 2(4) of S.R. 1996 No. 503

**(145)** The definition of “partner of a person subject to immigration control” was substituted by regulation 10(3)(a) of S.R. 2000 No. 71

**(146)** The definition of “contribution” was amended by regulation 3(1) and (2)(e) of S.R. 1998 No. 81, regulation 2(2)(a) of S.R. 1999 No. 317 and regulation 2(1)(c) of S.R. 2001 No. 278

**(147)** Sub-paragraph (c) was amended by Article 9(5)(i) of S.R. 1999 No. 428 (C. 32)

**(148)** Regulation 146A was inserted by regulation 2(3) of S.R. 2000 No. 350

**(149)** Paragraphs (iv) and (iva) were substituted by regulation 16(b) of S.R. 1996 No. 356

- (b) in paragraph 9A(1)(b)(**150**) (bereavement premium), after “9th April 2001” there shall be inserted “or of a civil partner who died on or after 5th December 2005”.
- (12) In Schedule 6 (sums to be disregarded in the calculation of income other than earnings)—
  - (a) in paragraph 17(c)(**151**), for “widow or widower” there shall be substituted “surviving spouse or surviving civil partner”;
  - (b) in paragraph 41—
    - (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
    - (ii) in sub-paragraph (3), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
    - (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and
    - (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
  - (c) in paragraph 53(**152**), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
  - (d) in paragraph 54(**153**), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
  - (e) in paragraph 55(1)(**154**)—
    - (i) in head (a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and
    - (ii) in head (b), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”.
- (13) In Schedule 7 (capital to be disregarded)—
  - (a) in paragraph 4(b), after “estranged or divorced” there shall be inserted “or with whom he formed a civil partnership that has been dissolved”;
  - (b) in paragraph 5(**155**), after “estrangement or divorce from” there shall be inserted “or dissolution of a civil partnership with”;
  - (c) in paragraph 27—
    - (i) in sub-paragraph (2)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”;
    - (ii) in sub-paragraph (3), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”;
    - (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and

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(150) Paragraph 9A was inserted by regulation 3(2)(b) of S.R. 2000 No. 260 from 9.4.01 to 9.4.06 only

(151) Paragraph 17(c) was amended by regulation 4(5)(b) of S.R. 2002 No. 128

(152) Paragraph 53 was amended by regulation 4(5)(c) of S.R. 2002 No. 128

(153) Paragraph 54 was amended by regulation 4(5)(c) of S.R. 2002 No. 128

(154) Paragraph 55(1) was amended by regulation 4(5)(d) and (e) of S.R. 2002 No. 128

(155) Paragraph 5 was amended by regulation 3(4)(a) of S.R. 2003 No. 154

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- (iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”;
- (d) in paragraph 51(c) and (d)(156), after “deceased spouse” there shall be inserted “or deceased civil partner”;
- (e) in paragraph 54(157), after “deceased spouse” (in each place where it occurs) there shall be inserted “or deceased civil partner”.

### **Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations**

24. In regulation 2(b) of the Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations (Northern Ireland) 1996(158) (interpretation for the purposes of section 72A of the Act), after “spouse” there shall be inserted “or civil partner”.

### **Social Security (Child Maintenance Bonus) Regulations**

25.—(1) The Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(159) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “couple” there shall be substituted the following definition—

““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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(b) in the definition of “partner”, in paragraph (a), for “a married or unmarried couple” there shall be substituted “a couple”.

(3) In regulation 7(2)(160) (death of a person with care of a child) for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”.

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(156) Paragraph 51 was added by regulation 2(c) of S.R. 2001 No. 4

(157) Paragraph 54 was added by regulation 2(c) of S.R. 2001 No. 392

(158) S.R. 1996 No. 202

(159) S.R. 1996 No. 622; relevant amending Regulations are S.R. 2001 No. 25 and S.R. 2003 No. 57

(160) Regulations 2 to 13 were revoked by regulation 4 of S.R. 2001 No. 25 as substituted by regulation 2 of S.R. 2003 No. 57 from, in relation to any particular case, the date on which section 22 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4) comes into operation in relation to that type of case

### **Social Fund Winter Fuel Payment Regulations**

26. In regulation 1(2) of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(**161**) (interpretation)—

(a) before the definition of “free in-patient treatment” there shall be inserted the following definition—

““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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(b) in the definition of “partner”, in paragraph (a) for “a married or unmarried couple” there shall be substituted “a couple”.

### **Social Security (Claims and Information) Regulations**

27. In regulation 13(4) of the Social Security (Claims and Information) Regulations (Northern Ireland) 2001(**162**) (partners of claimants)—

(a) for “a married or unmarried couple” there shall be substituted “a couple”;

(b) after “also a member” there shall be inserted “, and “couple” has the same meaning as in regulation 1(2) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996”(**163**).

### **Social Security (Loss of Benefit) Regulations**

28.—(1) The Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002(**164**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 5(1) (meaning of “person in hardship”)—

(a) in sub-paragraph (c)—

(i) for “a married or unmarried couple” there shall be substituted “a couple”, and

(ii) for head (i) there shall be substituted the following head—

“(i) at least one member of the couple is a woman who is pregnant, and”;

(b) in sub-paragraph (e), for “a married or unmarried couple” there shall be substituted “a couple”.

(3) In regulation 11(2)(a) (application of Part and meaning of “couple in hardship”) for “the woman member of the joint-claim couple is pregnant” there shall be substituted “at least one member of the joint-claim couple is a woman who is pregnant”.

**(161)** S.R. 2000 No. 91; to which there are amendments not relevant to this Order

**(162)** S.R. 2001 No. 175

**(163)** The definition of “couple” in regulation 1(2) is substituted by paragraph 23(2)(b) of this Schedule

**(164)** S.R. 2002 No. 79; to which there are amendments not relevant to this Order

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### **Tax Credits (Appeals) Regulations**

29.—(1) The Tax Credits (Appeals) Regulations (Northern Ireland) 2002(**165**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 1(3) (interpretation)—

(a) after the definition of “clerk to the appeal tribunal” there shall be inserted the following definition—

““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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

(b) for the definition of “partner” there shall be substituted the following definition—

““partner” means the other member of a couple;”.

(3) In regulation 9(2)(b) (composition of appeal tribunals), for “a married or unmarried couple” there shall be substituted “a couple”.

### **State Pension Credit Regulations**

30.—(1) The State Pension Credit Regulations (Northern Ireland) 2003(**166**) shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 1—

(a) in paragraph (2) (interpretation)—

- (i) in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”, and
- (ii) after the definition of “the Computation of Earnings Regulations”(167) there shall be inserted the following definition—

““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

(165) S.R. 2002 No. 403

(166) S.R. 2003 No. 28; relevant amending Regulations are S.R. 2003 Nos. 191 and 421 and S.I. 2003/2175

(167) The definition of “the Computation of Earnings Regulations” was inserted by regulation 4 of S.I. 2003/2175

- (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,  
and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;
- (b) in paragraph (3), for “a married or unmarried couple” there shall be substituted “a couple”.
- (3) In regulation 15(5)(d) (income for the purposes of the Act), for “or former spouse” (in each place where it occurs) there shall be substituted “, civil partner, former spouse or former civil partner”.
- (4) In Schedule 4 (amounts to be disregarded in the calculation of income other than earnings)—
- (a) in paragraph 1(c)(**168**), for “widow or widower” there shall be substituted “surviving spouse or surviving civil partner”;
- (b) in paragraph 4(**169**), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
- (c) in paragraph 5(**170**), for “widows or widowers” there shall be substituted “surviving spouses and surviving civil partners”;
- (d) in paragraph 6(1)(**171**)—
- (i) in head (a), for “widow or widower” there shall be substituted “widow, widower or surviving civil partner”, and
- (ii) in head (b), for “widows and widowers” there shall be substituted “surviving spouses and surviving civil partners”;
- (e) in paragraph 12, after “spouse” there shall be inserted “or civil partner”.
- (5) In Schedule 5 (income from capital)—
- (a) in paragraph 4(b), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that has been dissolved”;
- (b) in paragraph 6(1), after “estrangement or divorce from” there shall be inserted “, or dissolution of his civil partnership with,”;
- (c) in paragraph 12(c) and (d), after “deceased spouse” there shall be inserted “or deceased civil partner”;
- (d) in paragraph 14, after “deceased spouse” (in each place where it occurs) there shall be inserted “or deceased civil partner”;
- (e) in paragraph 15—
- (i) in sub-paragraph (2), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved or, where that person has died, had not been dissolved at the time of that person’s death”,
- (ii) in sub-paragraph (3), after “estranged or divorced” there shall be inserted “or, where the partner or former partner and that person have formed a civil partnership, the civil partnership has not been dissolved or, if either of them has died, had not been dissolved at the time of the death”,
- (iii) in sub-paragraph (4)(a), after “estranged or divorced” there shall be inserted “or with whom he has formed a civil partnership that has not been dissolved”, and

**(168)** Paragraph 1(c) was amended by regulation 2(10)(a) of [S.R. 2003 No. 421](#)

**(169)** Paragraph 4 was amended by regulation 2(10)(b) of [S.R. 2003 No. 421](#)

**(170)** Paragraph 5 was amended by regulation 2(10)(c) of [S.R. 2003 No. 421](#)

**(171)** Paragraph 6(1) was amended by regulation 2(10)(d) and (e) of [S.R. 2003 No. 421](#)

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(iv) in sub-paragraph (5)(a), after “estranged or divorced” there shall be inserted “or with whom he had formed a civil partnership that had not been dissolved”.

(6) In Schedule 6 (sums disregarded from claimant’s earnings), in paragraph 4A(1)(b)(172), for “married or unmarried couples” there shall be substituted “couples”.

### **Social Security (Work-focused Interviews for Partners) Regulations**

31. In regulation 1(2) of the Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003(173) (interpretation), after the definition of “claimant” there shall be inserted the following definition—

““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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”.

## SCHEDULE 4

Article 2(4)

### Amendment of legislation relating to child support

#### **Child Support (Information, Evidence and Disclosure) Regulations**

1. In regulation 3(2)(b) and (c) of the Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992(174) (purposes for which information or evidence may be required), after “marital” there shall be inserted “or civil partnership”.

#### **Child Support (Maintenance Assessments and Special Cases) Regulations**

2.—(1) The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(175) shall be amended in accordance with sub-paragraphs (2) to (6).

(2) In regulation 1(2) (interpretation)—

- (a) for the definition of “couple”(176) there shall be substituted the following definition—

““couple” means—

(172) Paragraph 4A was inserted by regulation 23(10)(b) of S.R. 2003 No. 191

(173) S.R. 2003 No. 405

(174) S.R. 1992 No. 339; regulation 3(2)(b) is amended by regulation 2(2) and (6)(b)(i) of S.R. 2001 No. 16 from a date determined in accordance with regulation 1(1)(b) of those Regulations

(175) S.R. 1992 No. 341; relevant amending Regulations are S.R. 1993 No.164, S.R. 1996 No. 317 and 590, S.R. 1999 No. 152 and S.R. 2003 No. 469

(176) The definition of “couple” was inserted by regulation 5(2)(b) of S.R. 1993 No. 164



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- (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,  
and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;
- (b) in the definition of “family”(177), for “a married or unmarried couple” (in each place where it occurs) there shall be substituted “a couple”;
  - (c) the definitions of “married couple” and “unmarried couple” shall be omitted;
  - (d) in the definition of “partner”, in paragraph (a), for “a married or unmarried couple” there shall be substituted “a couple”.
- (3) In regulation 18(2)(b) (excessive housing costs) after “divorce from,” there shall be inserted “dissolution of a civil partnership with,”.
- (4) In Schedule 1 (calculation of N and M)—
- (a) in paragraph 9A(2)(178), for “a war widow’s pension and a war widower’s pension” there shall be substituted “a war widow’s pension, a war widower’s pension and a surviving civil partner’s war pension”;
  - (b) in paragraph 22A(2)(179), for “a war widow’s pension and a war widower’s pension” there shall be substituted “a war widow’s pension, a war widower’s pension and a surviving civil partner’s war pension”.
- (5) In Schedule 2 (amounts to be disregarded when calculating or estimating N and M)—
- (a) in paragraph 44—
    - (i) after “a divorce” there shall be inserted “, dissolution of a civil partnership”, and
    - (ii) in sub-paragraph (a), after “the divorce” there shall be inserted “, dissolution of the civil partnership”;
  - (b) in paragraph 47F(180), for “widows and widowers” (in each place where it occurs) there shall be substituted “widows, widowers and surviving civil partners”.
- (6) In Schedule 3 (eligible housing costs), in paragraph 7 (interpretation), in the definition of “close relative”, for “or the spouse of any of the preceding persons or, if that person is one of an unmarried couple, the other member of that couple” there shall be substituted “or if any of the preceding persons is one member of a couple, the other member of that couple”.

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(177) The definition of “family” was substituted by regulation 4(2) of S.R. 1996 No. 317 and amended by regulation 3(2)(a)(iii) of S.R. 1996 No. 590

(178) Paragraph 9A was inserted by regulation 4(5)(f) of S.R. 1999 No. 152 and sub-paragraph (2) was amended by regulation 3(6)(a) of S.R. 2003 No. 469

(179) Paragraph 22A was inserted by regulation 4(5)(h) of S.R. 1999 No. 152 and sub-paragraph (2) was amended by regulation 3(6)(b) of S.R. 2003 No. 469

(180) Paragraph 47F was inserted by regulation 3(7)(d) of S.R. 2003 No. 469

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### **Child Support (Collection and Enforcement) Regulations**

3. In regulation 8(5)(c)(ii) of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(**181**) (interpretation of this Part), after “widow,” there shall be inserted “surviving civil partner.”

### **Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations**

4. In regulation 2(b) of the Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations (Northern Ireland) 1992(**182**) (periodical payments and categories of person prescribed for the purposes of Article 30 of the Order), for “or former spouse” there shall be substituted “, civil partner, former spouse or former civil partner”.

### **Child Support (Maintenance Arrangements and Jurisdiction) Regulations**

5. In regulation 3(1) of the Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992(**183**) (relationship between maintenance assessments and certain court orders), at the end there shall be added the following sub-paragraph—

“(n) Schedule 15, 16 or 17 to the Civil Partnership Act 2004.”

### **Child Support Departure Direction and Consequential Amendments Regulations**

6. In regulation 16 of the Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996(**184**) (debts incurred before the absent parent became an absent parent)—

- (a) in paragraph (1), for “a married or unmarried couple” there shall be substituted “a couple”;
- (b) in paragraph (2), for sub-paragraph (e) there shall be substituted the following sub-paragraph—

“(e) unpaid legal costs in respect of—

- (i) separation or divorce from the non-applicant parent, or
- (ii) separation from the non-applicant parent or the dissolution of a civil partnership that had been formed with the non-applicant parent;”;

- (c) in paragraph (5)(a), for “married or unmarried couple” there shall be substituted “couple”.

### **Child Support (Maintenance Calculations and Special Cases) Regulations**

7.—(1) The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**185**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation)—

- (a) for the definition of “couple” there shall be substituted the following definition—

““couple” means—

- (a) a man and woman who are married to each other and are members of the same household;

(181) S.R. 1992 No. 390

(182) S.R. 1992 No. 465; regulation 2(b) is amended by regulation 4(2) of S.R. 2001 No. 15 from a date determined in accordance with regulation 1(3) of those Regulations

(183) S.R. 1992 No. 466; regulation 3(1) was substituted by regulation 7(4)(a) of S.R. 1995 No. 162 and amended by regulation 7 of S.R. 1998 No. 8

(184) S.R. 1996 No. 541

(185) S.R. 2001 No. 18; relevant amending Regulations are S.R. 2003 No. 469

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- (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,

and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;”;

- (b) in the definition of “war widow’s pension”(186), after “and “war widower’s pension”” there shall be inserted “and “surviving civil partner’s war pension””.

(3) In regulation 4(1) (flat rate), for sub-paragraph (f)(187) there shall be substituted the following sub-paragraph—

- “(f) a war widow’s pension, war widower’s pension or surviving civil partner’s war pension;”.

### **Child Support (Variations) Regulations**

8. In regulation 12(3) of the Child Support (Variations) Regulations (Northern Ireland) 2001(188) (special expenses—prior debts), for sub-paragraph (e) there shall be substituted the following sub-paragraph—

- “(e) unpaid legal costs in respect of—
  - (i) separation or divorce from the person with care, or
  - (ii) separation from the person with care or the dissolution of a civil partnership that had been formed with the person with care;”.

## SCHEDULE 5

Article 2(5)

### Transitory provisions relating to child support

#### **Transitory provisions**

1. In this Schedule—

“the Act” means the Civil Partnership Act 2004(189);

“the 2000 Act” means the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(190);

“the 1991 Order” means the Child Support (Northern Ireland) Order 1991(191) before its amendment by the 2000 Act;

“maintenance assessment” has the same meaning as it has in Article 2(2) of the 1991 Order (interpretation) as read with any regulations in operation under that Article;

(186) The definition of “war widow’s pension” was inserted by regulation 6(2)(g) of S.R. 2003 No. 469

(187) Sub-paragraph (f) was added by regulation 6(3)(b) of S.R. 2003 No. 469

(188) S.R. 2001 No. 20

(189) 2004 c. 33

(190) 2000 c. 4 (N.I.)

(191) S.I. 1991/2628 (N.I. 23)

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“an old scheme case” means any type of case which is not one in relation to which 3rd March 2003 is the day appointed for the coming into operation of Part I and section 67 (so far as it relates to Part I of Schedule 9) of, and Schedules 1 to 3 and Part I of Schedule 9 to, the 2000 Act in so far as they are not already in operation in relation to that type of case.

2.—(1) This paragraph applies to an old scheme case, until the day on which Part I and section 67 (so far as it relates to Part I of Schedule 9) of, and Schedules 1 to 3 and Part I of Schedule 9 to, the 2000 Act in so far as they are not already in operation in relation to that type of case come into operation in relation to that type of case.

(2) Where this paragraph applies, paragraph 44(7) to (11) of Schedule 15 to the Act (duration of continuing orders in favour of children, and age limit on making certain orders in their favour) shall apply as if—

- (a) in sub-paragraphs (7)(a), (9), (10) and (11), for “maintenance calculation” (in each place where it occurs) there were substituted “maintenance assessment”,
- (b) in sub-paragraphs (7)(a) and (b) and (8)(b), for “current calculation” there were substituted “current assessment”,
- (c) in sub-paragraph (8)(b), for—
  - (i) “maintenance calculations” there were substituted “maintenance assessments”, and
  - (ii) “those calculations” there were substituted “those assessments”,
- (d) in sub-paragraph (9)—
  - (i) in paragraph (a), after “ceases to have effect” there were inserted “or is cancelled”,
  - (ii) in paragraph (b), after “ceased to have effect” there were inserted “or was cancelled”, and
  - (iii) after “ceased to have effect or” there were inserted “, or as the case may be, the date with effect from which it was cancelled”,
- (e) after sub-paragraph (10), there were inserted the following sub-paragraph—
  - “(10A) Where the maintenance assessment was cancelled, the relevant date is the later of—
    - (a) the date on which the person who cancelled it did so; and
    - (b) the date from which the cancellation first had effect.”;

(3) Where this paragraph applies, paragraph 55(1) to (5) of Schedule 15 to the Act (power to direct when variation etc. is to take effect) shall apply as if in—

- (a) sub-paragraphs (1)(c), (2)(a), and (2)(c), for “maintenance calculation” there were substituted “maintenance assessment”;
- (b) sub-paragraph (1), for “the calculation” (in each place where it occurs) there were substituted “the assessment”;

(4) Where this paragraph applies, paragraph 27(10) to (14) of Schedule 16 to the Act (age limit on making orders for financial provision for children and duration of such orders) shall apply as if—

- (a) in sub-paragraphs (10)(a), (12), (13) and (14), for “maintenance calculation” (in each place where it occurs) there were substituted “maintenance assessment”;
- (b) in sub-paragraphs (10)(a) and (b) and (11)(b), for “current calculation” there were substituted “current assessment”;
- (c) in sub-paragraph (11)(b), for—
  - (i) “maintenance calculations” there were substituted “maintenance assessments”, and
  - (ii) “those calculations” there were substituted “those assessments”,

- (d) in sub-paragraph (12)—
    - (i) in paragraph (a), after “ceases to have effect” there were inserted “or is cancelled”, and
    - (ii) in paragraph (b), after “ceased to have effect” there were inserted “or was cancelled”,
    - (iii) for “the relevant date” there were substituted “the date on which that maintenance calculation ceased to have effect, or as the case may be, the date with effect from which it was cancelled”;
  - (e) after sub-paragraph (13), there were inserted the following sub-paragraph—
    - “(13A) Where the maintenance assessment was cancelled, the relevant date is the later of—
      - (a) the date on which the person who cancelled it did so; and
      - (b) the date from which the cancellation first had effect.”;
- (5) Where this paragraph applies, paragraph 33(1) to (3) of Schedule 16 to the Act (power to specify when order as varied is to take effect) shall apply as if in—
- (a) sub-paragraphs (1)(c) and (2)(a) and (c), for “maintenance calculation” there were substituted “maintenance assessment”,
  - (b) sub-paragraph (1), for “the calculation” (in each place where it occurs) there were substituted “the assessment”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order makes amendments to provisions of subordinate legislation, and contains a transitional provision relating to housing benefit and a transitory provision for child support in relation to cases for which the provisions of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 are not yet in operation. The amendments are consequential upon the Civil Partnership Act 2004 (“the Act”). The Act enables same-sex couples to form a civil partnership by registering as civil partners of each other. Certain overseas relationships registered abroad may be treated as the formation of a civil partnership.

The Order provides that, in matters relating to pension sharing on divorce, occupational and personal pension schemes, social security, and child support, civil partners will be afforded the same rights and responsibilities as spouses. The Order also provides that, in certain cases, same sex couples living together as if they were civil partners (but who have not formed a civil partnership) are to be treated in the same way as unmarried couples who are living together as if they were husband and wife.

In a substantial number of cases the amendments to social security subordinate legislation insert a new definition of “couple” to provide for four different categories of couple: married couples who are members of the same household; unmarried couples who are living together as husband and wife; same-sex couples who have formed a civil partnership and are members of the same household; and same-sex couples who are living together as if they were civil partners, and amend the definition of “partner” to mean the other member of a couple so defined. The amendments also provide for inclusion of surviving civil partners where there is a reference to widows or widowers, and extend the definition of “war widower’s pension” to include war pensions paid to surviving civil partners.

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Article 1 provides for the citation and commencement of the Order. Article 2 introduces the amendments being made in Schedules 1 to 5.

Article 3 makes transitional provision for a claimant who is a member of a couple who live together as if they were civil partners on or after 5th December 2005 and is in receipt of an award of housing benefit.

Schedule 1 makes consequential amendments to subordinate legislation relating to pension sharing on divorce. The Regulations amended are:

- The Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000
- The Pensions on Divorce etc. (Charging) Regulations (Northern Ireland) 2000
- The Pension Sharing (Valuation) Regulations (Northern Ireland) 2000
- The Pension Sharing (Implementation and Discharge of Liability) Regulations (Northern Ireland) 2000
- The Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000
- The Pension Sharing (Safeguarded Rights) Regulations (Northern Ireland) 2000
- The Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations (Northern Ireland) 2000

Schedule 2 makes consequential amendments to subordinate legislation relating to occupational and personal pension schemes. The Regulations amended are:

- The Personal Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1987
- The Occupational Pension Schemes (Preservation of Benefit) Regulations (Northern Ireland) 1991
- The Occupational Pension Schemes (Revaluation) Regulations (Northern Ireland) 1991
- The Occupational Pension Schemes (Internal Dispute Resolution Procedures) Regulations (Northern Ireland) 1996
- The Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 1997
- The Occupational Pension Schemes (Disclosure of Information) Regulations (Northern Ireland) 1997
- The Occupational Pension Schemes (Assignment, Forfeiture, Bankruptcy etc.) Regulations (Northern Ireland) 1997
- The Stakeholder Pension Schemes Regulations (Northern Ireland) 2000
- The Occupational and Personal Pension Schemes (Bankruptcy) Regulations (Northern Ireland) 2002

Schedule 3 makes consequential amendments to subordinate legislation relating to social security. The subordinate legislation amended is:

- The Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975
- The Social Security (Employed Earners' Employments for Industrial Injuries Purposes) Regulations (Northern Ireland) 1975
- The Social Security (Hospital In-Patients) Regulations (Northern Ireland) 1975
- The Social Security (Credits) Regulations (Northern Ireland) 1975
- The Social Security (Invalid Care Allowance) Regulations (Northern Ireland) 1976
- The Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977

The Social Security Benefit (Persons Residing Together) Regulations (Northern Ireland) 1977  
The Social Security Benefit (Persons Abroad) Regulations (Northern Ireland) 1978  
The Social Security (Overlapping Benefits) Regulations (Northern Ireland) 1979  
The Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979  
The Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations (Northern Ireland) 1979  
The Income Support (General) Regulations (Northern Ireland) 1987  
The Housing Benefit (General) Regulations (Northern Ireland) 1987 and those Regulations as modified for persons who have attained the qualifying age for state pension credit by the Housing Benefit (State Pension Credit) Regulations (Northern Ireland) 2003  
The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987  
The Housing Benefit (Supply of Information) Regulations (Northern Ireland) 1988  
The Social Security (Payments on account, Overpayments and Recovery) Regulations (Northern Ireland) 1988  
The Social Security (Attendance Allowance) Regulations (Northern Ireland) 1992  
The Social Security (Disability Living Allowance) Regulations (Northern Ireland) 1992  
The Social Security (Incapacity Benefit) Regulations (Northern Ireland) 1994  
The Social Security (Incapacity Benefit - Increases for Dependants) Regulations (Northern Ireland) 1994  
The Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995  
The Jobseeker's Allowance Regulations (Northern Ireland) 1996  
The Social Security Benefits (Maintenance Payments and Consequential Amendments) Regulations (Northern Ireland) 1996  
The Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996  
The Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000  
The Social Security (Claims and Information) Regulations (Northern Ireland) 2001  
The Social Security (Loss of Benefit) Regulations (Northern Ireland) 2002  
The Tax Credit (Appeals) Regulations (Northern Ireland) 2002  
The State Pension Credit Regulations (Northern Ireland) 2003  
The Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003

Schedule 4 makes consequential amendments to subordinate legislation relating to child support. The Regulations amended are:

The Child Support (Information, Evidence and Disclosure) Regulations (Northern Ireland) 1992  
The Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992  
The Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992  
The Child Support (Collection and Enforcement of Other Forms of Maintenance) Regulations (Northern Ireland) 1992  
The Child Support (Maintenance Arrangements and Jurisdiction) Regulations (Northern Ireland) 1992

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

The Child Support Departure Direction and Consequential Amendments Regulations (Northern Ireland) 1996

The Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001

The Child Support (Variations) Regulations (Northern Ireland) 2001

Schedule 5 makes transitory provision in relation to those child support cases for which the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (“the 2000 Act”) has not been commenced (“an old scheme case”) until such time as that Act is commenced for those cases in so far as it is not already in operation. It provides that specified paragraphs in Schedules 15 and 16 to the Act relating to financial relief in the High Court and a county court in the case of Schedule 15 and in a court of summary jurisdiction in the case of Schedule 16 shall apply to an old scheme case as if the prescribed substitutions and insertions were made.