

EXPLANATORY MEMORANDUM TO

The Civil Partnership (Amendment) Regulations (Northern Ireland) 2014

SR No. 297

1. Introduction

- 1.1. This Explanatory Memorandum has been prepared by the Department of Finance and Personnel to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.
- 1.2. The Statutory Rule is made under Sections 139(2) and 159(1) of the Civil Partnership Act 2004 and is subject to the negative resolution procedure.

2. Purpose

- 2.1. The Statutory Rule will amend the Civil Partnership Regulations (Northern Ireland) 2005 (S.R. 2005 No. 482) to increase the time limit for service of the civil partnership notice on the registrar from at least 14 days before the date of the intended civil partnership to at least 28 days before the date of the intended civil partnership. An amendment will also be made to the time limit for payment of fees in respect of attendance of the registrar.

3. Background

- 3.1. This Statutory Rule and the Marriage (Amendment) Regulations (Northern Ireland) 2014 (S.R. No) are required to give effect to the Home Office's new referral and investigation scheme in respect of sham marriages and sham civil partnerships, for which the Immigration Act 2014 provides.

4. Consultation

- 4.1. In 2011, the UK Government consulted on proposed reforms to family migration, including measures to tackle sham marriages.

5. Equality Impact

- 5.1. The Department considers that this Statutory Rule, taken together with the Marriage (Amendment) Regulations (Northern Ireland) 2014 (S.R. No) which make similar amendments in respect of increasing the time limit for service of a marriage notice on the registrar, comply with section 75 of the NI Act 1998.

6. Regulatory Impact

- 6.1. A regulatory impact assessment has not been prepared for the proposed Statutory Rule as it does not impose any costs on business, charities, social economy enterprises or voluntary bodies.

7. Financial Implications

- 7.1. There will be cost implications for the Department in terms of training for registrars, amending forms etc.

8. Section 24 of the Northern Ireland Act 1998

- 8.1. The Statutory Rule has been carefully assessed against the provisions of section 24, and the Department believes it fully complies with them.

9. EU Implications

9.1. Not applicable.

10. Parity or Replicatory Measure

- 10.1. In England and Wales, under the standard procedure contained in Chapter 1 of Part 2 to the Civil Partnership Act 2004 (“the 2004 Act”), a civil partnership cannot ordinarily take place until the so called “waiting period” (during which details of the proposed civil partnership is to be publicised) has expired. Section 11 of the 2004 Act generally defined the “waiting period” as the 15 day period beginning the day after the notice of proposed civil partnership is recorded. Paragraph 22 of Schedule 4 to the Immigration Act 2014, however, provides for the reference to 15 days in section 11 of the 2004 Act to be amended to 28 days.
- 10.2. In Scotland, section 90 of the 2004 Act provides that, when publicising information about a forthcoming civil partnership, the district registrar and the Registrar General must provide the date when it is intended to register the civil partnership. The date was more than 14 days after publicising the information. The Marriage and Civil Partnership (Scotland) Act 2014 amends this to 28 days (section 24(7) refers) and makes ancillary amendments.

11. Additional Information

11.1. Not applicable.