



Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 5

CHILDREN

199 Parental responsibility, children of the family and relatives

- (1) Amend the Children (Northern Ireland) Order 1995 ([S.I. 1995/755 \(N.I. 2\)](#)) (“the 1995 Order”) as follows.
- (2) In Article 2(2) (interpretation), for the definition of “child of the family” in relation to the parties to a marriage, substitute—

““child of the family”, in relation to parties to a marriage, or to two people who are civil partners of each other, means—

 - (a) a child of both of them, and
 - (b) any other child, other than a child placed with them as foster parents by an authority or voluntary organisation, who has been treated by both of them as a child of their family.”
- (3) In the definition of “relative” in Article 2(2), for “by affinity)” substitute “by marriage or civil partnership)”.
- (4) In Article 7(1C) (acquisition of parental responsibility by step-parent), after “is married to” insert “, or a civil partner of,”.

200 Guardianship

In Article 161 of the 1995 Order (revocation of appointment), after paragraph (7) insert—

Status: This is the original version (as it was originally enacted).

“(8) An appointment under paragraph (1) or (2) of Article 160 (including one made in an unrevoked will) is revoked if—

- (a) the civil partnership of the person who made the appointment is dissolved or annulled, and
- (b) the person appointed is his former civil partner.

(9) Paragraph (8) is subject to a contrary intention appearing from the appointment.

(10) In paragraph (8) “dissolved or annulled” means—

- (a) dissolved by a dissolution order or annulled by a nullity order under Part 4 of the Civil Partnership Act 2004, or
- (b) dissolved or annulled in any country or territory outside Northern Ireland by a dissolution or annulment which is entitled to recognition in Northern Ireland by virtue of Chapter 3 of Part 5 of that Act.”

201 Entitlement to apply for residence or contact order

In Article 10(5) of the 1995 Order (persons entitled to apply for residence or contact order), after sub-paragraph (a) insert—

“(aa) any civil partner in a civil partnership (whether or not subsisting) in relation to whom the child is a child of the family;”.

202 Financial provision for children

(1) Amend Schedule 1 to the 1995 Order (financial provision for children) as follows.

(2) For paragraph 1(2) (extended meaning of “parent”) substitute—

“(2) In this Schedule, except paragraphs 3 and 17, “parent” includes—

- (a) any party to a marriage (whether or not subsisting) in relation to whom the child concerned is a child of the family, and
- (b) any civil partner in a civil partnership (whether or not subsisting) in relation to whom the child concerned is a child of the family;

and for this purpose any reference to either parent or both parents shall be read as a reference to any parent of his and to all of his parents.”

(3) In paragraph 3(6) (meaning of “periodical payments order”), after paragraph (d) insert—

- “(e) Part 1 or 8 of Schedule 15 to the Civil Partnership Act 2004 (financial relief in the High Court or county court etc.);
- (f) Schedule 16 to the 2004 Act (financial relief in court of summary jurisdiction etc.);”.

(4) In paragraph 17(2) (person with whom a child lives or is to live), after “husband or wife” insert “or civil partner”.

203 Adoption

(1) Amend the Adoption (Northern Ireland) Order 1987 ([S.I. 1987/2203 \(N.I. 22\)](#)) as follows.

- (2) In Article 2 (interpretation), in the definition of “relative” in paragraph (2), for “affinity” substitute “marriage or civil partnership”.
- (3) In Article 12 (adoption orders), in paragraph (5), after “married” insert “or who is or has been a civil partner”.
- (4) In Article 15 (adoption by one person), in paragraph (1)(a), after “is not married” insert “or a civil partner”.
- (5) In Article 33 (meaning of “protected child”), in paragraph (3)(g), after “marriage” insert “or forming a civil partnership”.
- (6) In Article 40 (status conferred by adoption), in paragraph (3)(a), after “1984” insert “or for the purposes of Schedule 12 to the Civil Partnership Act 2004”.
- (7) In Article 54 (disclosure of birth records of adopted children), in paragraph (2)—
 - (a) after “intending to be married” insert “or to form a civil partnership”;
 - (b) for “the person whom he intends to marry” substitute “the intended spouse or civil partner”;
 - (c) after “1984” insert “or Schedule 12 to the Civil Partnership Act 2004”.
- (8) In Article 54A (Adoption Contact Register), in paragraph (13)(a), for “or marriage” substitute “, marriage or civil partnership”.