

SCHEDULE 3

Amendments to the Civil Partnership Act 2004 and the Civil Partnership Regulations (Northern Ireland) 2005

PART 1

3. After Schedule 13 (civil partnership of persons under 18) insert—

“SCHEDULE 13A

section 139E(6)

Modifications if proposed civil partnership referred under section 139E

Introduction

1.—(1) These are the modifications subject to which this Act has effect if the registrar refers a proposed civil partnership to the Secretary of State.

(2) In this Schedule “referred civil partnership” means the proposed civil partnership referred to the Secretary of State.

No civil partnership schedule to be issued until decision about investigation etc

2.—(1) The duty under section 143 to complete a civil partnership schedule in respect of the referred civil partnership does not apply unless and until one of the following events occurs.

(2) Event 1 occurs if—

- (a) the Secretary of State gives the registrar the section 48 notice, and
- (b) the notice is of a decision not to investigate whether the referred civil partnership is a sham.

(3) Event 2 occurs if—

- (a) the relevant statutory period ends, and
- (b) the Secretary of State has not given the registrar the section 48 notice.

(4) Event 3 occurs if—

- (a) the Secretary of State gives the registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
- (c) the Secretary of State gives the registrar the section 50 notice, and
- (d) that notice is of a decision that both of the parties to the referred civil partnership have complied with the investigation.

(5) Event 4 occurs if—

- (a) the 70 day period ends, and
- (b) the Secretary of State has not given the registrar the section 50 notice.

(6) Event 5 occurs if the Secretary of State gives the registrar notice that the duty under section 143 is applicable.

(7) The Secretary of State may give a notice for that purpose only if—

- (a) the Secretary of State has given the registrar the section 48 notice,
- (b) that notice is of a decision to investigate whether the referred civil partnership is a sham,
- (c) the Secretary of State has given the registrar the section 50 notice, and

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- (d) that notice is of a decision that one or both of the parties to the referred civil partnership have not complied with the investigation.
- (8) This paragraph applies in addition to any other requirements applicable to the completion of the civil partnership schedule.
- (9) This paragraph is subject to paragraphs 3, 4 and 5.
- (10) In this paragraph—
 - “70 day period” has the same meaning as in section 50(11) of the 2014 Act;
 - “relevant statutory period” has the same meaning as in section 62 of the 2014 Act;
 - “section 48 notice” means notice under section 48(8B)(1) of the 2014 Act;
 - “section 50 notice” means notice under section 50(7) of the 2014 Act.

Civil partnership to be investigated: completion of civil partnership schedule

- 3.—(1) The modifications in this paragraph have effect if the Secretary of State gives the registrar notice under section 48(8B) of the 2014 Act of a decision to investigate whether the referred civil partnership is a sham.
- (2) Section 143, which becomes subsection (1), has effect as if—
 - (a) after “proposed civil partners,” there were inserted “but not before the expiry of the relevant 70 day period,”; and
 - (b) after subsection (1) there were inserted—
 - “(2) In this section “relevant 70 day period” means the period—
 - (a) beginning the day on which the record relating to the proposed civil partnership is made in the civil partnership notice book, and
 - (b) ending at the end of the period of 70 days beginning with that day.”
- (3) This paragraph is subject to paragraphs 4 and 5.

Requests to complete the civil partnership schedule before expiry of 70 day period

- 4.—(1) This paragraph applies if the Secretary of State gives the registrar notice under section 48(8B) of the 2014 Act of a decision to investigate whether the referred civil partnership is a sham.
- (2) A party to the referred civil partnership may request the registrar to complete the civil partnership schedule before the expiry of the relevant 70 day period.
- (3) That request must—
 - (a) be in writing, and
 - (b) give the reasons why it is necessary for the civil partnership schedule to be completed before the expiry of the relevant 70 day period.
- (4) A registrar may not complete the civil partnership schedule before the expiry of the relevant 70 day period unless authorised to do so by the Registrar General.
- (5) The Registrar General may, with the consent of the Secretary of State, authorise the registrar to complete the civil partnership schedule on such date as the Registrar General considers necessary before the expiry of the relevant 70 day period.
- (6) But the Secretary of State’s consent is not required if the request is made because a party to the referred civil partnership is gravely ill and not expected to recover

(1) Section 48(8B) is inserted by paragraph 2 of Schedule 4 to this Order.

(7) In this paragraph and paragraph 5 “relevant 70 day period” has the same meaning as in section 143 (as modified by paragraph 3).

Effect of reducing statutory period

5.—(1) Where—

(a) the Registrar General has authorised—

(i) the reduction of the notice period for service of the civil partnership notice under regulation 3(2) of the Civil Partnership Regulations (Northern Ireland) 2005⁽²⁾,
or

(ii) the registrar to complete a civil partnership schedule before the expiry of the relevant 70 day period in accordance with paragraph 4; and

(b) the authorisation under sub-paragraph (i) or, as the case may be (ii), of paragraph (a) is given at a time when the duty under section 143 to complete a civil partnership schedule has not arisen in accordance with paragraph 2 or 3,

the duty under section 143 to complete the civil partnership schedule arises on the giving of the authorisation, subject to any other requirements applicable to the completion of the schedule (and in the case of an authorisation mentioned in paragraph (a)(i), any other requirements applicable to the giving of notice) being met.

(2) But the requirements of paragraph 2 are not applicable in such a case.

(3) The Secretary of State is not prevented from deciding to conduct, conducting or continuing, an investigation if a civil partnership schedule is completed as mentioned in sub-paragraph (1).

(4) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, or to continue, an investigation.

(5) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed civil partnership is a sham.”

(2) [S.R. \(NI\) 2005 No. 482](#); paragraph 10 of Schedule 3 to this Order amends paragraph (2) of regulation 3 and inserts new paragraphs (3) and (4). Paragraph (2) of regulation 3 is also amended with effect from 2 March 2015 by [S.I. 2014/297](#).