
STATUTORY INSTRUMENTS

2019 No. 1514

**The Marriage (Same-sex Couples) and Civil Partnership
(Opposite-sex Couples) (Northern Ireland) Regulations 2019**

PART 11

Transitional Provision: Opposite-sex Civil Partnerships: Overseas Relationships

Interpretation of Part

169. In this Part—

“CPA 2004” means the Civil Partnership Act 2004;

“relevant pre-commencement relationship” means a relationship that is—

- (a) an overseas relationship treated as a civil partnership for the purposes of CPA 2004 as a result of the amendments made by these Regulations, and
- (b) registered (under the relevant law within the meaning of Chapter 2 of Part 5 of CPA 2004) as having been entered into before 13th January 2020.

Commencement Information

II Reg. 169 in force at 13.1.2020, see [reg. 1\(2\)](#)

Overseas relationship dissolved etc before 13th January 2020: treatment as civil partnership

170. The following provisions are specified for the purposes of section 215(5H)(b) of CPA 2004(1)—

- (a) the Fatal Accidents (Northern Ireland) Order 1977(2);
- (b) the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979(3);
- (c) in the case of a marriage solemnised on or after 13th January 2020, Article 18 (prohibited degrees of relationship) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(4);
- (d) in the case of a bankruptcy where the bankruptcy order was made on or after 13th January 2020, the following provisions of the Insolvency (Northern Ireland) Order 1989(5)—
 - (i) Article 256A (bankrupt’s home ceasing to form part of estate),

(1) Section 215(5H) is inserted by these Regulations.

(2) S.I. 1977/1251 (N.I. 18).

(3) S.I. 1979/924 (N.I. 8).

(4) S.I. 1984/1984 (N.I. 14). Article 18 was amended by S.I. 1993/1576 (N.I. 6), the Civil Partnership Act 2004, and S.I. 2006/1945 (N.I. 14).

(5) S.I. 1989/2405 (N.I. 19). Articles 256A and 286A were inserted by Article 17, and amended by Article 18, of S.I. 2005/1455 (N.I. 10). Articles 286, 305 and 337 were amended by the Civil Partnership Act 2004 and (in the case of Article 286) by S.I. 2005/1455 (N.I. 10).

- (ii) Article 286 (charge on bankrupt’s home),
- (iii) Article 286A (low value home: application for sale, possession or charge),
- (iv) Article 305 (saving for bankrupt’s home), and
- (v) Article 337 (inquiry into bankrupt’s dealings and property);
- (e) Schedule 1 to the Children (Northern Ireland) Order 1995(6) (financial provision for children);
- (f) the following provisions of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(7)—
 - (i) Article 11 (occupation orders where applicant has estate etc or has home rights),
 - (ii) Article 13 (one former spouse or former civil partner with no existing right to occupy),
 - (iii) Article 15 (neither spouse or civil partner entitled to occupy), and
 - (iv) Schedule 2 (transfer of certain tenancies on divorce etc or on separation of cohabitants);
- (g) in the case of a notice of marriage given on or after 13th January 2020, marriage notices prescribed by the Marriage Regulations (Northern Ireland) 2003(8) under Article 3 (notice of intention to marry) of the Marriage (Northern Ireland) Order 2003(9);
- (h) in the case of a marriage solemnised on or after 13th January 2020, Article 5(10) (power to require evidence) of the Marriage (Northern Ireland) Order 2003; and
- (i) the following provisions of CPA 2004—
 - (i) section 141 (power to require evidence of name etc),
 - (ii) section 193 (applications under section 191 by former civil partners), and
 - (iii) Schedule 12 (prohibited degrees of relationship).

Commencement Information

I2 Reg. 170 in force at 13.1.2020, see [reg. 1\(2\)](#)

Overseas relationships: transitional modifications of CPA 2004: dissolution, finances etc

171.—(1) Section 165 of CPA 2004 (time bar on applications for dissolution orders) applies in relation to a relevant pre-commencement relationship as if for “formation of the civil partnership” there were substituted “registration of the overseas relationship”.

(2) Paragraph 16(2)(d) of Schedule 15 to CPA 2004 (including as it applies by virtue of paragraph 10(3)(a) of Schedule 17 of CPA 2004) applies to an application made under Part 1 of Schedule 15, or Part 1 of Schedule 17, to CPA 2004 in relation to a relevant pre-commencement relationship as if for “the duration of the civil partnership” there were substituted “the duration of the overseas relationship by virtue of which they are treated as having formed a civil partnership”.

(3) Paragraph 5(2)(d) of Schedule 16 to CPA 2004 applies to an application made under Part 1 of that Schedule in relation to a relevant pre-commencement relationship as if for “duration of the

(6) [S.I. 1995/755 \(N.I. 2\)](#).

(7) [S.I. 1998/1071 \(N.I. 6\)](#). Articles 11, 13 and 15 and Schedule 2 were amended by Schedule 19 to the Civil Partnership Act 2004 and (in the case of Schedule 2) further relevant amendments were made by [S.I. 2005/1452 \(N.I. 7\)](#).

(8) [S.R. \(N.I.\) 2003/468](#). Relevant amendments are made by these Regulations.

(9) [S.I. 2003/413 \(N.I. 3\)](#).

(10) Article 5 was amended by the Civil Partnership Act 2004.

civil partnership” there were substituted “duration of the overseas relationship by virtue of which they are treated as having formed a civil partnership”.

Commencement Information

I3 Reg. 171 in force at 13.1.2020, see [reg. 1\(2\)](#)

Pre-13th January 2020 will is not revoked by recognition of existing overseas relationship

172. Where a person—

- (a) is treated as a civil partner by virtue of a relevant pre-commencement relationship, and
- (b) has, before 13th January 2020, made a will,

Article 13A of the Wills and Administration Proceedings (Northern Ireland) Order 1994⁽¹¹⁾ is not to apply to that will.

Commencement Information

I4 Reg. 172 in force at 13.1.2020, see [reg. 1\(2\)](#)

Requirements for existing overseas relationship to be recognised as civil partnership

173.—(1) Paragraph (2) applies in relation to a relationship that would, disregarding—

- (a) this regulation, and
- (b) section 212(1)(b)(ii) of CPA 2004 as it applies without this regulation,

be a relevant pre-commencement relationship.

(2) Section 212(1)(b) of CPA 2004 has effect as if, for sub-paragraph (ii), there were substituted—

“(ii) neither of whom was, when the relationship was registered—

- (aa) lawfully married,
- (bb) a civil partner, or
- (cc) in another relationship registered as mentioned above, which continues to subsist at the start of 13 January 2020 and is at that time an overseas relationship treated as a civil partnership for the purposes of this Act,

(iii) neither of whom is, immediately before 13 January 2020, lawfully married or a civil partner.”.

Commencement Information

I5 Reg. 173 in force at 13.1.2020, see [reg. 1\(2\)](#)

Disapplication and modification of earlier transitional provision

174.—(1) Articles 3 and 4 of the Civil Partnership (Treatment of Overseas Relationships) Order (Northern Ireland) 2005⁽¹²⁾ do not apply in relation to a relevant pre-commencement relationship.

⁽¹¹⁾ *S.I. 1985/1899 (N.I. 13)*. Article 13A was inserted by paragraph 5 of Schedule 14 to the Civil Partnership Act 2004.

⁽¹²⁾ *S.R. (N.I.) 2005/531*.

Changes to legislation: There are currently no known outstanding effects for the The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, PART 11. (See end of Document for details)

(2) Article 5 of that Order does not apply in relation to a relationship within regulation [173\(1\)](#).

Commencement Information

I6 Reg. 174 in force at 13.1.2020, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, PART 11.