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STATUTORY INSTRUMENTS

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**2020 No. 1143**

**The Marriage and Civil Partnership  
(Northern Ireland) (No. 2) Regulations 2020**

**PART 7**

**Amendments of Legislation**

**Wills and Administration Proceedings (Northern Ireland) Order 1994**

**41.**—(1) The Wills and Administration Proceedings (Northern Ireland) Order 1994<sup>(1)</sup> is amended as follows.

(2) In Article 12 (wills revoked by marriage)—

- (a) in paragraph (1), for “(4)” substitute “(5)”, and
- (b) after paragraph (4) insert—

“(5) Nothing in this Article applies in the case of a marriage which results from—

- (a) the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
- (b) the conversion of a civil partnership into a marriage under Part 2, 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014; or
- (c) the changing of a civil partnership into a marriage under—
  - (i) the Marriage (Scotland) Act 1977<sup>(2)</sup>;
  - (ii) the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014; or
  - (iii) Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014.”.

(3) In Article 13A (wills revoked by civil partnership)—

- (a) in paragraph (1), for “(6)” substitute “(7)”, and
- (b) after paragraph (6) insert—

“(7) Nothing in this Article applies in the case of a civil partnership which results from—

- (a) the conversion of a marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020; or

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(1) [S.I. 1994/1899 \(N.I. 13\)](#). Articles 13A and 13B were inserted by Schedule 14 to the Civil Partnership Act 2004 (c. 33).  
(2) [1977 c. 15](#). See, in particular, section 5(4)(b) as amended by the Civil Partnership Act 2004 and by the Marriage and Civil Partnership (Scotland) Act 2014 (no legal impediment to marriage between civil partners in qualifying civil partnership as defined by section 5(6) of the 1977 Act as substituted by [S.S.I. 2015/371](#)). See also section 11 of that 2014 Act.

- (b) the conversion of a marriage into a civil partnership under Part 4 or 5 of those Regulations.”.

(4) After Article 13B insert—

**“Effect on subsisting will of conversion of civil partnership into marriage**

**13C.**—(1) The conversion of a civil partnership into a marriage does not—

- (a) revoke any will made by a party to the civil partnership before the conversion; or
- (b) affect any disposition in such a will.

(2) The conversion of a civil partnership into a marriage does not affect any previous application of Article 13A(2) to (6) to—

- (a) a will made by a party to the civil partnership before the conversion; or
- (b) a disposition in such a will.

(3) Paragraphs (1) and (2) are subject to paragraph (4).

(4) Any reference in a will to a civil partnership or civil partners (howsoever expressed) is to be read in relation to any civil partnership that has been converted into a marriage, or civil partners who have converted their civil partnership into a marriage, as referring to that marriage or married couple, as appropriate.

(5) Paragraph (4) is subject to any contrary intention appearing from the will.

(6) In this Article “conversion” means—

- (a) the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
- (b) the conversion of a civil partnership into a marriage under Part 2, 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014; or
- (c) the changing of a civil partnership into a marriage under—
  - (i) the Marriage (Scotland) Act 1977;
  - (ii) the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014; or
  - (iii) Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014.

**Effect on subsisting will of conversion of marriage into civil partnership**

**13D.**—(1) The conversion of a marriage into a civil partnership does not—

- (a) revoke any will made by a party to the marriage before the conversion; or
- (b) affect any disposition in such a will.

(2) The conversion of a marriage into a civil partnership does not affect any previous application of Article 12(2) to (4) to—

- (a) a will made by a party to the marriage before the conversion; or
- (b) a disposition in such a will.

(3) Paragraphs (1) and (2) are subject to paragraph (4).

(4) Any reference in a will to a marriage or spouses (howsoever expressed) is to be read in relation to any marriage that has been converted into a civil partnership, or a married couple

who have converted their marriage into a civil partnership, as referring to that civil partnership or the parties to it, as appropriate.

(5) Paragraph (4) is subject to any contrary intention appearing from the will.

(6) In this Article “conversion” means—

- (a) the conversion of a marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020; or
- (b) the conversion of a marriage into a civil partnership under Part 4 or 5 of those Regulations.”.