
Changes to legislation: Civil Partnership Act 2004, Part 1 is up to date with all changes known to be in force on or before 05 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 14

WILLS, ADMINISTRATION OF ESTATES AND FAMILY PROVISION: NORTHERN IRELAND

PART 1

WILLS

- 1 Amend the Wills and Administration Proceedings (Northern Ireland) Order 1994 (S.I. 1994/1899 (N.I. 13)) as follows.
- 2 In Article 4(1) (will made by person under 18 invalid unless he is or has been married), for “married” substitute “ a spouse or civil partner ”.
- 3 In Article 8(1) and (3) (avoidance of gifts to attesting witnesses and their spouses), after “spouse” (in each place) insert “ or civil partner ”.
- 4 In Article 9 (witnessing by creditor), after “spouse” insert “ or civil partner ”.
- 5 After Article 13 insert—

Effect of civil partnership

- “13A(1) Subject to paragraphs (2) to (6), a will is revoked by the formation of a civil partnership between the testator and another person.
- (2) A disposition in a will in exercise of a power of appointment takes effect despite the formation of a subsequent civil partnership between the testator and another person unless the property so appointed would in default of appointment pass to the testator’s personal representatives.
 - (3) If it appears from a will—
 - (a) that at the time it was made the testator was expecting to form a civil partnership with a particular person, and
 - (b) that he intended that the will should not be revoked by the formation of the civil partnership,the will is not revoked by its formation.
 - (4) Paragraphs (5) and (6) apply if it appears from a will—
 - (a) that at the time it was made the testator was expecting to form a civil partnership with a particular person, and
 - (b) that he intended that a gift in the will should not be revoked by the formation of the civil partnership.
 - (5) The gift takes effect despite the formation of the civil partnership.

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- (6) Any other gift in the will also takes effect, unless it appears from the will that the testator intended the gift to be revoked by the formation of the civil partnership.

Effect of dissolution or annulment of civil partnership

13B (1) This Article applies if, after a testator has made a will—

- (a) a court of civil jurisdiction in Northern Ireland dissolves his civil partnership or makes a nullity order in respect of it, or
 - (b) his civil partnership is dissolved or annulled and the dissolution or annulment is entitled to recognition in Northern Ireland under Chapter 3 of Part 5 of the Civil Partnership Act 2004.
- (2) Subject to any contrary intention appearing from the will—
- (a) provisions of the will appointing executors or trustees or conferring a power of appointment, if they appoint or confer the power on the former civil partner, take effect as if the former civil partner had died on the date on which the civil partnership is dissolved or annulled, and
 - (b) except as provided in paragraph (3), any property comprising or included in a gift to the former civil partner passes as if the former civil partner had died on that date.
- (3) Where property comprising or included in a gift to the former civil partner is a share of residue, the will takes effect as if the gift of the residue were to the other person or persons entitled to it (and, if more than one, in such shares as to preserve the ratio of their former shares), to the exclusion of the former civil partner.
- (4) Paragraph (2)(b) does not affect any right of the former civil partner to apply for financial provision under the Inheritance (Provision for Family and Dependents) (Northern Ireland) Order 1979 (S.I. 1979/ 924 (N.I. 8)).”

6 In Article 14 (revocation), in paragraph (1)(a), after “Article 12 (marriage)” insert “or Article 13A (civil partnership)”.

7 (1) Amend Article 23 (presumption as to effect of gift to spouses) as follows.

(2) After “spouse” (in each place) insert “ or civil partner ”.

(3) In the heading to Article 23, after “spouses” insert “ or civil partners ”.

8 In Article 27(3) (construction and effect of references to failure of issue), after “married” insert “ or formed a civil partnership ”.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)