
STATUTORY INSTRUMENTS

2019 No. 1514

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

PART 9

Amendments: Other Primary Legislation

Criminal Justice Act (Northern Ireland) 1945

124. In section 37 of the Criminal Justice Act (Northern Ireland) 1945⁽¹⁾ (replacement of presumption of marital coercion with a statutory defence thereof)—

- (a) for “wife”, in the second place it occurs, substitute “spouse or civil partner”;
- (b) for “husband”, in the third place it occurs, substitute “other spouse or civil partner”.

Age of Marriage Act (Northern Ireland) 1951

125.—(1) In section 1(1) of the Age of Marriage Act (Northern Ireland) 1951⁽²⁾ (marriage void if either party under 16), omit the proviso (defence, to certain sexual offences, where defendant has reasonable cause to believe girl against whom offence committed was defendant’s wife).

(2) The amendment made by paragraph (1) applies only in relation to offences committed on or after 13th January 2020.

Administration of Estates Act (Northern Ireland) 1955

126.—(1) Section 7 of the Administration of Estates Act (Northern Ireland) 1955⁽³⁾ (rights of surviving spouse or civil partner) is amended as follows.

(2) In subsection (7)⁽⁴⁾—

- (a) omit “, or Article 20(2) of the Matrimonial Causes (Northern Ireland) Order 1978,”;
- (b) after “2004” insert “, or of Article 20(2) of the Matrimonial Causes (Northern Ireland) Order 1978”.

(3) The amendments made by paragraph (2) apply only in relation to decrees of judicial separation granted in respect of marriages that are entered into on or after 13th January 2020.

(1) 1945 c. 15.

(2) 1951 c.25 (N.I.).

(3) 1955 c.24 (N.I.).

(4) Subsection (7) was amended by paragraph 5 of Schedule 4 to the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I.15)).

King George VI Memorial Youth Council Act (Northern Ireland) 1957

127.—(1) The First Schedule to the King George VI Memorial Youth Council Act (Northern Ireland) 1957⁽⁵⁾ is amended as follows.

(2) In paragraph 23 (superannuation), for “wives, widows”, in both places it occurs, substitute “spouses, surviving spouses, civil partners, surviving civil partners”.

Land Registration Act (Northern Ireland) 1970

128. In section 82(3) of the Land Registration Act (Northern Ireland) 1970⁽⁶⁾, for “husband or wife” substitute “spouse or civil partner”.

Civil Evidence Act (Northern Ireland) 1971

129.—(1) The Civil Evidence Act (Northern Ireland) 1971⁽⁷⁾ is amended as follows.

(2) In section 10(3) and (4)⁽⁸⁾, for “husband or wife” substitute “spouse or civil partner”.

(3) In section 14(2), in the words after the definition of “legal proceedings”—

(a) for “husband or wife” substitute “spouse or civil partner”;

(b) after “married to” insert “, or the civil partner of,”.

Housing on Farms Act (Northern Ireland) 1972

130. In section 16 of the Housing on Farms Act (Northern Ireland) 1972⁽⁹⁾, in the definition of “family”, after “or marriage” insert “or civil partnership”.

Land Acquisition and Compensation (Northern Ireland) Order 1973

131. In Article 47(6)(a)(ii) of the Land Acquisition and Compensation (Northern Ireland) Order 1973⁽¹⁰⁾, after “spouse” insert “or civil partner”.

Solicitors (Northern Ireland) Order 1976

132. In Article 28(2)(b) of the Solicitors (Northern Ireland) Order 1976⁽¹¹⁾, for “widow” substitute “surviving spouse or civil partner”.

Sex Discrimination (Northern Ireland) Order 1976

133.—(1) The Sex Discrimination (Northern Ireland) Order 1976⁽¹²⁾ is amended as follows.

(2) In Article 21(3), after sub-paragraph (c) insert—

“(ca) a requirement relating to not being married to, or the civil partner of, a person of the same sex;

(cb) a requirement relating to not being the civil partner of a person of the opposite sex;”.

(3) After Article 35 insert—

⁽⁵⁾ 1957 c.23 (N.I.).

⁽⁶⁾ 1970 c. 18 (N.I.)

⁽⁷⁾ 1971 c. 36.

⁽⁸⁾ Section 10 was amended by the Civil Partnership Act 2004.

⁽⁹⁾ 1972 c.3 (N.I.).

⁽¹⁰⁾ S.I. 1973/1896 (N.I. 21). Article 47 was repealed for certain purposes by S.I. 1982/712 (N.I. 9), Article 23, Schedules 1 and 3.

⁽¹¹⁾ S.I. 1976/582 (N.I. 12). Article 28 was amended by S.I. 1984/703 (N.I. 3), S.I. 1989/1343 (N.I. 14).

⁽¹²⁾ S.I. 1976/1042 (N.I. 15). Article 21 was substituted by S.R. (N.I.) 2005/426.

“Exception for ceremonies or events to mark a marriage or civil partnership

35A.—(1) An organised religion, or a person acting on behalf of or under the auspices of an organised religion, does not contravene Article 30(1) where, because of the sex of one or both of the parties to a marriage or civil partnership, the religion or person—

- (a) does not provide, arrange, facilitate or participate in, or
- (b) is not present at,

a ceremony or event to mark the solemnisation of the marriage or the formation of the civil partnership.

(2) Where an act done by a person—

- (a) would be unlawful but for paragraph (1), and
- (b) is done by the person—
 - (i) in the course of the person’s employment, or
 - (ii) as agent for another person,

the employer or other person does not contravene Article 30(1) only because of being treated by Article 42 as also doing the act.”

Fatal Accidents (Northern Ireland) Order 1977

134. In Article 5(3) of the Fatal Accidents (Northern Ireland) Order 1977(**13**) (disregard of certain post-death benefits accruing to widows)—

- (a) for “widow”, in both places it occurs, substitute “surviving spouse”,
- (b) for “her husband”, substitute “that person’s spouse”, and
- (c) for “her”, in the second place it occurs, substitute “the surviving spouse’s”.

Rates (Northern Ireland) Order 1977

135.—(1) The Rates (Northern Ireland) Order 1977(**14**) is amended as follows.

(2) In Article 29A(**15**)—

- (a) in paragraph (9), for the words from “if—” to the end substitute “if the two persons are married to, or civil partners of, each other, or are living together as if spouses of each other.”;
- (b) omit paragraph (10).

(3) In Article 31AA(6)(a)(**16**), after “marriage” insert “or civil partnership”.

Rent (Northern Ireland) Order 1978

136. In Schedule 4 to the Rent (Northern Ireland) Order 1978(**17**), in each of the following provisions, for “widow” substitute “surviving spouse or civil partner”—

- (a) in Case 14, paragraph (a);
- (b) in Case 15, paragraphs (a) and (d);
- (c) in Case 16, paragraph (1)(a) and (b)(i) and (ii).

(13) [S.I. 1977/1251 \(N.I. 18\)](#); Article 5(3) is amended by the Administration of Justice Act 1982 (c.53).

(14) [S.I. 1977/2157 \(N.I. 28\)](#).

(15) Article 29A was inserted by [S.I. 2006/2954 \(N.I. 18\)](#) and substituted by the Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), section 5.

(16) Article 31AA was inserted by [S.I. 2006/2954 \(N.I. 18\)](#), Article 24.

(17) [S.I. 1978/1050 \(N.I. 20\)](#).

Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979

137.—(1) Article 4 of the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979⁽¹⁸⁾ (powers of court to make orders) is amended as follows.

(2) In paragraph (5)(a), for the words from “either” to “jointly” substitute—

“—

- (i) issue of the deceased and the surviving spouse,
- (ii) children adopted by the deceased and the surviving spouse jointly,
- (iii) issue of the deceased and adopted by the surviving spouse, or
- (iv) adopted by the deceased and the issue of the surviving spouse”.

(3) After paragraph (5) insert—

“(6) Where—

- (a) the deceased is survived by a civil partner (“the surviving civil partner”) and is also survived by children who are—
 - (i) issue of the deceased and the surviving civil partner,
 - (ii) children adopted by the deceased and the surviving civil partner jointly,
 - (iii) issue of the deceased and adopted by the surviving civil partner, or
 - (iv) adopted by the deceased and the issue of the surviving civil partner; and
- (b) the surviving civil partner becomes entitled under the deceased’s will or the law relating to intestacy, or a combination of the deceased’s will and that law, to the net estate of the deceased or to an interest in the estate which amounts to a reasonable financial provision for both the surviving civil partner and the children,

the court shall not make an order under this Article on the application of any of the children who is a minor.”

(4) The amendments made by paragraphs (2) and (3) apply only in relation to deaths occurring on or after 13th January 2020.

Domestic Proceedings (Northern Ireland) Order 1980

138. In Article 2(2) of the Domestic Proceedings (Northern Ireland) Order 1980⁽¹⁹⁾, in the definition of “child”, for the words from “includes” to the end substitute “is to be construed in accordance with Article 155(1) of the Children (Northern Ireland) Order 1995⁽²⁰⁾”.

Judgments Enforcement (Northern Ireland) Order 1981

139. In paragraph 3(c)(ii) of Schedule 1 to the Judgments Enforcement (Northern Ireland) Order 1981⁽²¹⁾ (amounts deductible for purposes of a superannuation scheme are deductible in calculating “attachable earnings”), for “widows,” substitute “surviving spouses, surviving civil partners,”.

Mental Health (Northern Ireland) Order 1986

140.—(1) The Mental Health (Northern Ireland) Order 1986⁽²²⁾ is amended as follows.

⁽¹⁸⁾ S.I. 1979/924 (N.I.8).

⁽¹⁹⁾ S.I. 1980/563 (N.I. 5). Article 2(2) was amended by S.I. 1995/755 (N.I. 2); there are other amendments not relevant to this instrument.

⁽²⁰⁾ S.I. 1995/755 (N.I. 2).

⁽²¹⁾ S.I. 1981/226 (N.I. 6).

⁽²²⁾ 1986/595 (N.I. 4), as amended by paragraph 67 of Schedule 29 to the Civil Partnership Act 2004.

(2) In Article 32 (definition of “nearest relative”)—

(a) in paragraph (1)(a), after “spouse” insert “or civil partner”;

(b) in paragraph (4)—

(i) in sub-paragraph (b), after “spouse” insert “or civil partner”;

(ii) in sub-paragraph (c), after “spouse” insert “, civil partner”;

(c) in each of paragraphs (5) and (6)(b)—

(i) after “married patient” insert “or a patient who has a civil partner”;

(ii) after “unless the spouse” insert “or civil partner”.

(3) In Article 33 (children and young persons in care), for “husband or wife” substitute “spouse or civil partner”.

Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987

141.—(1) Article 10 of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987(**23**) (grants for individuals relinquishing occupation of uncommercial units) is amended as follows.

(2) In paragraph (2)(c), after “husband” insert “or civil partner”.

(3) In paragraph (5), after “widower” insert “or civil partner”.

(4) In paragraph (6)(a)(ii), after “spouse” insert “or civil partner”.

Public Order (Northern Ireland) Order 1987

142. In Article 8 of the Public Order (Northern Ireland) Order 1987(**24**) (meaning of “fear” and “hatred”)—

(a) the existing text becomes paragraph (1),

(b) after that paragraph insert—

“(2) For the purposes of this Part, any discussion or criticism of marriage which concerns the sex of the parties to marriage is not to be taken of itself to be—

(a) threatening, abusive or insulting, or

(b) intended to stir up hatred or arouse fear.”, and

(c) in the heading, at the end insert “etc.”.

Employment Rights (Northern Ireland) Order 1996

143. In the Employment Rights (Northern Ireland) Order 1996(**25**) in each of the following provisions, for “husband” substitute “spouse”—

(a) Article 85ZE(7)(a);

(b) Article 85ZG(7)(a)(**26**).

(23) [S.I. 1987/166 \(N.I.1\)](#).

(24) [S.I. 1987/463 \(N.I. 7\)](#). Article 8 was amended by section 38 of the Anti-terrorism, Crime and Security Act 2001 (c.24) and by [S.I. 2004/1991 \(N.I. 15\)](#).

(25) [S.I. 1996/1919 \(N.I. 16\)](#)

(26) Articles 85ZE and 85ZG were inserted by section 15(2) of the Work and Families Act (Northern Ireland) 2015 (c.1 (N.I.)).

Employment (Northern Ireland) Order 2002

144. In Article 11 of the Employment (Northern Ireland) Order 2002(27) (power to require information) in paragraph (2)(b), for “spouse or” substitute “spouse, civil partner or other”.

Housing (Northern Ireland) Order 2003

145.—(1) The Housing (Northern Ireland) Order 2003(28) is amended as follows.

(2) In Article 14(2) (cases where the beneficiary of an order for the transfer of property on the end of a marriage or civil partnership may succeed to a tenancy), after “marriage” insert “or civil partnership”.

(3) In Article 61(6) (renovation or disabled facilities grant applications: financial position of the applicant’s spouse or dependent or a person living, or intending to live, with the applicant), after “spouse” insert “or civil partner”.

(4) In Article 85(2)(a)(ii) (conditions for obtaining certain grants: disposals to spouse or former spouse to be an exempt disposal), after “spouse”, in each place it occurs, insert “or civil partner”.

Charities Act (Northern Ireland) 2008

146.—(1) Schedule 5 to the Charities Act (Northern Ireland) 2008(29) (meaning of “connected persons” for purposes of section 57(2)) is amended as follows.

(2) In paragraph 2—

(a) in sub-paragraph (2), for “husband or wife” substitute “spouse”.

(b) omit sub-paragraph (3).

Presumption of Death Act (Northern Ireland) 2009

147. In section 1(2) of the Presumption of Death Act (Northern Ireland) 2009(30) (jurisdiction of the court to entertain proceedings for a declaration that a person is presumed to be dead), before the “or” at the end of paragraph (b) insert—

“(ba) the applicant and the missing person—

(i) are of the same sex and married each other under the law of Northern Ireland, or

(ii) registered as civil partners of each other under the law of Northern Ireland,

and it appears to the court to be in the interests of justice to assume jurisdiction in the case;”.

Houses in Multiple Occupation Act (Northern Ireland) 2016

148. In section 88(3)(a) of the Houses in Multiple Occupation Act (Northern Ireland) 2016(31) (definition of “couple” to include same sex couples who live together in a relationship equivalent to marriage), for the words after “who live together as” substitute “if spouses of each other”.

(27) S.I. 2002/2836 (N.I. 2)

(28) S.I. 2003/412 (N.I. 2). In Article 14(2), sub-paragraph (d) was inserted by paragraph 13 of Schedule 18 to the Civil Partnership Act 2004.

(29) 2008 c.12 (N.I.).

(30) 2009 c.6 (N.I.).

(31) 2016 c.22 (N.I.).