
STATUTORY INSTRUMENTS

2020 No. 1143

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

PART 7

Amendments of Legislation

Wills Act 1837

32.—(1) The Wills Act 1837(1) is amended as follows.

(2) In section 18 (wills revoked by marriage), in subsection (5) (wills not revoked by marriage resulting from conversion), before the “or” at the end of paragraph (a) insert—

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

(ab) the conversion of a civil partnership into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations(2);”.

(3) In section 18B (wills revoked by civil partnership)—

(a) in subsection (1), for “(6)” substitute “(7)”, and

(b) after subsection (6) insert—

“(7) Nothing in this section applies in the case of a civil partnership which results from the conversion of a marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

(4) In section 18D(6) (effect on wills of conversion of civil partnership into marriage: meaning of “conversion”), after paragraph (a) insert—

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

(ab) the conversion of a civil partnership into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations;”.

(5) After section 18D insert—

(1) 1837 c. 26. Section 18 was substituted by the Administration of Justice Act 1982 (c. 53), and repealed (so far as extending to Northern Ireland) by S.I. 1994/1899 (N.I. 13) with effect from 1.1.1995 (see S.R. 1994/372). Section 18(1) was amended, and sections 18(5) and 18D were inserted, by S.I. 2014/3168. Section 18B was inserted by the Civil Partnership Act 2004 (c. 33).

(2) The definition of “convertible Northern Ireland civil partnership” is inserted by regulation 31 of these Regulations.

“18E. Effect on subsisting will of conversion of marriage into civil partnership

- (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 section 18(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) Subsections (1) and (2) are subject to subsection (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) Subsection (4) is subject to any contrary intention appearing from the will.
- (6) In this section “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;
- and “converted” is to be read accordingly.”.

Services Departments Registers Order 1959

- 33.**—(1) The Services Departments Registers Order 1959(3) is amended as follows.
- (2) In article 1(2) (“marriages” includes those resulting from conversion), before the “and” at the end of sub-paragraph (a) insert—
- “(aa) the conversion of a convertible Northern Ireland civil partnership under Part 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 (conversion abroad where there is an armed-forces connection);”.
- (3) In article 1, after paragraph (3) insert—
- “(4) In this Order, “civil partnerships” includes civil partnerships which result from the conversion of a convertible Northern Ireland marriage under Part 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (conversion abroad where there is an armed-forces connection).
- (5) In this Order—
- “convertible Northern Ireland civil partnership” means—
- (a) a civil partnership formed by two people registering as civil partners of each other in Northern Ireland under Part 4 of the Civil Partnership Act 2004,
 - (b) a civil partnership formed by two people registering as civil partners of each other under the Civil Partnership (Registration Abroad and Certificates) Order 2005 (registration at British consular premises abroad) if Northern Ireland was

(3) [S.I. 1959/406](#). Article 1(2) and (3), and article 3(2)(d) to (f) and (4)(c)(ii) to (iv), were inserted by [S.I. 2014/3061](#), and extended to Northern Ireland by regulation 149(c) of [S.I. 2019/1514](#). Article 3(4)(d) was inserted, and article 7(5) was amended, by [S.I. 2005/3186](#).

the relevant part (as defined by article 4(5) of the Order) of the United Kingdom, or

- (c) a civil partnership formed by two people registering as civil partners of each other under the Civil Partnership (Armed Forces) Order 2005 (registration abroad where at least one party has armed-forces connection) if Northern Ireland was the part of the United Kingdom identified under article 5 of the Order;

“convertible Northern Ireland marriage” means—

- (a) a marriage solemnised in Northern Ireland,
- (b) a marriage solemnised under Part 2 of the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014 (solemnisation at British consular premises abroad) if Northern Ireland was the relevant part (as defined by article 3 of the Order) of the United Kingdom,
- (c) a marriage solemnised under the Overseas Marriage (Armed Forces) Order 2014 (solemnisation abroad where at least one party has armed-forces connection) if Northern Ireland was the relevant part (as defined by article 4 of the Order) of the United Kingdom, or
- (d) a marriage otherwise formed under the law of Northern Ireland.”.

(4) In article 3(2) (which in sub-paragraphs (a) to (f) lists the qualified informants whose signatures do not need to be attested), before the “or” at the end of sub-paragraph (e) insert—

- “(ea) a person who has carried out a conversion of a convertible Northern Ireland civil partnership into a marriage under Part 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 (conversion abroad where there is an armed-forces connection),
- (eb) a person who has carried out a conversion of a convertible Northern Ireland marriage into a civil partnership under Part 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (conversion abroad where there is an armed-forces connection),”.

(5) In article 3(4)(c) (meaning of “qualified informant” in relation to a marriage), before the “or” at the end of paragraph (iii) insert—

“(iiia) the person who has carried out a conversion of a convertible Northern Ireland civil partnership under Part 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014;”.

(6) In article 3(4)(d) (meaning of “qualified informant” in relation to a civil partnership), for “, either party to the civil partnership.” substitute—

“—

- (i) either party to the civil partnership, or
- (ii) the person who has carried out a conversion of a convertible Northern Ireland marriage under Part 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

(7) In article 7 (transmission of entries and registers to Registrars General), after paragraph (5) insert—

“(6) If—

- (a) it appears to the Registrar General for England and Wales that a certified copy of an entry in register transmitted to him under this Order records—
 - (i) the conversion of a convertible Northern Ireland civil partnership into a marriage, or

- (ii) the conversion of a convertible Northern Ireland marriage into a civil partnership, and
 - (b) a copy of that entry would not otherwise be sent,
- the Registrar General for England and Wales must send a copy of the entry to the Registrar General for Northern Ireland.
- (7) A copy of an entry which—
 - (a) records the conversion of a convertible Northern Ireland civil partnership into a marriage, and
 - (b) is sent to the Registrar General for Northern Ireland under paragraph (5) or (6),
 is a marriage registration record for the purposes of Article 35 of the Marriage (Northern Ireland) Order 2003.
 - (8) A copy of an entry which—
 - (a) records the conversion of a convertible Northern Ireland marriage into a civil partnership, and
 - (b) is sent to the Registrar General for Northern Ireland under paragraph (5) or (6),
 is a civil partnership registration record for the purposes of section 155 of the Civil Partnership Act 2004.”.

Legitimacy Act (Northern Ireland) 1961

34. In section 2 of the Legitimacy Act (Northern Ireland) 1961(4) (children of certain void marriages, and certain void civil partnerships, treated as legitimate), after subsection (3) insert—

“(3A) Where a void marriage results from the purported conversion of a void civil partnership, references in subsections (1) and (2B) to the time of the celebration of the marriage are to be read as references to the time of the formation of the civil partnership; and where a void civil partnership results from the purported conversion of a void marriage, references in subsections (1) and (2B) to the time of the formation of the civil partnership are to be read as references to the time of the celebration of the marriage.”.

Social Security Pensions (Northern Ireland) Order 1975

35.—(1) Article 69 of the Social Security Pensions (Northern Ireland) Order 1975(5) (increase of official pensions) is amended in accordance with paragraphs (2) to (7).

(2) In paragraph (5ZB), for sub-paragraph (a) substitute—

“(a) in the case of a pension payable to a woman in respect of the services—

- (i) of her deceased male spouse,
- (ii) of her deceased female spouse in a relevant gender change case,
- (iii) of her deceased male civil partner, or
- (iv) of her deceased female civil partner in a relevant gender change case,

one half of the rate of the deceased spouse’s, or deceased civil partner’s, guaranteed minimum pension at the relevant time;”.

(3) In paragraph (5ZB)(b)—

(4) 1961 c. 5 (N.I.). Section 2 was amended by S.I. 1995/755 (N.I. 2) and regulation 24 of S.I. 2019/1514.
 (5) S.I. 1975/1503 (N.I. 15). Article 69(5ZA), and the definition of “widower’s pension” in Article 69(7), were inserted by Article 7 of S.I. 1990/1509 (N.I. 13). Article 69(5ZA) was amended, and Article 69(5ZB) and (5ZC) were inserted, by section 110 of the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.)). Article 69(5ZB) and (5ZC) were amended by S.I. 2019/1514. There are also amendments of the provisions of Article 69 not being amended by these Regulations.

- (a) for the words from “a widower’s” to “2019,” substitute “any other surviving spouse’s pension,”, and
 - (b) for “wife’s” substitute “spouse’s”.
- (4) In paragraph (5ZB)(c), for “case of a” substitute “case of any other”.
- (5) In paragraph (5ZC), for sub-paragraph (a) substitute—
- “(a) does not apply to a pension payable to the survivor of a couple in respect of any service of the deceased member of the couple if—
 - (i) the deceased member’s pension in respect of that service became payable before 24th September 1990,
 - (ii) a marriage between the couple is solemnised at a time (whether or not before the deceased member’s pension in respect of that service became payable) when one of them is a man and the other is a woman and they are not civil partners, and
 - (iii) at the deceased member’s death (and whether or not the couple are still not of the same sex), the couple are parties to that marriage or to the civil partnership resulting from conversion of that marriage;”.
- (6) In paragraph (7), after the definition of “beginning date” insert—
- ““conversion”, in relation to a marriage, means—
 - (a) the conversion of that 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 that marriage into a civil partnership under Part 4 or 5 of those Regulations;”.
- (7) In paragraph (7), after the definition of “lump sum” insert—
- ““relevant gender change case” means a case where—
 - (a) the deceased spouse, or deceased civil partner, was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004(6), and
 - (b) the marriage of the deceased spouse and the surviving spouse (that ends with the deceased spouse’s death), or the civil partnership of the deceased civil partner and the surviving civil partner (that ends with the deceased civil partner’s death), subsisted before the time when the certificate was issued;”.
- (8) In consequence of paragraphs (2) and (3), in the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019(7) omit regulation 61(2) and (3).

Social Security Pensions Act 1975

36.—(1) Section 59 of the Social Security Pensions Act 1975(8) is amended in accordance with paragraphs (2) to (4).

(6) [2004 c. 7](#). For the main provisions about full certificates see sections 4 to 11D of the Act, as amended by the Civil Partnership Act 2004 (c. 33), the Crime and Courts Act 2013 (c. 22), the Marriage (Same Sex Couples) Act 2013 (c. 30), the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), [S.I. 2014/3229](#), [S.I. 2019/1458](#) and [S.I. 2019/1514](#).

(7) [S.I. 2019/1514](#).

(8) [1975 c. 60](#). Section 59(5ZC) was inserted by section 137 of the Pensions Act 2008 (c. 30) with effect from 13th March 2014 (see [S.I. 2014/463](#)). In section 59 so far as extending to England and Wales, subsection (5ZC)(a) was substituted and subsection (5ZC)(b) was amended by paragraph 2(3) of Schedule 3 to [S.I. 2014/560](#) (with effect from 13th March 2014), and subsection (5ZC)(a) and (b) were amended and in subsection (7) the definition of “relevant gender change case” was inserted by paragraph 8(3) and (4) of the Schedule to [S.I. 2014/3168](#) (with effect from 10th December 2014). In section 59 so far as extending to Scotland, subsection (5ZC)(a) was substituted and subsection (5ZC)(b) was amended and in subsection (7) the definition of “relevant gender change case” was inserted by [S.I. 2014/3229](#) (with effect from 16th December 2014).

- (2) In subsection (5ZC), for paragraph (a) substitute—
- “(a) does not apply to a pension payable to the survivor of a couple in respect of any service of the deceased member of the couple if—
- (i) the deceased member’s pension in respect of that service became payable before 24 July 1990,
 - (ii) a marriage between the couple is solemnised at a time (whether or not before the deceased member’s pension in respect of that service became payable) when one of them is a man and the other is a woman and they are not civil partners, and
 - (iii) at the deceased member’s death (and whether or not the couple are still not of the same sex), the couple are parties to that marriage or to the civil partnership resulting from conversion of that marriage;”.
- (3) In subsection (5ZC)(b), for “(other than a pension within paragraph (a)(iii) or (iv))” substitute “(other than such a pension in respect of the services of the deceased spouse in a relevant gender change case)”.
- (4) In subsection (7), after the definition of “beginning date” insert—
- ““conversion”, in relation to a marriage, means—
- (a) the conversion of that 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 that marriage into a civil partnership under Part 4 or 5 of those Regulations;”.
- (5) In consequence of paragraphs (2) and (3)—
- (a) in paragraph 2(3) of Schedule 3 to the Marriage (Same Sex Couples) Act 2003 (Consequential and Contrary Provisions and Scotland) Order 2014⁽⁹⁾ omit paragraph (a), and
 - (b) omit paragraph 8(3) of the Schedule to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014⁽¹⁰⁾.

Matrimonial Causes (Northern Ireland) Order 1978

- 37.**—(1) The Matrimonial Causes (Northern Ireland) Order 1978⁽¹¹⁾ is amended as follows.
- (2) In Article 13 (grounds on which a marriage is void), after paragraph (2) insert—
- “(3) Paragraph (4) applies in the case of a marriage which results from the conversion, or purported conversion, of a civil partnership into a marriage—
- (a) under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
 - (b) under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.
- (4) The marriage is void if (but only if) the civil partnership was void.”.
- (3) After Article 14⁽¹²⁾ insert—

⁽⁹⁾ S.I. 2014/560.

⁽¹⁰⁾ S.I. 2014/3168.

⁽¹¹⁾ S.I. 1978/1045 (N.I. 15).

⁽¹²⁾ In Article 14, paragraph (d) was amended by S.I. 1986/595 (N.I. 4), and paragraphs (g) and (h) were inserted by the Gender Recognition Act 2004. In Article 16, paragraph (2) was substituted, and paragraphs (4) and (5) were inserted, by S.I. 1989/677 (N.I. 4), and amendments were made by the Gender Recognition Act 2004.

“Marriage converted from a civil partnership: when voidable

14A.—(1) Paragraphs (2) and (3) apply in the case of a marriage which results from the conversion of a civil partnership into a marriage—

- (a) under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
 - (b) under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.
- (2) Article 14 applies in relation to the marriage, but does so as if—
- (a) paragraphs (a) and (b) were omitted,
 - (b) the reference in paragraph (c) to either party not validly consenting to the marriage were a reference to either party not validly consenting to the formation of the civil partnership, and
 - (c) a reference in paragraphs (d) to (h) to the time of the marriage were a reference to the time the civil partnership was formed.
- (3) Article 16 applies in relation to the marriage as if—
- (a) the reference in paragraph (1)(a) to having the marriage avoided were a reference to having the marriage avoided or (at times before the conversion) to obtaining a nullity order in respect of the civil partnership,
 - (b) a reference in paragraph (2), (4) or (5) to the date of the marriage were a reference to the date the civil partnership was formed, and
 - (c) the reference in paragraph (3) to the time of the marriage were a reference to the time the civil partnership was formed.”.

Social Security Contributions and Benefits Act 1992

38.—(1) The Social Security Contributions and Benefits Act 1992(**13**) is amended as follows.

(2) In section 48(5) as inserted by paragraphs 29 and 30 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (civil partnerships that are to be treated as not coming to an end when converted into a marriage), after “2013” insert “or Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 or Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014”.

(3) In section 48(5) as inserted by paragraph 2(1) and (7) of Schedule 4 to the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (civil partnerships that are to be treated as not coming to an end when converted into a marriage), in paragraph (a), after “2013” insert “or Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 or Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014”.

(4) In section 48, at the end insert—

(13) 1992 c. 4. A version of section 48(5) was inserted by paragraphs 29 and 30 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (c. 30) and, by virtue of section 20(7)(a) of that Act, extended to England and Wales only. A further version of section 48(5) was inserted by paragraph 2(7) of Schedule 4 to S.I. 2014/3229 (“the 2014 Order”). Under article 3 of the 2014 Order, the version of section 48(5) inserted by the 2014 Order extended to England and Wales, and Scotland. However, that version did not purport to replace the version inserted by the 2013 Act. And although the 2014 Order purported to repeal paragraphs 29 and 30 of Schedule 7 to the 2013 Act, under article 3 of the 2014 Order that repeal extended only to Scotland, even though those paragraphs extended only to England and Wales. Other amendments were made to section 48 by Schedule 24 to the Civil Partnership Act 2004 and Schedule 12 to the Pensions Act 2014. Section 48A was substituted by the Pensions Act 1995 and further substituted by the Pensions Act 2014.

“(6) For the purposes of this section, a marriage is not to be treated as having terminated by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

(5) In section 48A, after subsection (6) insert—

“(6A) For the purposes of subsection (5)(b), a person is not to be treated as having ceased to be in a civil partnership by reason of its having been converted into a marriage under—

- (a) Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
- (b) Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.

(6B) For the purposes of subsection (5)(b), a person is not to be treated as having ceased to be married by reason of the person’s marriage having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

Social Security Contributions and Benefits (Northern Ireland) Act 1992

39.—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992(**14**) is amended as follows.

(2) In each of sections 48(5)(a)(i) and 48A(6A)(a)(i) (civil partnerships that are to be treated as not coming to an end when converted into a marriage), after “converted into a marriage under” insert “Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 or”.

(3) In section 48, after subsection (5) insert—

“(6) For the purposes of this section, a marriage is not to be treated as having terminated by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

(4) In section 48A, after subsection (6A) insert—

“(6B) For the purposes of subsection (5)(b), a person is not to be treated as having ceased to be married by reason of the person’s marriage having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

Pension Schemes (Northern Ireland) Act 1993

40.—(1) The Pension Schemes (Northern Ireland) Act 1993(**15**) is amended as follows.

(2) In section 13(2) (minimum pensions for surviving spouses and civil partners)—

(a) after paragraph (b) insert—

“(ba) if the earner is a man, or a woman in a relevant gender change case, who has a guaranteed minimum under that section, the weekly rate of the surviving civil partner’s pension in the case of a surviving civil partner who is a woman will be not less than the widow’s guaranteed minimum;”, and

(14) 1992 c. 7. Section 48A was substituted by S.I. 1995/3213 (N.I. 22) and was further substituted by paragraph 52 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 (c.5 (N.I.)). Sections 48(5) and 48A(6A) were inserted by S.I. 2019/1514.

(15) 1993 c. 49. Section 13(2) was amended by S.I. 2005/433 and 2019/1514. Section 13(12) was inserted by S.I. 2019/1514. Section 20D was inserted by the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and amended by S.I. 2019/1514. Section 33(1) to (3) were substituted by the Pensions Act (Northern Ireland) 2015. Sections 33(4) to (7) and 34A were inserted by S.I. 2019/1514.

- (b) in paragraph (c), at the beginning insert “subject to paragraph (ba),”.
- (3) In section 13(12) (meaning of “relevant gender change case”), in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner,”.
- (4) In section 20D (survivors’ benefits)—
 - (a) in subsection (3), before “a civil partner” insert “(subject to subsection (3A))”,
 - (b) after subsection (3) insert—
 - “(3A) The third benefit is that if the earner is a man, or a woman in a relevant gender change case, who is a civil partner and the earner dies (whether before or after attaining normal pension age) leaving a surviving civil partner who is a woman, she is entitled to a pension of at least half the value of the pension to which the earner would have been entitled by reference to employment during the period—
 - (a) beginning with 6th April 1978, and
 - (b) ending with 5th April 1997.”, and
 - (c) in subsection (4) (meaning of “relevant gender change case”), in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner,”.
- (5) In section 33 (alteration of rules of contracted-out schemes)—
 - (a) in subsection (5)(d), after “with an earner” insert “, except for a surviving civil partner who is a woman in the case of an earner to whom subsection (5A) applies”,
 - (b) after subsection (5) insert—
 - “(5A) This subsection applies to an earner who is—
 - (a) a man, or
 - (b) a woman in a relevant gender change case.”, and
 - (c) in subsection (6) (meaning of “relevant gender change case”)—
 - (i) for the words from the beginning to “subsection (5)(c)” substitute “A reference in subsection (5)(c) or (d) or (5A)”, and
 - (ii) in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner,”.
- (6) In section 34A (regulations about relevant gender change cases)—
 - (a) in subsection (2)(a), after “couples” insert “or civil partnerships where the civil partners are of the same sex”,
 - (b) in subsection (2)(b), after “couples” insert “or civil partners”, and
 - (c) in subsection (6)(c), after “couples” insert “, or civil partners who are of the same sex,”.

Wills and Administration Proceedings (Northern Ireland) Order 1994

41.—(1) The Wills and Administration Proceedings (Northern Ireland) Order 1994(16) 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(17);
 - (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
 - (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;

(17) 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 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.”.

Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

42. In regulation 8 of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003(**18**), after paragraph (3) (requirements which may be imposed in the case of employment for the purposes of an organised religion) insert—

“(4) In paragraph (3)(b) “a requirement related to sexual orientation” includes (without prejudice to the generality of that expression)—

- (a) a requirement not to be married to, or the civil partner of, a person of the same sex; and
- (b) a requirement not to be the civil partner of a person of the opposite sex.”.

Gender Recognition Act 2004

43. In paragraph 15(7) of Schedule 5 to the Gender Recognition Act 2004 (effect of issue of full recognition certificate on guaranteed minimum entitlement to survivors' pension benefits), after "widow or widower" insert "or surviving civil partner".

Civil Partnership Act 2004

44.—(1) The Civil Partnership Act 2004(19) is amended as follows.

(2) In section 1(1) (formation and deemed formation of civil partnerships), after paragraph (b) insert—

“, or

(c) which results from the conversion, under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, of their marriage.”.

(3) In section 1(3) (ways in which a civil partnership may end), after paragraph (c) insert—

“, or

(d) in the case of a civil partnership formed as mentioned in subsection (1)(a)(iii) or (iv), on the conversion of the civil partnership into a marriage—

(i) under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or

(ii) under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014.”.

(4) In section 54 (validity in England and Wales of civil partnerships formed elsewhere), after subsection (2) insert—

“(2A) Where two people convert, or purport to convert, their marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, the civil partnership is—

(a) void, if it would be void in Northern Ireland under section 173, and

(b) voidable, if it would be voidable there under section 174.”.

(5) In section 173 (grounds on which a civil partnership is void)—

(a) the existing text becomes subsection (1) of that section, and

(b) after that subsection insert—

“(2) Subsection (3) applies in the case of a civil partnership which results from the conversion, or purported conversion, of a marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.

(3) The civil partnership is void if (but only if) the marriage was void.”.

(6) After section 174 insert—

“174A. Civil partnership converted from a marriage: when voidable

(1) Subsections (2) and (3) apply in the case of a civil partnership which results from the conversion of a marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.

(19) Section 1 was amended by the Marriage (Same Sex Couples) Act 2013 (c. 30), the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), S.I. 2019/1458 and S.I. 2019/1514, and is prospectively amended by the Civil Partnership (Scotland) Act 2020 (asp 15).

- (2) Section 174(1) applies in relation to the civil partnership, but does so as if—
 - (a) the reference in paragraph (a) to either party not validly consenting to the formation of the civil partnership were a reference to either party not validly consenting to the marriage, and
 - (b) a reference in paragraphs (b) to (e) to the time of the civil partnership’s formation were a reference to the time of the marriage.
- (3) Section 175 applies in relation to the civil partnership as if—
 - (a) the reference in subsection (1)(a) to obtaining a nullity order were a reference to obtaining a nullity order or (at times before the conversion) to having the marriage avoided,
 - (b) the reference in subsection (2) to the date of the formation of the civil partnership were a reference to the date of the marriage, and
 - (c) the reference in subsection (6) to the time of the formation of the civil partnership were a reference to the time of the marriage.”.

Income Tax Act 2007

45.—(1) In Part 3 of the Income Tax Act 2007(**20**) (personal reliefs), Chapter 3 (tax reductions for married couples and civil partners: persons born before 6th April 1935) is amended as follows.

(2) After section 43 insert—

“43A. Meaning of “relevant conversion”

43A. For the purposes of this Chapter, a civil partnership between two people results from a relevant conversion if—

- (a) the civil partnership results from—
 - (i) the conversion of their marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
 - (ii) the conversion of their marriage into a civil partnership under Part 4 or 5 of those Regulations, and
 - (b) the marriage took place before 5 December 2005.”.
- (3) In section 44 (election for new rules to apply)—
- (a) in subsection (1), after “2005” insert “, or by the civil partners in a civil partnership which results from a relevant conversion,”, and
 - (b) in subsection (3)(a), after “marriage” insert “or civil partnership”.
- (4) In section 45 (marriages before 5th December 2005: man’s entitlement to tax reduction)—
- (a) in subsection (1)(b) (man must meet conditions in subsection (2)), after “(2)” insert “or the conditions set out in subsection (2A)”,
 - (b) after subsection (2) insert—
 - “(2A) The conditions are that—
 - (a) for the whole or part of the tax year he is in a civil partnership and his female civil partner is living with him,
 - (b) the civil partnership results from a relevant conversion and no election for the new rules to apply is in force for the tax year,

(20) 2007 c. 3. Sections 45(1) and (3), 47(4) and 48(4) were amended by the Statute Law (Repeals) Act 2013 (c. 2). The amount in section 45(3)(a) was most recently updated by S.I. 2020/343.

- (c) he or his civil partner was born before 6 April 1935, and
- (d) he meets the requirements of section 56 (residence etc).”, and
- (c) in subsection (3)(a), after “wife” insert “or civil partner”.

(5) In section 46 (marriages and civil partnerships on or after 5th December 2005, and earlier marriages where election made for new rules to apply), in subsection (2) (conditions for spouse or civil partner with higher net income to be entitled to tax reduction), in paragraph (b), after “if the marriage took place before that date” insert “or if the civil partnership results from a relevant conversion”.

(6) In each of sections 47(4)(a) and 48(4)(a), after “spouse” insert “or civil partner”.

(7) In section 54(4)(b), after “45(2)” insert “or (2A)”.

Consular Fees Order 2012

46. In the table in Part 1 of Schedule 1 to the Consular Fees Order 2012(**21**), in row 12 (fees for marriages, civil partnerships and conversions), column 2—

- (a) after “registering” insert “a civil partnership;”, and
- (b) at the end insert “; or converting a marriage into a civil partnership under Part 4 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020”.

Pensions Act 2014

47. In paragraph 4 of Schedule 6 to the Pensions Act 2014(**22**)—

- (a) the existing text becomes sub-paragraph (1) of paragraph 4, and
- (b) after that sub-paragraph insert—

“(2) For the purposes of this paragraph—

- (a) a civil partnership is not to be treated as having come to an end by reason of its having been converted into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
- (b) a civil partnership is not to be treated as having come to an end by reason of its having been converted into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where it is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.

(3) For the purposes of this paragraph, a marriage is not to be treated as having come to an end by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

Pensions Act (Northern Ireland) 2015

48.—(1) Paragraph 4 of Schedule 6 to the Pensions Act (Northern Ireland) 2015(**23**) is amended as follows.

(2) In sub-paragraph (2)(a)(i) (civil partnerships that are to be treated as not coming to an end when converted into a marriage), after “converted into a marriage under” insert “Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 or”.

(3) In sub-paragraph (2), before the “or” at the end of paragraph (a) insert—

(21) [S.I. 2012/798](#). The table was substituted by [S.I. 2016/373](#) and amended by [S.I. 2019/182](#) and [2020/942](#).

(22) [2014 c. 19](#).

(23) [2015 c. 5 \(N.I.\)](#). Paragraph 4(2) of Schedule 6 was inserted by [S.I. 2019/1514](#).

“(aa) by reason of its having been converted into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where it is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations;”.

(4) After sub-paragraph (2) insert—

“(3) For the purposes of this paragraph, a marriage is not to be treated as having come to an end by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.