

**EXPLANATORY MEMORANDUM TO
THE CIVIL PARTNERSHIP ACT 2004 (CONSEQUENTIAL AMENDMENTS)
ORDER (NORTHERN IRELAND) 2005**

S. R. 2005 No. 479

1. This explanatory memorandum has been prepared by the Department of Finance and Personnel in Northern Ireland and is laid before Parliament by Command of Her Majesty.

2. Description

This Order makes minor amendments to Northern Ireland legislation which are consequential to the Civil Partnership Act 2004 (“the Act”).

3. Matters of special interest to the Joint Committee on Statutory Instruments

None

4. Legislative Background

4.1 This Order is made in exercise of powers conferred by sections 254 and 259 of the Act.

4.2 Section 254(3) of the Act provides that the power under section 259 to amend enactments is to be treated as including the power to amend the provision to refer to persons who are living or have lived together as if they were civil partners. Section 259(1) and (2) of the Act provides that a Northern Ireland department may by Order make such further provision as it considers appropriate for (i) the general purpose, or any particular purpose of the Act, (ii) in consequence of any provision made by or under the Act, or (iii) for giving full effect to the Act or any provision of it.

5. Extent

This instrument applies only to Northern Ireland.

6. European Convention on Human Rights

Lord Rooker has made the following statement regarding Human Rights:

In my view the provisions of the Civil Partnership Act 2004 (Consequential Amendments) Order (Northern Ireland) 2005 are compatible with the Convention rights.

7. Policy background

7.1 The Act received Royal Assent on 18 November 2004. The Act applies to Northern Ireland and comes into force on 5 December 2005. The purpose of the Act is to enable same-sex couples to obtain legal recognition of their relationship by forming a civil

partnership. Civil partners will be subject to many of the same legal rights and responsibilities as spouses.

7.2 Under the Act, two people may register as civil partners of each other in Northern Ireland provided:

- They are of the same sex;
- Neither of them is already a civil partner or married;
- They are not within the prohibited degrees of relationship (ie closely related);
- They are both over the age of sixteen (and the consent of the appropriate persons has been obtained if either of the parties is under the age of eighteen);
- They are capable of understanding the nature of civil partnership.

7.3 The Government carried out a consultation in Northern Ireland on the proposal to create a same-sex civil partnership registration scheme between 19 December 2003 and 5 March 2004. The response to the consultation was published in May 2004 and can be found on <http://www.olrni.gov.uk>.

7.4 The Schedule to this Order makes minor amendments to a small number of pieces of Northern Ireland legislation which are consequential to the Act to ensure that civil partners, surviving civil partners and reputed civil partners are treated in the same way as spouses, surviving spouses and reputed spouses.

8. Impact

A Regulatory Impact Assessment has not been prepared for this Order as it has no impact on business, charities or voluntary bodies; neither does it have significant financial impact on any public bodies. A full Regulatory Impact Assessment for civil partnership was published alongside the Act and can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>

9. Contact

Ethne Harkness at the Department of Finance and Personnel Tel: 028 90 542901 or e-mail: ethne.harkness@dfpni.gov.uk can answer any queries regarding the instrument.