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Civil Partnership Act 2004

2004 CHAPTER 33

PART 4

CIVIL PARTNERSHIP: NORTHERN IRELAND

CHAPTER 1

REGISTRATION

Supplementary

146 Validity of registration

- (1) This section applies to any legal proceedings commenced at any time after the registration of a civil partnership is recorded under section 137.
- (2) The validity of the civil partnership must not be questioned in any such proceedings on the ground of any contravention of a provision of, or made under, this Act.

147 Corrections and cancellations

- (1) Regulations under section 159 may make provision for the making of corrections by the Registrar General or any registrar.
- (2) The Registrar General must cancel the registration of a void civil partnership or direct the registrar to do so.

Commencement Information

- II** [S. 147](#) wholly in force at 5.12.2005; [s. 147](#) not in force at Royal Assent see [s. 263](#); [s. 147\(1\)](#) in force at 5.9.2005 for certain purposes by [S.I. 2005/2399](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as

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not already in force by [S.I. 2005/3255, art. 2\(1\), Sch.](#); s. 147(2) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3255, art. 2\(1\), Sch.](#)

148 Interpreters

- (1) If the registrar considers it necessary or desirable, he may use the services of an interpreter (not being one of the civil partners or a witness).
- (2) The interpreter must—
 - (a) before the registration of the civil partnership, sign a statement in English that he understands, and is able to converse in, any language in respect of which he is to act as an interpreter, and
 - (b) immediately after the registration of the civil partnership, give the registrar a certificate written in English and signed by the interpreter that he has faithfully acted as the interpreter.

149 Detained persons

- (1) If—
 - (a) one of the parties to a proposed civil partnership is detained in a prison or as a patient in a hospital, and
 - (b) the civil partnership is to be registered in that prison or hospital,
 the civil partnership notice given by that party must be accompanied by a statement to which subsection (2) applies.
- (2) This subsection applies to a statement which—
 - (a) is made in the prescribed form by the responsible authority not more than 21 days before the date on which the civil partnership notice is given,
 - (b) identifies the establishment where the person is detained, and
 - (c) states that the responsible authority has no objection to that establishment being the place of registration for that civil partnership.
- (3) In subsection (2) “responsible authority” means—
 - (a) if the person named in the statement is detained in a prison, the governor or other officer in charge of that prison;
 - (b) if the person named in the statement is detained in a hospital or special accommodation, the Health and Social Services Board administering that hospital or the Department of Health, Social Services and Public Safety, respectively;
 - (c) if the person named in the statement is detained in a private hospital, the person in charge of that hospital.
- (4) After the registrar receives a civil partnership notice accompanied by a statement to which subsection (2) applies, he must notify the Registrar General and not complete a civil partnership schedule unless the Registrar General directs him to proceed under section 143.
- (5) In this section—
 - (a) “prison” includes a remand centre and a young offenders centre, and

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- (b) “hospital”, “patient”, “private hospital” and “special accommodation” have the same meaning as in the Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4)).

Commencement Information

- I2** S. 149 wholly in force at 5.12.2005; s. 149 not in force at Royal Assent see s. 263; s. 149(2)(a) in force at 5.9.2005 for certain purposes by S.I. 2005/2399, **art. 2, Sch.** and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, **art. 2(1), Sch.**; s. 149 in force at 5.12.2005 insofar as not already in force by S.I. 2005/3255, **art. 2(1), Sch.**

150 Certificates of no impediment for Part 2 purposes

F1

Textual Amendments

- F1** S. 150 omitted (5.12.2005) by virtue of [The Civil Partnership \(Amendments to Registration Provisions\) Order 2005 \(S.I. 2005/2000\)](#), art. 3, **Sch. para. 16** (subject to art. 1(3))

151 Registration districts and registration authorities

- (1) Each local government district shall be a registration district and the district council shall be the local registration authority for the purposes of this Part.
- (2) A district council shall, in the exercise of functions conferred on it as a local registration authority—
 - (a) act as agent for the Department of Finance and Personnel, and
 - (b) act in accordance with such directions as that Department may give to the council.
- (3) Any expenditure to be incurred by the district council in the exercise of functions conferred on it as a local registration authority shall be subject to the approval of the Registrar General.
- (4) The Department of Finance and Personnel shall retain or, as the case may be, defray in respect of each financial year the amount of the difference between—
 - (a) the aggregate of the amounts of salaries, pension provision and other expenses payable by virtue of this Part in respect of any registration district, and
 - (b) the aggregate of the amounts received in that registration district under any statutory provision or otherwise by way of fees or other expenses.

152 Registrars and other staff

- (1) A local registration authority shall, with the approval of the Registrar General, appoint—
 - (a) a registrar of civil partnerships, and
 - (b) one or more deputy registrars of civil partnerships.

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- (2) A person holding an appointment under subsection (1) may with the approval of, and shall at the direction of, the Registrar General be removed from his office of registrar or deputy registrar by the local registration authority.
- (3) A local registration authority shall, at the direction of the Registrar General, appoint additional persons to register civil partnerships and carry out other functions for the purposes of this Part.
- (4) A person shall not be appointed under subsection (1) or (3) if he is under the age of 21.
- (5) Regulations under section 159 may confer additional functions on a person holding an appointment under subsection (1).
- (6) A person holding an appointment under subsection (1) shall, in exercising his functions under this Part or any other statutory provision, be subject to such instructions or directions as the Registrar General may give.

Commencement Information

- I3** [S. 152](#) wholly in force at 5.12.2005; [s. 152](#) not in force at Royal Assent see [s. 263](#); [s. 152\(5\)](#) in force at 5.9.2005 by [S.I. 2005/2399](#), [art. 2](#), [Sch.](#); [s. 152](#) in force at 5.12.2005 insofar as not already in force by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#)

153 Records and documents to be sent to Registrar General

If the Registrar General directs him to do so, a person must send to the Registrar General any record or document relating to civil partnerships in accordance with the Registrar General's directions.

154 Annual report

- (1) The Registrar General must send to the Department of Finance and Personnel an annual report of the number of civil partnerships registered during each year, together with such other information as he considers it appropriate to include.
- (2) The Department of Finance and Personnel must lay the report before the Northern Ireland Assembly.

155 Searches

- (1) The Registrar General must provide indexes to civil partnership registration records in his custody for inspection by the public.
- (2) A registrar must provide indexes to civil partnership registration records in his custody for inspection by the public.
- (3) Any person may, on payment of the prescribed fee—
 - (a) search any index mentioned in subsection (1) or (2), and
 - (b) require the Registrar General or, as the case may be, the registrar to give him a document in the prescribed form relating to the registration of a civil partnership.

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- (4) The Registrar General must cause any document given by him under this section or section 156 to be stamped with the seal of the General Register Office.
- (5) Judicial notice shall be taken of any document so stamped.

Commencement Information

- I4** S. 155 wholly in force at 5.12.2005; s. 155 not in force at Royal Assent see s. 263; s. 155(3) in force at 5.9.2005 for certain purposes by S.I. 2005/2399, art. 2, Sch. and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.; s. 155 in force at 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.

VALID FROM 16/11/2012

[^{F2}155A Notification of registration

- (1) The Registrar General may notify such persons as the Registrar General considers appropriate of the registration of a civil partnership.
- (2) An application may be made in the prescribed form to the Registrar General as to persons to be notified by the Registrar General under subsection (1) by either civil partner.
- (3) The prescribed fee shall be payable to the Registrar General by the applicant.
- (4) Any notification under subsection (1) shall be subject to such conditions as the Registrar General considers appropriate.
- (5) The power conferred by subsection (1) may be exercised whether or not an application has been made under subsection (2).]

Textual Amendments

- F2** S. 155A inserted (N.I.) (16.11.2012) by [Civil Registration Act \(Northern Ireland\) 2011 \(c. 20\)](#), ss. 24(2), 34; S.R. 2012/406, art. 2, Sch.

156 Proof of civil partnership for purposes of certain statutory provisions

- (1) Where the civil partnership of a person is required to be proved for the purposes of any prescribed statutory provision, any person—
 - (a) on application to the Registrar General, and
 - (b) on payment of the prescribed fee,is entitled to a document in the prescribed form relating to the registration of the civil partnership of that person.
- (2) An application under subsection (1) must be in such form and accompanied by such particulars as the Registrar General may require.

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- (3) The Registrar General or any registrar may, on payment of the prescribed fee, issue such information (including a document as mentioned in subsection (1)) as may be required for the purposes of any prescribed statutory provision.

Commencement Information

- I5** S. 156 wholly in force at 5.12.2005; s. 156 not in force at Royal Assent see s. 263; s. 156(1)(3) in force at 5.9.2005 for certain purposes by S.I. 2005/2399, art. 2, Sch. and otherwise 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.; s. 156 in force at 5.12.2005 insofar as not already in force by S.I. 2005/3255, art. 2(1), Sch.

157 Fees

- (1) The Department of Finance and Personnel may by order prescribe—
- any fee which is required to be prescribed for the purposes of this Chapter;
 - fees for such other matters as that Department considers necessary or expedient for the purposes of this Chapter.
- (2) The power to make an order under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (3) An order under subsection (1) may only be made if a draft has been laid before and approved by resolution of the Northern Ireland Assembly.

158 Offences

- (1) Any registrar who signs a civil partnership schedule in the absence of the civil partners is guilty of an offence.
- (2) Any person who is not a registrar but officiates at the signing of a civil partnership schedule in such a way as to lead the civil partners to believe that he is a registrar is guilty of an offence.
- (3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale or to imprisonment for a term not exceeding 6 months or to both.
- (4) Notwithstanding anything in Article 19(1) of the Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)) (limitation of time for taking proceedings), proceedings for an offence under this section may be instituted at any time within 3 years after the commission of the offence.

159 Regulations

- (1) The Department of Finance and Personnel may by regulations make such provision as appears to it necessary or expedient for the registration of civil partnerships in Northern Ireland.
- (2) The power to make regulations under subsection (1) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

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- (3) Regulations under subsection (1) shall be subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (1954 c. 33 (N.I.))).

160 Interpretation

In this Chapter—

“civil partnership notice” means a notice of proposed civil partnership under section 139;

“civil partnership notice book” has the meaning given by section 140;

“prescribed”, except in relation to a fee, means prescribed by regulations under section 159 and, in relation to a fee, means prescribed by order under section 157;

“registrar” means such person appointed under section 152(1)(a) or (b) or (3) as may be prescribed;

“Registrar General” means the Registrar General for Northern Ireland;

“statutory provision” has the meaning given by section 1(f) of the Interpretation Act (Northern Ireland) 1954 (1954 c. 33 (N.I.)).

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