



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 6

#### RELATIONSHIPS ARISING THROUGH CIVIL PARTNERSHIP

#### **247 Provisions to which section 246 applies: Acts of Parliament etc.**

- (1) Section 246 applies to—
  - (a) any provision listed in Schedule 21 (references to stepchildren, in-laws etc. in existing Acts),
  - (b) except in so far as otherwise provided, any provision made by a future Act, and
  - (c) except in so far as otherwise provided, any provision made by future subordinate legislation.
- (2) A Minister of the Crown may by order—
  - (a) amend Schedule 21 by adding to it any provision of an existing Act;
  - (b) provide for section 246 to apply to prescribed provisions of existing subordinate legislation.
- (3) The power conferred by subsection (2) is also exercisable—
  - (a) by the Scottish Ministers, in relation to a relevant Scottish provision;
  - (b) by a Northern Ireland department, in relation to a provision which deals with a transferred matter;
  - (c) by the National Assembly for Wales, if the order is made by virtue of subsection (2)(b) and deals with matters with respect to which functions are exercisable by the Assembly.
- (4) Subject to subsection (5), the power to make an order under subsection (2) is exercisable by statutory instrument.
- (5) Any power of a Northern Ireland department to make an order under subsection (2) is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Civil Partnership Act 2004, Section 247 is up to date with all changes known to be in force on or before 29 March 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)*

- (6) A statutory instrument containing an order under subsection (2) made by a Minister of the Crown is subject to annulment in pursuance of a resolution of either House of Parliament.
- (7) A statutory instrument containing an order under subsection (2) made by the Scottish Ministers is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (8) A statutory rule containing an order under subsection (2) made by a Northern Ireland department is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))).
- (9) In this section—
- “Act” includes an Act of the Scottish Parliament;
  - “existing Act” means an Act passed on or before the last day of the Session in which this Act is passed;
  - “existing subordinate legislation” means subordinate legislation made before the day on which this section comes into force;
  - “future Act” means an Act passed after the last day of the Session in which this Act is passed;
  - “future subordinate legislation” means subordinate legislation made on or after the day on which this section comes into force;
  - “Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
  - “prescribed” means prescribed by the order;
  - “relevant Scottish provision” means a provision that would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament;
  - “subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) except that it includes an instrument made under an Act of the Scottish Parliament;
  - “transferred matter” has the meaning given by section 4(1) of the Northern Ireland Act 1998 (c. 47) and “deals with” in relation to a transferred matter is to be construed in accordance with section 98(2) and (3) of the 1998 Act.

#### Commencement Information

- II** [S. 247](#) wholly in force at 5.12.2005; [s. 247\(2\)-\(7\)](#) in force at Royal Assent, see [s. 263\(7\)\(c\)](#); [s. 247\(8\)\(9\)](#) in force at 18.11.2004 by Royal Assent; [s. 247\(1\)](#) in force at 5.12.2005 by [S.I. 2005/3175](#), [art. 3](#), [Sch. 2](#)

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