



Northern Ireland (Executive Formation etc) Act 2019

2019 CHAPTER 22

Duties to make regulations

8 Same sex marriage and opposite sex civil partnership

- (1) The Secretary of State must, by regulations, make provision so that—
 - (a) two persons who are of the same sex are eligible to marry in Northern Ireland, and
 - (b) two persons who are not of the same sex are eligible to form a civil partnership in Northern Ireland,provided that, apart from the question of sex, they would be eligible to marry or form a civil partnership (as the case may be).
- (2) Regulations under subsection (1) must be made so as to come into force on or before 13 January 2020 (but this does not in any way limit the re-exercise of the power).
- (3) The Secretary of State may, by regulations, make any other provision that appears to the Secretary of State to be appropriate in view of—
 - (a) the extension of eligibility to marry in Northern Ireland to persons of the same sex, and
 - (b) the extension of eligibility to form civil partnerships in Northern Ireland to persons who are not of the same sex.
- (4) Regulations under subsection (3) may, in particular, make provision about—
 - (a) parenthood and parental responsibility of parties to a marriage or civil partnership;
 - (b) the application by a party to a marriage or civil partnership for a gender recognition certificate under the Gender Recognition Act 2004, or the issuing of such a certificate, and the consequences of that application or issuing for the marriage or civil partnership;
 - (c) the financial consequences of marriage or civil partnership (for example, in relation to pensions or social security);

- (d) the treatment under the law of Northern Ireland of marriages, civil partnerships or relationships similar to civil partnerships formed outside of Northern Ireland.
- (5) The Secretary of State may, by regulations, make provision for and in connection with a right to—
- (a) convert a marriage into a civil partnership;
 - (b) convert a civil partnership into a marriage.

Such regulations may, in particular, make provision equivalent or similar to that contained in or authorised by section 9 of the Marriage (Same Sex Couples) Act 2013.

- (6) The Secretary of State may, by regulations, make any provision that the Secretary of State considers appropriate in order to protect the ability to act in accordance with religious or other belief or opinion in relation to marriage or civil partnership (including the conversion of marriage into civil partnership and vice versa).
- (7) Regulations under this section—
- (a) may make provision for fees to be payable;
 - (b) may make provision conferring a discretion on a person;
 - (c) may make provision enabling a person to make regulations (and such regulations may make provision for fees to be payable);
 - (d) may include provision amending, repealing or revoking any provision made by an Act of Parliament or Northern Ireland legislation;
 - (e) may, in so far as made in reliance on section 11(2), include provision amending or repealing provision made by an Act or Measure of the National Assembly for Wales or an Act of the Scottish Parliament.
- (8) In this section—
- (a) references to marriage in Northern Ireland (however expressed) include references to marriage outside of the United Kingdom by virtue of eligibility to marry in Northern Ireland (in accordance with Part 1 or Part 3 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013);
 - (b) references to forming a civil partnership in Northern Ireland include references to registering as civil partners outside the United Kingdom by virtue of eligibility to do so in Northern Ireland (in accordance with section 210(2)(b) or 211(2)(b) of the Civil Partnership Act 2004).