

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations enable civil same-sex marriage and opposite-sex civil partnerships in Northern Ireland/under Northern Ireland law.

Part 2 removes the current legal impediments to same-sex marriage in Northern Ireland. It allows consular and armed forces marriages overseas to be formed under Northern Ireland law. It provides that same-sex marriages formed elsewhere in the UK or overseas, previously treated as civil partnerships, are now recognised as marriages in Northern Ireland. It also makes overall provision that the effect of the introduction of same-sex marriage in Northern Ireland is recognised throughout Northern Ireland law.

Part 3 amends the eligibility criteria for registering as civil partners in Northern Ireland by removing the current same-sex requirement. It permits certain opposite-sex relationships formed in other countries, which are not marriages, to be treated as civil partnerships in Northern Ireland.

Part 4 amends legislation relating to children and parenthood to provide opposite-sex parents in a civil partnership with generally the same rights as opposite-sex married parents in a number of areas relating to parenthood.

Part 5 amends the Gender Recognition Act 2004 (c.7), which enables individuals to apply for a gender recognition certificate to change their legal gender. The changes allow applicants to obtain a full gender recognition certificate without the need first to divorce or dissolve their civil partnership, provided their spouse or civil partner consents.

Parts 6 and 7 make consequential changes to pensions and social security legislation, both primary and secondary, in Northern Ireland, particularly in relation to survivor benefits. Part 8 makes amendments in relation to public sector pension schemes.

Parts 9 and 10 make other consequential changes to primary and secondary legislation to reflect that married couples may now be of the same sex and civil partners may now be of the opposite sex.

Part 11 makes transitional arrangements relating to opposite-sex civil partnerships and overseas relationships.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Same-Sex Marriage/Opposite-Sex Civil Partnerships Delivery team, Northern Ireland Office, 1 Horse Guards Road, London SW1A 2HQ.

Changes to legislation:

There are currently no known outstanding effects for the The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.