
STATUTORY INSTRUMENTS

2019 No. 1514

**The Marriage (Same-sex Couples) and Civil Partnership
(Opposite-sex Couples) (Northern Ireland) Regulations 2019**

PART 10

Amendments: Other Secondary Legislation

Extension to Northern Ireland of amendments made in consequence of the introduction of same-sex marriage in England and Wales

- 149.** The amendments made by the following provisions extend also to Northern Ireland—
- (a) in Schedule 1 to the Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014(1) (consequential amendments to subordinate legislation)—
 - (i) paragraph 5 (which amends the Merchant Shipping (Maintenance of Seamen’s Dependants) Regulations 1972)(2);
 - (ii) paragraph 7 (which amends the Merchant Shipping (Returns of Birth and Deaths) Regulations 1979(3));
 - (iii) paragraph 31 (which amends the Open-Ended Investment Companies Regulations 2001(4));
 - (iv) paragraph 48(1), (3), (4) and (5) (which amends the Attributable Benefits Scheme as applied to the navy and marines);
 - (v) paragraph 50(1), (3), (4) and (5) (which amends the Attributable Benefits Scheme as applied to the army);
 - (vi) paragraph 52(1), (3), (4) and (5) (which amends the Attributable Benefits Scheme as applied to the air force);
 - (b) in the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014(5)—
 - (i) in Schedule 1—
 - (aa) paragraph 2 (which amends the Pensions Commutation Act 1871(6));
 - (bb) paragraph 3 (which amends the Local Government (Emergency Provisions) Act 1916(7));
 - (cc) paragraph 17 (which amends the Transport Act 1978(8));

(1) S.I. 2014/107.

(2) S.I. 1972/1635.

(3) S.I. 1979/1577.

(4) S.I. 2001/1228, which was extended to Northern Ireland by section 1286 of the Companies Act 2006 (c. 46).

(5) S.I. 2014/560.

(6) 1871 c. 36.

(7) 1916 c. 12.

(8) 1978 c. 55.

- (ii) in Schedule 3, paragraph 1 (which amends the Pensions (Increase) Act 1971⁽⁹⁾);
- (c) in Schedule 1 to the Marriage (Same Sex Couples) Act 2013 and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014⁽¹⁰⁾, paragraph 2 (which amends the Service Departments Registers Order 1959⁽¹¹⁾);
- (d) in the Schedule to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014⁽¹²⁾—
 - (i) paragraph 4 (which amends the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957⁽¹³⁾);
 - (ii) paragraph 10 (which amends the Forgery and Counterfeiting Act 1981⁽¹⁴⁾).

Motor Vehicles (International Circulation) Order (Northern Ireland) 1990

150. In the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990⁽¹⁵⁾ in each of the following provisions, for “wife or husband” substitute “spouse or civil partner”—

- (a) Article 3(7), in paragraph (a) of the definition of “dependant”;
- (b) Article 4(4)(a).

Court fees orders of 1996

151. In each of the following provisions, for “married couple or an unmarried couple (as defined respectively in section 3(5) and (6))” substitute “couple (as defined by section 3(5A))⁽¹⁶⁾”—

- (a) Article 9(2)(d)(i) of the Court of Judicature Fees Order (Northern Ireland) 1996⁽¹⁷⁾;
- (b) Article 9(2)(d)(i) of the Judgment Enforcement Fees Order (Northern Ireland) 1996⁽¹⁸⁾;
- (c) Article 10(2)(d)(i) of the Magistrates’ Courts Fees Order (Northern Ireland) 1996⁽¹⁹⁾;
- (d) Article 8(2)(d)(i) of the County Court Fees Order (Northern Ireland) 1996⁽²⁰⁾;
- (e) Article 9(2)(d)(i) of the Court of Judicature (Non-Contentious Probate) Fees Order (Northern Ireland) 1996⁽²¹⁾;
- (f) Article 8(2)(d)(i) of the Family Proceedings Fees Order (Northern Ireland) 1996⁽²²⁾.

⁽⁹⁾ 1971 c. 56.

⁽¹⁰⁾ S.I. 2014/3061.

⁽¹¹⁾ S.I. 1959/406.

⁽¹²⁾ S.I. 2014/3168.

⁽¹³⁾ 1957 c. 58.

⁽¹⁴⁾ 1981 c. 45.

⁽¹⁵⁾ S.R. (N.I.) 1990/190

⁽¹⁶⁾ The reference is to section 3(5A) of the Tax Credits Act 2002 (c. 21), which was inserted by the Civil Partnership Act 2004, Schedule 24, paragraph 144, and amended by S.I. 2019/1458.

⁽¹⁷⁾ S.R. (N.I.) 1996/100 (renamed by the Constitutional Reform Act 2005 (c. 4), section 59). Article 9 was inserted by S.R. (N.I.) 2007/376 and amended by S.R. (N.I.) 2017/16 and S.R. (N.I.) 2019/180.

⁽¹⁸⁾ S.R. (N.I.) 1996/101. Article 9 was inserted by S.R. (N.I.) 2007/380 and amended by S.R. (N.I.) 2017/12 and S.R. (N.I.) 2019/176.

⁽¹⁹⁾ S.R. (N.I.) 1996/102. Article 10 was inserted by S.R. (N.I.) 2007/379 and amended by S.R. (N.I.) 2017/14 and S.R. (N.I.) 2019/179.

⁽²⁰⁾ S.R. (N.I.) 1996/103. Article 8 was inserted by S.R. (N.I.) 2007/378 and amended by S.R. (N.I.) 2017/15 and S.R. (N.I.) 2019/177.

⁽²¹⁾ S.R. (N.I.) 1996/104 (renamed by the Constitutional Reform Act 2005 (c. 4), section 59). Article 9 was inserted by S.R. (N.I.) 2007/377 and amended by S.R. (N.I.) 2017/11 and S.R. (N.I.) 2019/175.

⁽²²⁾ S.R. (N.I.) 1996/495. Article 8 was inserted by S.R. (N.I.) 2007/381 and amended by S.R. (N.I.) 2017/17 and S.R. (N.I.) 2019/178.

Individual Learning Accounts Regulations (Northern Ireland) 2000

152. In regulation 4 of the Individual Learning Accounts Regulations (Northern Ireland) 2000(23) (meaning of “eligible person”) in each of paragraphs (3)(b), (c) and (d), after “spouse,” insert “civil partner.”.

Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001

153. In regulation 10 of the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(24) (disclosure of pecuniary interest etc), in paragraph (4), in the words after paragraph (b), for “married persons living together the interest of one spouse” substitute “two people who are spouses, or civil partners, of each other and who are living together, the interest of one of them”.

Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002

154. In regulation 10 of the Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002(25) (disclosure of pecuniary interest etc), in paragraph (4), in the words after paragraph (b), for “married persons living together the interest of one spouse” substitute “two people who are spouses, or civil partners, of each other and who are living together, the interest of one of them”.

Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003

155. In regulation 3 of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003(26), after paragraph (3) insert—

“(4) For the purposes of paragraph (2), in a comparison of B’s case with that of another person the fact that one of the persons (whether B or not) is married to, or the civil partner of, a person of the same sex while the other is married to, or the civil partner of, a person of the opposite sex shall not be treated as a material difference between their respective circumstances.”.

Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004

156.—(1) The Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(27) are amended as follows.

(2) In regulation 2(1)(28) (“couple” to include same sex civil partners and same sex persons living together as civil partners), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or are civil partners of, each other and are members of the same household, or
- (b) two people who are neither married to, nor are civil partners of, each other but are living together as if spouses of each other;”.

(23) S.R. (N.I.) 2000/379.

(24) S.R. (N.I.) 2001/313. Regulation 10 was amended by S.R. (N.I.) 2002/349.

(25) S.R. (N.I.) 2002/386.

(26) S.R. (N.I.) 2003/497. Regulation 3 was amended by S.R. (N.I.) 2005/520.

(27) S.R. (N.I.) 2004/8.

(28) The definition of “couple” was inserted by paragraph 19(1)(b) of Schedule 1 to S.R. (N.I.) 2005/520.

(3) In paragraph 51 of Schedule 3 (sum specified in Personal Injuries (Civilians) Scheme 1983 to be disregarded by persons in receipt of a pension under that scheme when calculating income for grant application), for the words “and widowers” substitute “, widowers and civil partners”.

(4) In paragraph 52 of Schedule 3 (disregard of payments to widow or widower under any of the Dispensing Instruments), after “widower” insert “, or a surviving civil partner,”.

(5) In paragraph 34 of Schedule 4 (disregard of arrears of payments that would have been disregarded under paragraph 40 of Schedule 3), for “special war widows” substitute “any”.

Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004

157.—(1) Regulation 10 of the Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004(**29**) (disclosure of pecuniary interest and exclusion of chairman and members in proceedings on account of pecuniary interest) is amended as follows.

(2) In paragraph (4), in the words after sub-paragraph (b)—

- (a) after “persons” insert “or civil partners”;
- (b) after “spouse” insert “or civil partner”.

Foyle Area (Control of Drift and Draft Net Fishing) Regulations 2004

158.—(1) The Foyle Area (Control of Drift and Draft Net Fishing) Regulations 2004(**30**) are amended as follows.

(2) In each of the following provisions, after “spouse” insert “or civil partner”—

- (a) regulation 2, in the definition of “single parent”;
- (b) regulation 4(3)(b);
- (c) regulation 4(5);
- (d) regulation 4(6) (in both places “spouse” occurs);
- (e) regulation 4(9)(b);
- (f) regulation 4(11)(b).

(3) In regulation 5(2), for “or spouse” substitute “, spouse or civil partner”.

(4) In regulation 6A(**31**), after “spouse” insert “, civil partner”.

Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005

159.—(1) Regulation 2 of the Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005(**32**) (interpretation) is amended as follows.

(2) In paragraph (1), in the definition of “relative”—

- (a) in paragraph (a), after “spouse” insert “or civil partner”;
- (b) in paragraph (b), for “his or his spouse” substitute “the person or the person’s spouse or civil partner”;
- (c) in the words after paragraph (c)—
 - (i) after ““spouse”” insert “or “civil partner””;

(29) S.R. (N.I.) 2004/37.

(30) S.R. (N.I.) 2004/255; amended by S.R. (N.I.) 2007/275.

(31) Inserted by S.R. (N.I.) 2007/275.

(32) S.R. (N.I.) 2005/99.

- (ii) after “spouse” insert “or civil partner”.

Nursing Homes Regulations (Northern Ireland) 2005

160. In regulation 2 of the Nursing Homes Regulations (Northern Ireland) 2005(**33**) (interpretation), in paragraph (1), in the definition of relative—

- (a) in each of paragraphs (a), (b) and (c), after “spouse” insert “or civil partner”;
- (b) for the words from “references” to the end substitute “references to “spouse or civil partner”, in relation to any person, include a former spouse or former civil partner and a person who is living with the person as if they were spouses of each other;”.

Residential Care Homes Regulations (Northern Ireland) 2005

161. In regulation 2 of the Residential Care Homes Regulations (Northern Ireland) 2005(**34**) (interpretation), in paragraph (1), in the definition of relative—

- (a) in each of paragraphs (a) and (c), after “spouse” insert “or civil partner”;
- (b) for the words from “references” to the end substitute “references to “spouse or civil partner”, in relation to any person, include a former spouse or former civil partner and a person who is living with the person as if they were spouses of each other;”.

Probation Board for Northern Ireland Victim Information Scheme 2005

162. In Article 3(4)(a) of the Probation Board for Northern Ireland Victim Information Scheme 2005(**35**), after “spouse” insert “or civil partner”.

Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006

163.—(1) Regulation 16 of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006(**36**) is amended as follows.

(2) In paragraph (5) (circumstances in which a restriction is permitted under regulation 16(3) or (4)), after sub-paragraph (b) insert—

“; or

- (c) in connection with a ceremony or event to mark the solemnisation of a marriage or the formation of a civil partnership.”.

(3) After paragraph (5) insert—

“(5A) Where an act done by a person—

- (a) would be unlawful but for paragraph (5)(c), and

(b) is done by the person—

- (i) in the course of the person’s employment, or
- (ii) as agent for another person,

the employer or other person does not do anything unlawful under these Regulations only because of being treated by regulation 23 as also doing the act.”.

(4) In paragraph (8), after “This regulation” insert “, so far as it relates to a restriction imposed as mentioned in paragraph (5)(a) or (b),”.

(33) S.R. (N.I.) 2005/160.

(34) S.R. (N.I.) 2005/161.

(35) S.R. (N.I.) 2005/432.

(36) S.R. (N.I.) 2006/439.

Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009

164.—(1) Regulation 9 of the Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009⁽³⁷⁾ (disclosure of pecuniary interest and exclusion of Chair and members of the RBSO in proceedings on account of pecuniary interest) is amended as follows.

(2) In paragraph (4), in the words after sub-paragraph (b)—

- (a) after “persons” insert “or civil partners”;
- (b) after “spouse” insert “or civil partner”.

Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009

165. In regulation 9 of the Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009⁽³⁸⁾ (disclosure of pecuniary interest etc), in paragraph (4), in the words after paragraph (b), for “married persons living together the interest of one spouse” substitute “two people who are spouses, or civil partners, of each other and who are living together, the interest of one of them”.

Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011

166. In the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011⁽³⁹⁾, in each of the following provisions, in the definition of “cohabitant”, for the words from “of—” to the end substitute “of two people who are living together as if spouses of each other”—

- (a) paragraph 3 of Schedule 1;
- (b) paragraph 3 of Schedule 3.

General Register Office (Fees) Order (Northern Ireland) 2016

167. In the Schedule to the General Register Office (Fees) Order (Northern Ireland) 2016⁽⁴⁰⁾, in the footnotes relating to basic marriage searches and enhanced marriage searches—

- (a) for “bride and groom”, in each place it occurs, substitute “the spouses”, and
- (b) for “either bride or groom” substitute “one of the spouses”.

Rate Relief Regulations (Northern Ireland) 2017

168. In regulation 2(1) of the Rate Relief Regulations (Northern Ireland) 2017⁽⁴¹⁾, for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other.”.

⁽³⁷⁾ S.R. (N.I.) 2009/97.

⁽³⁸⁾ S.R. (N.I.) 2009/98.

⁽³⁹⁾ 2011 c. 17 (N.I.).

⁽⁴⁰⁾ S.R. (N.I.) 2016/205.

⁽⁴¹⁾ S.R. (N.I.) 2017/184. Regulation 2(1) was amended by S.R. (N.I.) 2018/109.

