

**2020 No. 1143**

**CIVIL PARTNERSHIP, NORTHERN IRELAND**

**MARRIAGE, NORTHERN IRELAND**

**The Marriage and Civil Partnership (Northern Ireland) (No. 2)  
Regulations 2020**

<i>Made</i> - - - -	<i>20th October 2020</i>
<i>Laid before Parliament</i>	<i>22nd October 2020</i>
<i>Coming into force</i> - -	<i>7th December 2020</i>

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 8 and 11 of the Northern Ireland (Executive Formation etc) Act 2019(a).

**PART 1**

**Introductory**

**Citation, commencement and extent**

**1.**—(1) These Regulations may be cited as the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.

(2) These Regulations come into force on 7th December 2020.

(3) These Regulations extend to Northern Ireland only, subject to paragraphs (4) to (7).

(4) Regulation 4(5), regulation 31 except paragraph (1), and regulation 44(2), extend to Northern Ireland, and England and Wales.

(5) Regulations 32, 36, 38(2) and 44(4) extend to England and Wales only.

(6) Regulations 33, 44(1) and (3), 45 and 46 extend to Northern Ireland, England and Wales, and Scotland.

(7) Regulations 38(1) and (3) to (5) and 47 extend to England and Wales, and Scotland, only.

**Interpretation: general**

**2.** In these Regulations—

“the 2014 Regulations” means the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014(b);

“convertible Northern Ireland civil partnership” means—

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(a) 2019 c. 22.

(b) S.I. 2014/3181. For details of amendments, see later footnotes to references to particular provisions of the 2014 Regulations.

- (a) a civil partnership formed by two people registering as civil partners of each other in Northern Ireland under Part 4 of the Civil Partnership Act 2004<sup>(a)</sup>,
- (b) a civil partnership formed by two people registering as civil partners of each other under the Civil Partnership (Registration Abroad and Certificates) Order 2005<sup>(b)</sup> (registration at British consular premises abroad) if Northern Ireland was the relevant part (as defined by article 4(5) of the Order) of the United Kingdom, or
- (c) a civil partnership formed by two people registering as civil partners of each other under the Civil Partnership (Armed Forces) Order 2005<sup>(c)</sup> (registration abroad where at least one party has armed-forces connection) if Northern Ireland was the part of the United Kingdom identified under article 5 of the Order;

“convertible Northern Ireland marriage” means—

- (a) a marriage solemnised in Northern Ireland,
- (b) a marriage solemnised under Part 2 of the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014<sup>(d)</sup> (solemnisation at British consular premises abroad) if Northern Ireland was the relevant part (as defined by article 3 of the Order) of the United Kingdom,
- (c) a marriage solemnised under the Overseas Marriage (Armed Forces) Order 2014<sup>(e)</sup> (solemnisation abroad where at least one party has armed-forces connection) if Northern Ireland was the relevant part (as defined by article 4 of the Order) of the United Kingdom, or
- (d) a marriage otherwise formed under the law of Northern Ireland.

## PART 2

### Right to convert Civil Partnership or Marriage, and effect of conversion

#### **Right to convert**

**3.—**(1) The parties to a convertible Northern Ireland civil partnership may—

- (a) in accordance with Part 3, or
- (b) in accordance with Part 3 or 4 of the 2014 Regulations,

convert their civil partnership into a marriage.

(2) Paragraph (1) applies only where the parties to the civil partnership are of the same sex when the conversion takes place.

(3) The parties to a convertible Northern Ireland marriage may—

- (a) in accordance with Part 3, or
- (b) in accordance with Part 4 or 5,

convert their marriage into a civil partnership.

(4) Paragraph (3) applies only where the parties to the marriage are not of the same sex when the conversion takes place.

#### **Effect of conversion of marriage or civil partnership**

**4.—**(1) Where a convertible Northern Ireland civil partnership is converted into a marriage under Part 3 of these Regulations or under Part 3 or 4 of the 2014 Regulations—

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(a) 2004 c. 33.  
 (b) S.I. 2005/2761, as amended by S.I. 2012/3063, 2014/1107, 2014/3181, 2019/1458 and 2019/1514.  
 (c) S.I. 2005/3188. Article 4 was substituted by S.I. 2009/2054.  
 (d) S.I. 2014/3265. Part 2 was extended to Northern Ireland, and the Order was amended, by S.I. 2019/1514.  
 (e) S.I. 2014/1108. The Order was extended to Northern Ireland, and amended, by S.I. 2019/1514 and 2020/742.

- (a) the civil partnership ends on the conversion, and
  - (b) the resulting marriage is to be treated as having subsisted since the date the civil partnership was formed.
- (2) Where a convertible Northern Ireland marriage is converted into a civil partnership under Part 3, 4 or 5 of these Regulations—
- (a) the marriage ends on the conversion, and
  - (b) the resulting civil partnership is to be treated as having subsisted since the date the marriage was solemnised.
- (3) Paragraph (2)(b) applies even if the date is earlier than 5th December 2005 (which is the date when the Civil Partnership Act 2004 came into force for most substantive purposes).
- (4) But paragraphs (1)(b) and (2)(b) are subject to any contrary provision made by these Regulations (or future applicable legislation), including contrary provision contained in amendments of existing applicable legislation.
- (5) Paragraph (2)(b)—
- (a) does not affect the descent of any peerage or dignity or title of honour, and
  - (b) does not affect the devolution of any property limited (expressly or not) by any will or other instrument to devolve (as nearly as the law permits) along with any peerage or dignity or title of honour unless an intention it should do so is expressed in the will or other instrument.
- (6) In this regulation—
- “applicable legislation” means—
- (a) an Act of Parliament so far as it forms part of the law of Northern Ireland,
  - (b) Northern Ireland legislation,
  - (c) subordinate legislation made under an Act of Parliament, so far as the subordinate legislation forms part of the law of Northern Ireland, and
  - (d) subordinate legislation made under Northern Ireland legislation;
- “existing applicable legislation” means applicable legislation passed or made before these Regulations are made;
- “subordinate legislation” means any Order in Council, order or warrant (other than an order made or a warrant issued by a court), scheme, rule, regulation, bye-law or other instrument.

## PART 3

### Civil Partnership and Marriage: Conversion from one into the other

#### **Interpretation**

##### **5. In this Part—**

“a conversion under this Part” means a conversion, pursuant to regulation 3(1)(a) or (3)(a), of—

- (a) a civil partnership into a marriage, or
- (b) a marriage into a civil partnership;

“conversion before an officiant” means a conversion under this Part which—

- (a) is from a civil partnership into a marriage, and
- (b) follows—
  - (i) the version of the two-stage procedure offered by regulation 7(6)(a) and (c)(iii),
  - (ii) the version of the special procedure offered by regulation 7(8)(a) and (b)(ii), or

- (iii) the version of the procedure for detained persons offered by regulation 7(10)(a) and (b)(ii);

“conversion declaration” has the meaning given by regulation 10;

“hospital” means—

- (a) a hospital, or institution, managed by a Health and Social Care trust or the Regional Health and Social Care Board or the Department of Health in Northern Ireland,
- (b) a private hospital, or
- (c) special accommodation;

“officiant” means—

- (a) a person registered under Article 11 of the Marriage (Northern Ireland) Order 2003<sup>(a)</sup> for marriages of parties who are of the same sex,
- (b) a person authorised under Article 14(1)(a) of that Order (as modified by regulation 15) to officiate at one or more specified conversions under this Part, or
- (c) a person authorised under Article 14(1)(b) of that Order for marriages of parties who are of the same sex;

“patient”, “private hospital” and “special accommodation” have the meaning given by Article 2(2) of the Mental Health (Northern Ireland) Order 1986<sup>(b)</sup>;

“prison” includes a remand centre, a young offenders centre and a juvenile justice centre;

“registrar”—

- (a) in relation to a conversion under this Part of a civil partnership into a marriage, means a person appointed under Article 31 of the Marriage (Northern Ireland) Order 2003 for the district in which the conversion takes place, and
- (b) in relation to a conversion under this Part of a marriage into a civil partnership, means a person appointed under section 152 of the Civil Partnership Act 2004 for the district in which the conversion takes place;

“the required information and evidence”, in relation to a conversion under this Part, has the meaning given by whichever of regulations 8 and 9 is applicable;

“responsible authority”, in relation to a conversion under this Part which follows the procedure for detained persons, means—

- (a) if any part of the procedure is to take place in a prison, the governor or other officer in charge of the prison,
- (b) if any part of the procedure is to take place in a hospital that is neither a private hospital nor special accommodation, the trust or other authority managing the hospital,
- (c) if any part of the procedure is to take place in special accommodation, the Department of Health, and
- (d) if any part of the procedure is to take place in a private hospital, the person in charge of the hospital;

“standard procedure”, “two-stage procedure”, “special procedure” and “procedure for detained persons”, and “first part” and “second part” in relation to any of those procedures, have the meaning given by regulation 7.

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(a) S.I. 2003/413 (N.I. 3). Articles 11 and 14 were amended by S.I. 2020/742.

(b) S.I. 1986/595 (N.I. 4). In Article 2(2) there are amendments not relevant to these Regulations. Article 90(2) (which defines “private hospital”) was amended by S.I. 1994/429 (N.I. 2) and paragraph 1(1)(d) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c. 1 (N.I.)).

### **Period of 3 years during which conversions may take place**

6. A conversion under this Part is effective only if the signing of the conversion declaration as mentioned in regulation 10(6)(a) and (b), or regulation 10(7)(a) and (b), takes place before the end of the 3 years beginning with the day these Regulations come into force.

### **Conversion procedure**

7.—(1) A conversion under this Part must follow one of the procedures described in this regulation.

(2) Each procedure has two parts.

(3) The first part is—

- (a) the provision of the required information and evidence to a registrar, and
- (b) where the signing of the conversion declaration is to take place after the year beginning with the day these Regulations come into force, the payment of the fee prescribed under regulation 17(1)(a).

(4) The second part is the signing of the conversion declaration.

(5) Under the standard procedure, the couple attend together before a registrar at a registrar's office and both parts of the procedure take place there on that occasion.

(6) Under the two-stage procedure—

- (a) the couple attend together before a registrar at a registrar's office, and the first part of the procedure takes place there on that occasion,
- (b) the second part of the procedure is to take place on the date specified under regulation 8(3)(a) or 9(3), which must be in the year beginning with the date of the first part of the procedure, and
- (c) the second part of the procedure takes place when, on that specified date, the couple attend together—
  - (i) before a registrar at a registrar's office,
  - (ii) before a registrar at an approved place,
  - (iii) before an officiant at a place in Northern Ireland, except that this third option is available only if the conversion is from a civil partnership into a marriage, or
  - (iv) before a registrar at a place specified in a direction given by the Registrar General.

(7) The special procedure is for use where—

- (a) by reason of serious illness or serious bodily injury, a party ought not to move or be moved from the place where that party is, and
- (b) the signing of the conversion declaration is, with the approval of the Registrar General, to take place at the place where that party is,

but the procedure may not be used where that party (“the immovable party”) is detained in a prison or as a patient in a hospital.

(8) Under the special procedure—

- (a) the first part of the procedure takes place when—
  - (i) a party attends before a registrar at a registrar's office, or
  - (ii) a registrar attends the couple together at the place where the immovable party is, and
- (b) the second part of the procedure takes place later the same day, or on a later day, when—
  - (i) a registrar attends the couple together at the place where the immovable party is, or
  - (ii) an officiant attends the couple together at the place where the immovable party is, except that this second option is available only if the conversion is from a civil partnership into a marriage.

(9) The procedure for detained persons is for use where—

- (a) a party is detained in a prison or as a patient in a hospital, and
  - (b) the signing of the conversion declaration is to take place in the prison or hospital.
- (10) Under the procedure for detained persons—
- (a) the first part of the procedure take place when—
    - (i) a party attends before a registrar at a registrar’s office, or
    - (ii) a registrar attends the couple together at the prison or hospital, and
  - (b) the second part of the procedure takes place later the same day, or on a later day, when—
    - (i) a registrar attends the couple together at the prison or hospital, or
    - (ii) an officiant attends the couple together at the prison or hospital, except that this second option is available only if the conversion is from a civil partnership into a marriage.
- (11) Where the signing of the conversion declaration takes place before a registrar, no religious service is to be used while the registrar is officiating at the signing.
- (12) In paragraph (6)(c)(ii) “approved place”—
- (a) in relation to a conversion under this Part of a civil partnership into a marriage, means a place approved under Article 18(2) of the Marriage (Northern Ireland) Order 2003, and
  - (b) in relation to a conversion under this Part of a marriage into a civil partnership, means a place approved under section 144(3) of the Civil Partnership Act 2004.

**Required information and evidence: conversion of a civil partnership into a marriage**

**8.—**(1) The following are the required information and evidence for a conversion under this Part of a civil partnership into a marriage.

(2) A document issued under section 155(3)(b) of the Civil Partnership Act 2004 relating to the registration of the civil partnership.

- (3) Except where the standard procedure is to be followed—
- (a) the place where, and date when, the conversion declaration is to be signed, and
  - (b) if the conversion is to be a conversion before an officiant—
    - (i) that person’s name, address and denomination, and
    - (ii) that person’s signature to indicate that they are willing to officiate at the signing of the conversion declaration.
- (4) For each party—
- (a) current forenames and surname,
  - (b) any former forenames and former surnames,
  - (c) present or last occupation,
  - (d) whether or not retired,
  - (e) date of birth,
  - (f) their sex,
  - (g) address and postcode of usual residence, and
  - (h) passport or other documents to prove identity.
- (5) For each parent of each party—
- (a) current forenames and surname,
  - (b) any former forenames and former surnames,
  - (c) present or last occupation,
  - (d) whether or not retired, and
  - (e) whether or not living.

(6) If the conversion is to follow the special procedure, a statement in the form set out in Schedule 6 to the Marriage Regulations (Northern Ireland) 2003<sup>(a)</sup>—

- (a) either omitting or ignoring the reference to Article 18(6) of the Marriage (Northern Ireland) Order 2003, and
- (b) modified, where the statement is made in the last 3 months of the 3-year period fixed by regulation 6, to refer to the remainder of that 3-year period instead of the 3 months following the date of the statement.

(7) If the conversion is to follow the procedure for detained persons, a statement made—

- (a) by or on behalf of the responsible authority,
- (b) not more than 21 days before the date on which the required information and evidence is provided to a registrar, and
- (c) in the form set out in Schedule 11 to the Marriage Regulations (Northern Ireland) 2003, either omitting or ignoring—
  - (i) the reference to Article 29 of the Marriage (Northern Ireland) Order 2003, and
  - (ii) the sentence about the statement having to be made not more than 21 days before the date on which the marriage notice is given.

(8) Where it appears to a registrar that a party is unable to provide certain of the information required by paragraphs (4)(a) to (g) and (5), a registrar may issue a conversion declaration—

- (a) without having been provided with that information, and
- (b) without including that information in the declaration (so far as it is information which would otherwise have to be included),

if it is reasonable to do so.

#### **Required information and evidence: conversion of a marriage into a civil partnership**

**9.**—(1) The following are the required information and evidence for a conversion under this Part of a marriage into a civil partnership.

(2) A document issued under Article 35(3)(b) of the Marriage (Northern Ireland) Order 2003 relating to the registration of the marriage.

(3) Except where the standard procedure is to be followed, the place where, and date when, the conversion declaration is to be signed.

(4) For each party—

- (a) current forenames and surname,
- (b) any former forenames and former surnames,
- (c) present or last occupation,
- (d) whether or not retired,
- (e) date of birth,
- (f) their sex,
- (g) address and postcode of usual residence, and
- (h) passport or other documents to prove identity.

(5) For each parent of each party—

- (a) current forenames and surname,
- (b) any former forenames and former surnames,
- (c) present or last occupation,
- (d) whether or not retired, and

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<sup>(a)</sup> S.R. 2003/468. Schedules 6 and 11 were amended by S.I. 2019/1514.

- (e) whether or not living.
- (6) If the conversion is to follow the special procedure, a certificate in the form set out in Schedule 4 to the Civil Partnership Regulations (Northern Ireland) 2005(a)—
  - (a) either omitting or ignoring the reference to section 144(6) of the Civil Partnership Act 2004, and
  - (b) modified, where the statement is made in the last 3 months of the 3-year period fixed by regulation 6, to refer to the remainder of that 3-year period instead of the 3 months following the date of the statement.
- (7) If the conversion is to follow the procedure for detained persons, a statement made—
  - (a) by or on behalf of the responsible authority,
  - (b) not more than 21 days before the date on which the required information and evidence is provided to a registrar, and
  - (c) in the form set out in Schedule 7 to those Regulations, either omitting or ignoring—
    - (i) the reference to section 149 of the Civil Partnership Act 2004, and
    - (ii) the sentence about the statement having to be made not more than 21 days before the date on which the civil partnership notice is given.
- (8) Where it appears to a registrar that a party is unable to provide certain of the information required by paragraphs (4)(a) to (g) and (5), a registrar may issue a conversion declaration—
  - (a) without having been provided with that information, and
  - (b) without including that information in the declaration (so far as it is information which would otherwise have to be included),
 if it is reasonable to do so.

### **Conversion declarations and their signing**

- 10.—**(1) This regulation applies in relation to a conversion under this Part.
- (2) The conversion declaration is a document containing—
- (a) the following information (subject to regulations 8(8) and 9(8))—
    - (i) the date and place of the signing of the declaration,
    - (ii) if the conversion is a conversion before an officiant, that person’s name,
    - (iii) the forenames, surname, status (which is to be “civil partner” if the conversion is from a civil partnership into a marriage, and is to be “married” if the conversion is from a marriage into a civil partnership), date of birth, country of birth and usual address of each party,
    - (iv) the full names, and maiden surname (if any) and occupation, of each parent of each party, and
    - (v) the date when, and place where, the couple’s civil partnership was registered or (as the case may be) their marriage was solemnised,
  - (b) if the conversion is from a civil partnership into a marriage, a declaration by each party in the following terms: “I solemnly and sincerely declare that we are in a civil partnership with each other and I know of no legal reason why we may not convert our civil partnership into a marriage. I understand that on signing this document we will be converting our civil partnership into a marriage and you will become my lawful wife [*or husband*].”,
  - (c) if the conversion is from a marriage into a civil partnership, a declaration by each party in the following terms: “I solemnly and sincerely declare that we are married to each other and I know of no legal reason why we may not convert our marriage into a civil

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(a) S.R. 2005/482.

partnership. I understand that on signing this document we will be converting our marriage into a civil partnership and you will become my lawful civil partner.”, and

(d) a declaration by each party that the party believes that all the information and evidence provided for the purposes of the conversion is true.

(3) If the conversion is a conversion before an officiant—

(a) the conversion declaration is to be prepared by a registrar, and issued at a registrar’s office to a party within a period of 14 days before the date of signing,

(b) the signing of the declaration may take place only on the date, before the officiant and at the place specified in the declaration, subject to sub-paragraphs (c) to (e),

(c) sub-paragraph (b) does not impose any obligation on an officiant to officiate at the signing,

(d) if for any reason the declaration cannot be signed at the place specified in it, a registrar may substitute, or direct the officiant to substitute, the new place in the declaration, and

(e) if, because of the sudden death, sudden illness or unavoidable delay of the officiant specified in the declaration, that officiant cannot officiate at the signing then another officiant may officiate but, where that happens, that other officiant must in the declaration substitute their own name.

(4) Before the conversion declaration is signed by the couple, the person officiating must confirm with the couple that the information contained in the declaration is complete and correct and, if it is not, amend it as necessary.

(5) Any amendment of the information on the conversion declaration must be initialled by the party to whom that information relates and by the person officiating.

(6) If the conversion is from a civil partnership into a marriage, the couple are (subject to regulation 11(7)) to be regarded as having converted their civil partnership into a marriage when, having followed one of the procedures described in regulation 7—

(a) at the invitation of the person officiating, and in the presence of that person and of each other, each of them has signed the conversion declaration, and

(b) the person officiating has signed the conversion declaration in the presence of the couple.

(7) If the conversion is from a marriage into a civil partnership, the couple are to be regarded as having converted their marriage into a civil partnership when, having followed one of the procedures described in regulation 7—

(a) at the invitation of the person officiating, and in the presence of that person and of each other, each of them has signed the conversion declaration, and

(b) the person officiating has signed the conversion declaration in the presence of the couple.

(8) As well as signing the conversion declaration as mentioned in paragraph (6)(a) or (7)(a), the couple may, if they wish, say the words of the declaration in paragraph (2)(b) or (c) to each other in the presence of the person officiating.

(9) Where either party signs the conversion declaration by making a mark, the person officiating must enter against the mark the words “The mark of” together with the forenames and surname of the party.

(10) If the person officiating considers it necessary or desirable, the person officiating may use the services of an interpreter (not being a party) at the signing of the conversion declaration.

(11) If the person officiating uses the services of an interpreter at the signing of the conversion declaration, the interpreter—

(a) before acting, must sign a statement that the interpreter understands, and is able to converse in, the languages to be interpreted, and

(b) immediately after acting, must give to the person officiating a document signed by the interpreter, and written in English, certifying that the interpreter has faithfully interpreted at the signing of the conversion declaration.

(12) In this regulation “the person officiating”—

- (a) in the case of a conversion before an officiant, means the officiant specified in the conversion declaration or, where another officiant deputises pursuant to paragraph (3)(e), that other officiant, and
- (b) in the case of any other conversion under this Part, means a registrar.

**Conversion before an officiant: returning the signed declaration**

11.—(1) This regulation applies in relation to a conversion before an officiant.

(2) The couple must arrange for the conversion declaration, signed in accordance with regulation 10, to be delivered to a registrar within 3 days of its being signed.

(3) Subject to paragraph (4), a registrar may not register the marriage resulting from the conversion if the registrar does not receive the signed conversion declaration.

(4) The Registrar General may, if satisfied that the conversion declaration was signed in accordance with regulation 10(6) but has been lost or destroyed or damaged, direct a registrar to—

- (a) make arrangements for each party, and the person officiating (as defined in regulation 10(12)), to sign a copy of the declaration originally signed, and
- (b) register the marriage resulting from the conversion.

(5) Where the conversion declaration has not been received by a registrar before the expiry of 21 days from the date of signing entered on the declaration, a registrar may serve a notice on either party requiring that party to arrange for the declaration to be delivered to a registrar within 8 days from the date of service of the notice.

(6) If the party on whom a notice has been served under paragraph (5) fails to comply with the notice, a registrar may serve on that party a second notice requiring that party to attend personally at a registrar’s office, within 8 days from the date of service of the second notice, for the purpose of delivering the conversion declaration to a registrar.

(7) Where a party fails to attend as required by a notice under paragraph (6), and the signed conversion declaration has not been delivered to a registrar before the end of the time allowed under that paragraph for that attendance, the couple’s civil partnership is to be treated (at all times after the signing) as not having ended and not having been converted into a marriage.

(8) Paragraph (7) does not apply if—

- (a) the Registrar General for Northern Ireland considers that there is a reasonable excuse for the failure, and
- (b) the signed conversion declaration is delivered to a registrar or a direction is given under paragraph (4).

(9) Section 24(1) and (2)(a) to (c) of the Interpretation Act (Northern Ireland) 1954(a) (modes of service on individuals, and effect of service by post) apply for the purposes of paragraphs (5) and (6) as they apply for the purposes of an enactment as defined by section 1 of that Act.

**Duty to register a marriage, or record a civil partnership, resulting from a conversion**

12.—(1) Where a civil partnership is converted under this Part into a marriage—

- (a) if the conversion is a conversion before an officiant, a registrar must register the marriage as soon as practicable after a registrar receives the signed conversion declaration;
- (b) in any other case, the registrar who signed the conversion declaration in accordance with regulation 10 must cause the marriage to be registered as soon as practicable after the signing.

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(a) 1954 c. 33 (N.I.). The reference to registered post in section 24(1) includes the recorded delivery service: see the Recorded Delivery Service Act (Northern Ireland) 1963 (c. 5 (N.I.)). The meaning of “registered post” and “recorded delivery service” are modified by Part 1 of Schedule 8 to the Postal Services Act 2000 (c. 26): that Part extends to Northern Ireland and applies to the 1954 and 1963 Acts (see section 131 of the 2000 Act, and the definition of “enactment” in section 125(1) of the 2000 Act). In section 1 of the 1954 Act, the definition of “enactment” is affected by the amendment of section 1(a) by S.I. 1999/663.

(2) Where a marriage is converted under this Part into a civil partnership, the registrar who signed the conversion declaration in accordance with regulation 10 must cause the civil partnership to be recorded as soon as practicable after the signing.

### **Conversions to be noted on records and mentioned on certificates and extracts**

**13.**—(1) As soon as practicable after—

- (a) a marriage resulting from a conversion under this Part is registered, or
- (b) the Registrar General is notified of a conversion under Part 3 or 4 of the 2014 Regulations (conversions abroad at British consular premises or where at least one party has an armed-forces connection),

the Registrar General must ensure that the record of the registration of the civil partnership that has been converted is annotated with the date and place of the conversion.

(2) After—

- (a) a marriage resulting from a conversion under this Part is registered, or
- (b) the Registrar General is notified of a conversion under Part 3 or 4 of the 2014 Regulations,

neither the Registrar General, nor a person appointed under section 152 of the Civil Partnership Act 2004 (registrars), may issue a document under section 155(3)(b) or 156(1) of that Act (certificates and extracts) relating to the civil partnership that has been converted unless the document includes the annotation under paragraph (1).

(3) As soon as practicable after—

- (a) a civil partnership resulting from a conversion under this Part is recorded, or
- (b) the Registrar General is notified of a conversion under Part 4 or 5,

the Registrar General must ensure that the record of the registration of the marriage that has been converted is annotated with the date and place of the conversion.

(4) After—

- (a) a civil partnership resulting from a conversion under this Part is recorded, or
- (b) the Registrar General is notified of a conversion under Part 4 or 5,

neither the Registrar General, nor a person appointed under Article 31 of the Marriage (Northern Ireland) Order 2003 (registrars), may issue a document under Article 35(3)(b) or 36(1) of that Order (certificates and extracts) relating to the marriage that has been converted unless the document includes the annotation under paragraph (3).

### **Verification of information and evidence**

**14.**—(1) A registrar may obtain, from a person mentioned in paragraph (2) and for a purpose mentioned in paragraph (3), information relating to persons seeking a conversion under this Part.

(2) The persons from whom information may be obtained are—

- (a) a person appointed under Article 31 of the Marriage (Northern Ireland) Order 2003, or under section 152 of the Civil Partnership Act 2004, for any district in Northern Ireland;
- (b) the Registrar General.

(3) The purposes for which information may be obtained are—

- (a) in the case of a conversion from a civil partnership into a marriage—
  - (i) to verify the formation and existence of the civil partnership;
  - (ii) to verify any of the information and evidence provided by the civil partners;
- (b) in the case of a conversion from a marriage into a civil partnership—
  - (i) to verify the formation and existence of the marriage;
  - (ii) to verify any of the information and evidence provided by the spouses.

(4) A registrar may interview each of the persons seeking a conversion under this Part individually.

(5) Nothing in this regulation limits any other power under which information may be disclosed or obtained.

### **Modifications of Marriage (Northern Ireland) Order 2003 and Civil Partnership Act 2004**

**15.**—(1) The Marriage (Northern Ireland) Order 2003(a) has effect with the following modifications—

- (a) the reference in Article 12(3) to not solemnising a marriage is to be read (except for the purposes of Article 38(2)(d)) as if it included a reference to not officiating at a relevant conversion;
- (b) the reference in Article 14(1)(a) to solemnising one or more specified marriages is to be read as if it included a reference to officiating at one or more specified relevant conversions;
- (c) a reference in Article 14(1A) to solemnising marriages of parties who are of the same sex is to be read as if it included a reference to officiating at relevant conversions;
- (d) the reference in Article 17A(1)(b) to solemnising one or more particular marriages between parties of the same sex is to be read as if it included a reference to officiating at one or more particular relevant conversions;
- (e) a reference in the Order (as modified by paragraphs (a) to (d)) to officiating at a relevant conversion is to be read as a reference to officiating at the signing of the conversion declaration in a conversion before an officiant;
- (f) the reference to the Order in Article 26(1) is to be read as if it included a reference to this Part and, in relation to a marriage resulting from the conversion of a convertible Northern Ireland civil partnership, Parts 3 and 4 of the 2014 Regulations;
- (g) the reference in Article 26(3) to both parties having been present at the marriage ceremony is to be read in the case of a marriage resulting from a conversion under this Part, or in the case of a marriage resulting from a conversion under Part 3 or 4 of the 2014 Regulations of a convertible Northern Ireland civil partnership, to both parties having been present at the signing of the conversion declaration;
- (h) the reference in Article 27(2) to a void marriage is to be read as if it included a marriage resulting from a purported conversion under this Part, or a purported conversion under Part 3 or 4 of the 2014 Regulations of a convertible Northern Ireland civil partnership, that has been found by a court to be ineffective;
- (i) the reference to the Order in Article 31(3) is to be read as if it included a reference to this Part.

(2) The Civil Partnership Act 2004 has effect with the following modifications—

- (a) the reference to the Act in section 146(2) is to be read as if it included a reference to this Part and Parts 4 and 5;
- (b) the reference in section 147(2) to a void civil partnership is to be read as if it included a civil partnership resulting from a purported conversion under this Part, or Part 4 or 5, that has been found by a court to be ineffective;
- (c) the reference to Part 4 of the Act in section 152(3) is to be read as if it included a reference to this Part.

### **Conversions: protection from compulsion**

**16.**—(1) A religious body, or a person acting on behalf of or under the auspices of a religious body, may not be compelled—

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(a) Article 14 was amended, and Article 17A was inserted, by S.I. 2020/742.

- (a) to allow religious premises to be used as the place at which any part of a conversion before an officiant takes place,
- (b) to officiate at any part of a conversion before an officiant, or
- (c) to facilitate, arrange, participate in or be present at any part of a conversion before an officiant,

where the reason for not doing that thing is that the body or person does not want to do things of that sort in relation to any conversion before an officiant.

(2) A religious body, or a person acting on behalf of or under the auspices of a religious body, may not be compelled—

- (a) to allow religious premises to be used as the place at which a ceremony or event is held to mark—
  - (i) a conversion under—
    - (aa) this Part or Part 4 or 5, or
    - (bb) Part 2, 3 or 4 of the 2014 Regulations(a), or
  - (ii) a change under—
    - (aa) the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014(b), or
    - (bb) Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014(c), or
- (b) to provide, facilitate, arrange, participate in or be present at such a ceremony or event,

where the reason for not doing that thing is that the body or person does not want to do things of that sort in relation to conversions and changes generally, in relation to conversions and changes from civil partnerships into marriages or in relation to conversions and changes from marriages into civil partnerships.

(3) In this regulation—

“compelled” means compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement);

“person acting on behalf of or under the auspices of a religious body” includes any person registered under Article 11, or temporarily authorised under Article 14, of the Marriage (Northern Ireland) Order 2003(d);

“religious body” means an organised group of people meeting regularly for common religious worship;

“religious premises” means premises which—

- (a) are owned, or controlled, by a religious body or a person acting on behalf of or under the auspices of a religious body, and
- (b) are not premises where the sole or main purpose for which they are used is commercial.

## **Fees and charges**

17.—(1) The Department of Finance in Northern Ireland may by order make regulations prescribing—

- (a) the amount of the fee payable under regulation 7(3);

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(a) Part 2 of the 2014 Regulations was amended by S.I. 2016/911. Parts 3 and 4 of the 2014 Regulations are extended to Northern Ireland, and amended, by regulation 31 of these Regulations.

(b) S.S.I. 2014/361.

(c) S.I. 2014/3229.

(d) Articles 11 and 14 were amended by S.I. 2020/742, and Article 14 is modified by regulation 15 of these Regulations.

(b) fees for attendance by a registrar at a registrar's office for the purpose of officiating at the signing of the conversion declaration in a conversion under this Part—

(i) on Saturdays or Sundays, or days that are bank holidays in Northern Ireland under the Banking and Financial Dealings Act 1971(a), or

(ii) after 5 p.m. on other days.

(2) Section 17(2), (3) and (5) of the Interpretation Act (Northern Ireland) 1954 (implied power to amend or revoke, incidental power and power to make differential provision) apply in relation to power under paragraph (1) as if it were power conferred by an Act of the Northern Ireland Assembly.

(3) Orders under paragraph (1) are statutory rules for the purposes of the Statutory Rules (Northern Ireland) Order 1979(b).

(4) An order under paragraph (1) may only be made if a draft has been laid before and approved by a resolution of the Northern Ireland Assembly.

(5) If a statutory rule contains only an order under paragraph (1)(a), and the regulations made by the order prescribe for the fee payable under regulation 7(3) an amount that is not more than £30 or revoke regulations made by a previous order under paragraph (1)(a) (or do both)—

(a) paragraph (4) does not apply to the order;

(b) the order is subject to negative resolution within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954(c).

(6) The fees in force under the Schedule to the General Register Office (Fees) Order (Northern Ireland) 2016(d) for attendance by the registrar at the registrar's office at times on Monday to Friday after 5 p.m., or at times at weekends or on bank holidays, for the purpose of solemnising a civil marriage apply also for attendance by a registrar at a registrar's office at corresponding times for the purpose of officiating at the signing of the conversion declaration in a conversion under this Part.

(7) Paragraphs (1)(b) and (6) apply even where the attendance is in the year beginning with the day these Regulations come into force; and a fee under paragraph (1)(b) for attendance at a particular time is payable in place of any fee payable by virtue of paragraph (6) for attendance at that time.

(8) In relation to a conversion under this Part of a civil partnership into a marriage following the version of the two-stage procedure offered by regulation 7(6)(a) and (c)(ii), regulation 27 of the Marriage (Northern Ireland) Regulations 2003(e) (charge for attendance by registrar at approved places) has effect with the following modifications—

(a) the reference to an intended civil marriage is to be read as a reference to the intended conversion, and

(b) the reference to the solemnisation of the marriage is to be read as a reference to the date specified under regulation 8(3)(a).

(9) In relation to a conversion under this Part of a marriage into a civil partnership following the version of the two-stage procedure offered by regulation 7(6)(a) and (c)(ii), regulation 19 of the Civil Partnership Regulations (Northern Ireland) 2005(f) (charge for attendance by registrar at approved places) has effect with the following modifications—

(a) the reference to an intended civil partnership registration is to be read as a reference to the intended conversion, and

(b) the reference to the registration of the civil partnership is to be read as a reference to the date specified under regulation 9(3).

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(a) 1971 c. 80. See section 1, which was amended by the Northern Ireland Constitution Act 1973 (c. 36).

(b) S.I. 1979/1573 (N.I. 12).

(c) Section 41(6) was amended by S.I. 1999/663.

(d) S.R. 2016/205. The footnotes to the Schedule were amended by S.I. 2019/1514. The fees for out-of-hours attendance are currently £126 (weekday evenings and Saturday daytime) and £180 (Saturday evenings, and Sundays and bank holidays).

(e) S.I. 2003/468. Regulation 27 was amended by S.R. 2014/296.

(f) S.I. 2005/482. Regulation 19 was amended by S.R. 2014/297.

(10) Paragraph (8) or (9) applies even where the date mentioned in sub-paragraph (b) of that paragraph is in the year beginning with the day these Regulations come into force.

#### **Agreements to convert not enforceable at law**

**18.**—(1) A conversion agreement does not have effect as a contract giving rise to legal rights.

(2) No action lies for breach of a conversion agreement, whatever the law applicable to the agreement.

(3) In this regulation “conversion agreement” means an agreement between two people—

(a) to convert their civil partnership into a marriage, or to convert their marriage into a civil partnership, under—

(i) this Part or Part 4 or 5, or

(ii) Part 2, 3 or 4 of the 2014 Regulations, or

(b) to change their civil partnership into a marriage under—

(i) the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014, or

(ii) Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014.

(4) This regulation does not affect any action commenced before it comes into force.

## **PART 4**

### **Conversion at Consulates abroad of Marriage into Civil Partnership**

#### **Interpretation of Part 4**

**19.** In this Part—

“conversion declaration” has the meaning given by regulation 23;

“registration officer” means—

(a) a consular officer in the service of Her Majesty’s government in the United Kingdom, or

(b) in the case of a conversion under this Part in a country or territory in which Her Majesty’s government in the United Kingdom has for the time being no consular representative, a person authorised by the Secretary of State in respect of the solemnization of marriages in that country or territory;

“United Kingdom national” means a person who is—

(a) a British citizen, a British overseas territories citizen, a British overseas citizen or a British National (Overseas),

(b) a British subject under the British Nationality Act 1981(a), or

(c) a British protected person, within the meaning of that Act.

#### **Countries or territories in which consular conversions may take place**

**20.** A registration officer may facilitate the conversion pursuant to regulation 3(3)(b) of a convertible Northern Ireland marriage, where at least one of the parties is a United Kingdom national, in those countries or territories outside the United Kingdom which have notified the

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(a) 1981 c. 61. See, in particular, Part 4 (British subjects) and section 38 (British protected persons). In Part 4, section 31 was amended by the British Overseas Territories Act 2002 (c. 8), and section 33 ceased to have effect, and was repealed, by the Nationality, Immigration and Asylum Act 2002 (c. 41).

Secretary of State in writing that there is no objection to such conversions taking place in that country or territory and which have not subsequently revoked that notice.

### **Conversion**

**21.**—(1) The parties to a convertible Northern Ireland marriage are to be regarded as having converted their marriage into a civil partnership under this Part when—

- (a) the parties have completed the procedure mentioned in regulation 22,
- (b) at the invitation of the registration officer and in the presence of the registration officer and each other, each of the parties has signed the conversion declaration, and
- (c) the registration officer has also signed the conversion declaration in the presence of the parties.

(2) No religious service is to be used at a conversion under this Part.

(3) As well as signing the conversion declaration, the parties may, if they wish, say the words of the declaration in regulation 23(d) to each other in the presence of the registration officer.

(4) A conversion under this Part of a convertible Northern Ireland marriage is effective only if the signing of the conversion declaration as mentioned in paragraph (1)(b) and (c) takes place before the end of the 3 years beginning with the day these Regulations come into force.

### **Conversion procedure**

**22.** Before the parties to a convertible Northern Ireland marriage can convert their marriage into a civil partnership under this Part, they must—

- (a) attend together in person before the registration officer in consular premises,
- (b) give the registration officer the details required to complete the conversion declaration,
- (c) provide a document issued under Article 35(3)(b) of the Marriage (Northern Ireland) Order 2003 relating to the registration of their marriage, and
- (d) provide such evidence as may be required by the registration officer to satisfy the registration officer of the details provided in the conversion declaration.

### **Conversion declaration**

**23.** In this Part “the conversion declaration”, in relation to a conversion under this Part, means a document containing—

- (a) the following details for each of the parties—
  - (i) forenames;
  - (ii) surname;
  - (iii) nationality;
  - (iv) date of birth;
  - (v) sex;
  - (vi) address;
- (b) the date and place of the solemnisation of the marriage;
- (c) a statement by each party to the effect that the party has had, for the period of 28 days ending on the day the conversion declaration is signed, their usual residence within the consular district of the registration officer;
- (d) a declaration by each party in the following terms: “I solemnly and sincerely declare that we are married to each other and I know of no legal reason why we may not convert our marriage into a civil partnership. I understand that on signing this document we will be converting our marriage into a civil partnership and you will thereby become my lawful civil partner”; and

- (e) a declaration by each party that the party believes all the information and evidence given for the purposes of the conversion declaration is true.

#### **Duty to register conversions**

**24.** Where a registration officer signs a conversion declaration in accordance with regulation 21(1)(c), the details included pursuant to regulation 23(a) and (b) must be registered by the registration officer in the register maintained for the consular district under regulation 33 of the 2014 Regulations.

#### **Power to dispense with requirements**

**25.—(1)** If the Secretary of State is satisfied that there are good reasons why the requirement as to residence in regulation 23(c) cannot be complied with, the Secretary of State may authorise the registration officer to amend this part of the conversion declaration to reduce the residence period.

(2) The Secretary of State must notify the registration officer in writing of the decision to authorise the reduction of the residence period and provide a statement of the reasons for the decision.

(3) If the Secretary of State authorises the registration officer to amend the conversion declaration in accordance with paragraph (1), the registration officer must record the good reasons referred to in paragraph (1) and initial the amendment made to the conversion declaration.

## **PART 5**

### **Conversion abroad of Marriage into Civil Partnership: Armed Forces**

#### **Interpretation of Part 5**

**26.** In this Part—

- (a) “authorised person”, in relation to a conversion under this Part in a country or territory outside the United Kingdom, means a person authorised by the commanding officer of any of Her Majesty’s forces in that country or territory to conduct that conversion or conversions under this Part generally, but a chaplain serving in any of Her Majesty’s forces cannot be an authorised person for the purposes of this Part;
- (b) “conversion declaration” has the meaning given by regulation 30;
- (c) “Her Majesty’s forces” do not include any force of a country, other than the United Kingdom, that is a member of the Commonwealth;
- (d) “relevant civilian” means a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006<sup>(a)</sup>) who performs in support of Her Majesty’s forces any of the following functions: administrative, executive, judicial, clerical, typing, duplicating, machine operating, paper keeping, managerial, professional, scientific, experimental, technical, industrial or labouring functions;
- (e) a reference to a country or territory includes (except in paragraph (c)) a reference to the waters of a country or territory;
- (f) a reference to Her Majesty’s forces serving in a country or territory includes a reference to such forces serving in a ship in the waters of a country or territory;
- (g) a reference to a relevant civilian employed in a country or territory includes a reference to such a civilian employed in a ship in the waters of a country or territory.

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(a) 2006 c. 52. See section 370 and Schedule 15.

### **Countries and territories in which conversions under this Part may take place**

**27.**—(1) An authorised person may facilitate the conversion pursuant to regulation 3(3)(b) of a convertible Northern Ireland marriage in those countries or territories outside the United Kingdom which have notified the Secretary of State in writing that there is no objection to such conversions taking place in that country or territory and which have not subsequently revoked that notice, where at least one of the parties to the marriage—

- (a) is a member of Her Majesty’s forces serving in the country or territory in which it is proposed they convert their marriage,
- (b) is a relevant civilian employed in that country or territory, or
- (c) is a child of a person falling within sub-paragraph (a) or (b), and whose home is with that person in that country or territory.

(2) In a case where one person (“P”) treats, or has treated, another person (“C”) as a child of the family in relation to—

- (a) a marriage to which P is or was a party, or
- (b) a civil partnership to which P is or was a party,

C is to be regarded for the purposes of paragraph (1)(c) as the child of P.

### **Conversion**

**28.**—(1) The parties to a marriage are to be regarded as having converted their marriage into a civil partnership under this Part when—

- (a) the parties have completed the procedure mentioned in regulation 29,
- (b) at the invitation of the authorised person and in the presence of the authorised person and of each other, each of the parties has signed the conversion declaration, and
- (c) the authorised person has also signed the conversion declaration in the presence of the parties.

(2) No religious service is to be used at a conversion under this Part.

(3) As well as signing the conversion declaration, the parties may, if they wish, say the words of the declaration in regulation 30(d) to each other in the presence of the authorised person.

(4) A conversion under this Part of a convertible Northern Ireland civil partnership is effective only if the signing of the conversion declaration as mentioned in paragraph (1)(b) and (c) takes place before the end of the 3 years beginning with the day these Regulations come into force.

### **Conversion procedure**

**29.** Before the parties to a convertible Northern Ireland marriage can convert their marriage into a civil partnership under this Part, they must—

- (a) attend together in person before the authorised person,
- (b) give the authorised person the details required to complete the conversion declaration,
- (c) provide a document issued under Article 35(3)(b) of the Marriage (Northern Ireland) Order 2003 relating to the registration of their marriage, and
- (d) provide such evidence as may be required by the authorised person to satisfy the authorised person of the details provided in the conversion declaration.

### **Conversion declaration**

**30.** In this Part “the conversion declaration”, in relation to a conversion under this Part, means a document containing—

- (a) the following details for each of the parties—
  - (i) forenames;

- (ii) surname;
- (iii) nationality;
- (iv) date of birth;
- (v) sex;
- (vi) address;
- (b) in respect of each of the parties who falls within one of the descriptions in regulation 27(1)—
  - (i) where that person is a member of Her Majesty’s forces serving in the country or territory in which the conversion is proposed to take place, the name and location of the unit in which that person is serving;
  - (ii) where that person is a relevant civilian employed in that country or territory, the name and location of the post where that person is employed;
  - (iii) where that person falls within the description in regulation 27(1)(c) (but does not fall within either sub-paragraph (a) or (b) of regulation 27(1)), the information referred to in sub-paragraph (i) or (ii) (as the case may be) about each of that person’s parents who falls within the description in regulation 27(1)(a) or (b);
- (c) the date and place of the solemnisation of the marriage;
- (d) a declaration by each party in the following terms: “I solemnly and sincerely declare that we are married to each other and I know of no legal reason why we may not convert our marriage into a civil partnership. I understand that on signing this document we will be converting our marriage into a civil partnership and you will thereby become my lawful civil partner”; and
- (e) a declaration by each party that the party believes all the information and evidence given for the purposes of the conversion declaration is true.

## PART 6

### Conversion abroad of Civil Partnership into Marriage

**31.—**(1) Parts 1, 3 and 4 of the 2014 Regulations<sup>(a)</sup>, except regulation 40, extend also to Northern Ireland.

(2) Those Regulations (as they have effect in accordance with paragraph (1)) are amended as follows.

(3) In regulation 2 (interpretation)—

- (a) in the definition of “civil partnership”—
  - (i) before “means” insert “(except in the definition of “convertible Northern Ireland civil partnership”)”, and
  - (ii) after paragraph (b) insert—
    - “,
    - and, in Parts 3 and 4 of these Regulations, also includes a convertible Northern Ireland civil partnership between two people who are of the same sex;”;
- (b) in the definition of “conversion”, after “2013 Act” insert “and, in Parts 3 and 4 of these Regulations and in the definition of “authorised person” in this regulation, also includes the conversion of a convertible Northern Ireland civil partnership into a marriage”;
- (c) after the definition of “conversion register” insert—
  - ““convertible Northern Ireland civil partnership” means—

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<sup>(a)</sup> In Part 1, the definition of “civil partnership” in regulation 2 was amended by S.I. 2019/1458. Regulation 2 was also amended by S.I. 2016/911.

- (a) a civil partnership formed by two people registering as civil partners of each other in Northern Ireland under Part 4 of the Civil Partnership Act 2004,
  - (b) a civil partnership formed by two people registering as civil partners of each other under the Civil Partnership (Registration Abroad and Certificates) Order 2005 (registration at British consular premises abroad) if Northern Ireland was the relevant part (as defined by article 4(5) of the Order) of the United Kingdom, or
  - (c) a civil partnership formed by two people registering as civil partners of each other under the Civil Partnership (Armed Forces) Order 2005 (registration abroad where at least one party has armed-forces connection) if Northern Ireland was the part of the United Kingdom identified under article 5 of the Order;”.
- (4) In regulation 30, after paragraph (3) insert—
- “(4) A conversion under this Part of a convertible Northern Ireland civil partnership is effective only if the signing of the conversion declaration as mentioned in paragraph (1)(b) and (c) takes place before the end of the 3 years beginning with the day the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 come into force.”.
- (5) In regulation 31(c), after “civil partnership”, in the second place it occurs, insert “or, if the conversion is of a convertible Northern Ireland civil partnership, a document issued under section 155(3)(b) of the Civil Partnership Act 2004 relating to the registration of their civil partnership”.
- (6) In regulation 33, after paragraph (3) insert—
- “(4) Where the Registrar General for England and Wales receives under paragraph (2) a copy of an entry relating to—
- (a) the conversion of a convertible Northern Ireland civil partnership into a marriage, or
  - (b) the conversion, under Part 4 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, of a marriage into a civil partnership,
- the Registrar General for England and Wales must send a certified copy of the entry to the Registrar General for Northern Ireland.
- (5) A copy of an entry sent to the Registrar General for Northern Ireland under paragraph (4)(a) is a marriage registration record for the purposes of Article 35 of the Marriage (Northern Ireland) Order 2003(a).
- (6) A copy of an entry sent to the Registrar General for Northern Ireland under paragraph (4)(b) is a civil partnership registration record for the purposes of section 155 of the Civil Partnership Act 2004(b).”.
- (7) In regulation 37, after paragraph (2) insert—
- “(3) A conversion under this Part of a convertible Northern Ireland civil partnership is effective only if the signing of the conversion declaration as mentioned in paragraph (1)(b) and (c) takes place before the end of the 3 years beginning with the day the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 come into force.”.
- (8) In regulation 38(c), after “civil partnership”, in the second place it occurs, insert “or, if the conversion is of a convertible Northern Ireland civil partnership, a document issued under section 155(3)(b) of the Civil Partnership Act 2004 relating to the registration of their civil partnership”.

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(a) Article 35(5) to (8) were added by the Civil Registration Act (Northern Ireland) 2011 (c.20 (N.I.)).  
 (b) Section 155(6) to (9) were added by the Civil Registration Act (Northern Ireland) 2011.

## PART 7

### Amendments of Legislation

#### Wills Act 1837

**32.**—(1) The Wills Act 1837(a) is amended as follows.

(2) In section 18 (wills revoked by marriage), in subsection (5) (wills not revoked by marriage resulting from conversion), before the “or” at the end of paragraph (a) insert—

“(aa) the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;

(ab) the conversion of a civil partnership into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations(b);”.

(3) In section 18B (wills revoked by civil partnership)—

(a) in subsection (1), for “(6)” substitute “(7)”, and

(b) after subsection (6) insert—

“(7) Nothing in this section applies in the case of a civil partnership which results from the conversion of a marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

(4) In section 18D(6) (effect on wills of conversion of civil partnership into marriage: meaning of “conversion”), after paragraph (a) insert—

“(aa) the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;

(ab) the conversion of a civil partnership into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations;”.

(5) After section 18D insert—

#### **“Effect on subsisting will of conversion of marriage into civil partnership**

**18E.**—(1) The conversion of a marriage into a civil partnership does not—

(a) revoke any will made by a party to the marriage before the conversion; or

(b) affect any disposition in such a will.

(2) The conversion of a marriage into a civil partnership does not affect any previous application of section 18(2) to (4) to—

(a) a will made by a party to the marriage before the conversion; or

(b) a disposition in such a will.

(3) Subsections (1) and (2) are subject to subsection (4).

(4) Any reference in a will to a marriage or spouses (howsoever expressed) is to be read in relation to any marriage that has been converted into a civil partnership, or a married

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(a) 1837 c. 26. Section 18 was substituted by the Administration of Justice Act 1982 (c. 53), and repealed (so far as extending to Northern Ireland) by S.I. 1994/1899 (N.I. 13) with effect from 1.1.1995 (see S.R. 1994/372). Section 18(1) was amended, and sections 18(5) and 18D were inserted, by S.I. 2014/3168. Section 18B was inserted by the Civil Partnership Act 2004 (c. 33).

(b) The definition of “convertible Northern Ireland civil partnership” is inserted by regulation 31 of these Regulations.

couple who have converted their marriage into a civil partnership, as referring to that civil partnership or the parties to it, as appropriate.

(5) Subsection (4) is subject to any contrary intention appearing from the will.

(6) In this section “conversion” means—

- (a) the conversion of a marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020; or
- (b) the conversion of a marriage into a civil partnership under Part 4 or 5 of those Regulations;

and “converted” is to be read accordingly.”.

### **Services Departments Registers Order 1959**

**33.**—(1) The Services Departments Registers Order 1959(a) is amended as follows.

(2) In article 1(2) (“marriages” includes those resulting from conversion), before the “and” at the end of sub-paragraph (a) insert—

“(aa) the conversion of a convertible Northern Ireland civil partnership under Part 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 (conversion abroad where there is an armed-forces connection);”.

(3) In article 1, after paragraph (3) insert—

“(4) In this Order, “civil partnerships” includes civil partnerships which result from the conversion of a convertible Northern Ireland marriage under Part 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (conversion abroad where there is an armed-forces connection).

(5) In this Order—

“convertible Northern Ireland civil partnership” means—

- (a) a civil partnership formed by two people registering as civil partners of each other in Northern Ireland under Part 4 of the Civil Partnership Act 2004,
- (b) a civil partnership formed by two people registering as civil partners of each other under the Civil Partnership (Registration Abroad and Certificates) Order 2005 (registration at British consular premises abroad) if Northern Ireland was the relevant part (as defined by article 4(5) of the Order) of the United Kingdom, or
- (c) a civil partnership formed by two people registering as civil partners of each other under the Civil Partnership (Armed Forces) Order 2005 (registration abroad where at least one party has armed-forces connection) if Northern Ireland was the part of the United Kingdom identified under article 5 of the Order;

“convertible Northern Ireland marriage” means—

- (a) a marriage solemnised in Northern Ireland,
- (b) a marriage solemnised under Part 2 of the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014 (solemnisation at British consular premises abroad) if Northern Ireland was the relevant part (as defined by article 3 of the Order) of the United Kingdom,
- (c) a marriage solemnised under the Overseas Marriage (Armed Forces) Order 2014 (solemnisation abroad where at least one party has armed-forces connection) if Northern Ireland was the relevant part (as defined by article 4 of the Order) of the United Kingdom, or
- (d) a marriage otherwise formed under the law of Northern Ireland.”.

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(a) S.I. 1959/406. Article 1(2) and (3), and article 3(2)(d) to (f) and (4)(c)(ii) to (iv), were inserted by S.I. 2014/3061, and extended to Northern Ireland by regulation 149(c) of S.I. 2019/1514. Article 3(4)(d) was inserted, and article 7(5) was amended, by S.I. 2005/3186.

(4) In article 3(2) (which in sub-paragraphs (a) to (f) lists the qualified informants whose signatures do not need to be attested), before the “or” at the end of sub-paragraph (e) insert—

“(ea) a person who has carried out a conversion of a convertible Northern Ireland civil partnership into a marriage under Part 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 (conversion abroad where there is an armed-forces connection),

(eb) a person who has carried out a conversion of a convertible Northern Ireland marriage into a civil partnership under Part 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 (conversion abroad where there is an armed-forces connection),”.

(5) In article 3(4)(c) (meaning of “qualified informant” in relation to a marriage), before the “or” at the end of paragraph (iii) insert—

“(iiia) the person who has carried out a conversion of a convertible Northern Ireland civil partnership under Part 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014;”.

(6) In article 3(4)(d) (meaning of “qualified informant” in relation to a civil partnership), for “, either party to the civil partnership.” substitute—

“—

(i) either party to the civil partnership, or

(ii) the person who has carried out a conversion of a convertible Northern Ireland marriage under Part 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

(7) In article 7 (transmission of entries and registers to Registrars General), after paragraph (5) insert—

“(6) If—

(a) it appears to the Registrar General for England and Wales that a certified copy of an entry in register transmitted to him under this Order records—

(i) the conversion of a convertible Northern Ireland civil partnership into a marriage, or

(ii) the conversion of a convertible Northern Ireland marriage into a civil partnership, and

(b) a copy of that entry would not otherwise be sent,

the Registrar General for England and Wales must send a copy of the entry to the Registrar General for Northern Ireland.

(7) A copy of an entry which—

(a) records the conversion of a convertible Northern Ireland civil partnership into a marriage, and

(b) is sent to the Registrar General for Northern Ireland under paragraph (5) or (6),

is a marriage registration record for the purposes of Article 35 of the Marriage (Northern Ireland) Order 2003.

(8) A copy of an entry which—

(a) records the conversion of a convertible Northern Ireland marriage into a civil partnership, and

(b) is sent to the Registrar General for Northern Ireland under paragraph (5) or (6),

is a civil partnership registration record for the purposes of section 155 of the Civil Partnership Act 2004.”.

## **Legitimacy Act (Northern Ireland) 1961**

**34.** In section 2 of the Legitimacy Act (Northern Ireland) 1961(a) (children of certain void marriages, and certain void civil partnerships, treated as legitimate), after subsection (3) insert—

“(3A) Where a void marriage results from the purported conversion of a void civil partnership, references in subsections (1) and (2B) to the time of the celebration of the marriage are to be read as references to the time of the formation of the civil partnership; and where a void civil partnership results from the purported conversion of a void marriage, references in subsections (1) and (2B) to the time of the formation of the civil partnership are to be read as references to the time of the celebration of the marriage.”.

## **Social Security Pensions (Northern Ireland) Order 1975**

**35.—**(1) Article 69 of the Social Security Pensions (Northern Ireland) Order 1975(b) (increase of official pensions) is amended in accordance with paragraphs (2) to (7).

(2) In paragraph (5ZB), for sub-paragraph (a) substitute—

“(a) in the case of a pension payable to a woman in respect of the services—

- (i) of her deceased male spouse,
  - (ii) of her deceased female spouse in a relevant gender change case,
  - (iii) of her deceased male civil partner, or
  - (iv) of her deceased female civil partner in a relevant gender change case,
- one half of the rate of the deceased spouse’s, or deceased civil partner’s, guaranteed minimum pension at the relevant time;”.

(3) In paragraph (5ZB)(b)—

- (a) for the words from “a widower’s” to “2019,” substitute “any other surviving spouse’s pension,”, and
- (b) for “wife’s” substitute “spouse’s”.

(4) In paragraph (5ZB)(c), for “case of a” substitute “case of any other”.

(5) In paragraph (5ZC), for sub-paragraph (a) substitute—

“(a) does not apply to a pension payable to the survivor of a couple in respect of any service of the deceased member of the couple if—

- (i) the deceased member’s pension in respect of that service became payable before 24th September 1990,
- (ii) a marriage between the couple is solemnised at a time (whether or not before the deceased member’s pension in respect of that service became payable) when one of them is a man and the other is a woman and they are not civil partners, and
- (iii) at the deceased member’s death (and whether or not the couple are still not of the same sex), the couple are parties to that marriage or to the civil partnership resulting from conversion of that marriage;”.

(6) In paragraph (7), after the definition of “beginning date” insert—

““conversion”, in relation to a marriage, means—

- (a) the conversion of that marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or

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(a) 1961 c. 5 (N.I.). Section 2 was amended by S.I. 1995/755 (N.I. 2) and regulation 24 of S.I. 2019/1514.

(b) S.I. 1975/1503 (N.I. 15). Article 69(5ZA), and the definition of “widower’s pension” in Article 69(7), were inserted by Article 7 of S.I. 1990/1509 (N.I. 13). Article 69(5ZA) was amended, and Article 69(5ZB) and (5ZC) were inserted, by section 110 of the Pensions (No. 2) Act (Northern Ireland) 2008 (c. 13 (N.I.)). Article 69(5ZB) and (5ZC) were amended by S.I. 2019/1514. There are also amendments of the provisions of Article 69 not being amended by these Regulations.

(b) the conversion of that marriage into a civil partnership under Part 4 or 5 of those Regulations;”.

(7) In paragraph (7), after the definition of “lump sum” insert—

““relevant gender change case” means a case where—

(a) the deceased spouse, or deceased civil partner, was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004(a), and

(b) the marriage of the deceased spouse and the surviving spouse (that ends with the deceased spouse’s death), or the civil partnership of the deceased civil partner and the surviving civil partner (that ends with the deceased civil partner’s death), subsisted before the time when the certificate was issued;”.

(8) In consequence of paragraphs (2) and (3), in the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019(b) omit regulation 61(2) and (3).

### **Social Security Pensions Act 1975**

**36.**—(1) Section 59 of the Social Security Pensions Act 1975(c) is amended in accordance with paragraphs (2) to (4).

(2) In subsection (5ZC), for paragraph (a) substitute—

“(a) does not apply to a pension payable to the survivor of a couple in respect of any service of the deceased member of the couple if—

(i) the deceased member’s pension in respect of that service became payable before 24 July 1990,

(ii) a marriage between the couple is solemnised at a time (whether or not before the deceased member’s pension in respect of that service became payable) when one of them is a man and the other is a woman and they are not civil partners, and

(iii) at the deceased member’s death (and whether or not the couple are still not of the same sex), the couple are parties to that marriage or to the civil partnership resulting from conversion of that marriage;”.

(3) In subsection (5ZC)(b), for “(other than a pension within paragraph (a)(iii) or (iv))” substitute “(other than such a pension in respect of the services of the deceased spouse in a relevant gender change case)”.

(4) In subsection (7), after the definition of “beginning date” insert—

““conversion”, in relation to a marriage, means—

(a) the conversion of that marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or

(b) the conversion of that marriage into a civil partnership under Part 4 or 5 of those Regulations;”.

(5) In consequence of paragraphs (2) and (3)—

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(a) 2004 c. 7. For the main provisions about full certificates see sections 4 to 11D of the Act, as amended by the Civil Partnership Act 2004 (c. 33), the Crime and Courts Act 2013 (c. 22), the Marriage (Same Sex Couples) Act 2013 (c. 30), the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), S.I. 2014/3229, S.I. 2019/1458 and S.I. 2019/1514.

(b) S.I. 2019/1514.

(c) 1975 c. 60. Section 59(5ZC) was inserted by section 137 of the Pensions Act 2008 (c. 30) with effect from 13th March 2014 (see S.I. 2014/463). In section 59 so far as extending to England and Wales, subsection (5ZC)(a) was substituted and subsection (5ZC)(b) was amended by paragraph 2(3) of Schedule 3 to S.I. 2014/560 (with effect from 13th March 2014), and subsection (5ZC)(a) and (b) were amended and in subsection (7) the definition of “relevant gender change case” was inserted by paragraph 8(3) and (4) of the Schedule to S.I. 2014/3168 (with effect from 10th December 2014). In section 59 so far as extending to Scotland, subsection (5ZC)(a) was substituted and subsection (5ZC)(b) was amended and in subsection (7) the definition of “relevant gender change case” was inserted by S.I. 2014/3229 (with effect from 16th December 2014).

- (a) in paragraph 2(3) of Schedule 3 to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014<sup>(a)</sup> omit paragraph (a), and
- (b) omit paragraph 8(3) of 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<sup>(b)</sup>.

**Matrimonial Causes (Northern Ireland) Order 1978**

**37.**—(1) The Matrimonial Causes (Northern Ireland) Order 1978<sup>(c)</sup> is amended as follows.

(2) In Article 13 (grounds on which a marriage is void), after paragraph (2) insert—

“(3) Paragraph (4) applies in the case of a marriage which results from the conversion, or purported conversion, of a civil partnership into a marriage—

- (a) under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
- (b) under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.

(4) The marriage is void if (but only if) the civil partnership was void.”.

(3) After Article 14<sup>(d)</sup> insert—

**“Marriage converted from a civil partnership: when voidable**

**14A.**—(1) Paragraphs (2) and (3) apply in the case of a marriage which results from the conversion of a civil partnership into a marriage—

- (a) under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
- (b) under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.

(2) Article 14 applies in relation to the marriage, but does so as if—

- (a) paragraphs (a) and (b) were omitted,
- (b) the reference in paragraph (c) to either party not validly consenting to the marriage were a reference to either party not validly consenting to the formation of the civil partnership, and
- (c) a reference in paragraphs (d) to (h) to the time of the marriage were a reference to the time the civil partnership was formed.

(3) Article 16 applies in relation to the marriage as if—

- (a) the reference in paragraph (1)(a) to having the marriage avoided were a reference to having the marriage avoided or (at times before the conversion) to obtaining a nullity order in respect of the civil partnership,
- (b) a reference in paragraph (2), (4) or (5) to the date of the marriage were a reference to the date the civil partnership was formed, and
- (c) the reference in paragraph (3) to the time of the marriage were a reference to the time the civil partnership was formed.”.

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(a) S.I. 2014/560.

(b) S.I. 2014/3168.

(c) S.I. 1978/1045 (N.I. 15).

(d) In Article 14, paragraph (d) was amended by S.I. 1986/595 (N.I. 4), and paragraphs (g) and (h) were inserted by the Gender Recognition Act 2004. In Article 16, paragraph (2) was substituted, and paragraphs (4) and (5) were inserted, by S.I. 1989/677 (N.I. 4), and amendments were made by the Gender Recognition Act 2004.

## **Social Security Contributions and Benefits Act 1992**

**38.**—(1) The Social Security Contributions and Benefits Act 1992(a) is amended as follows.

(2) In section 48(5) as inserted by paragraphs 29 and 30 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (civil partnerships that are to be treated as not coming to an end when converted into a marriage), after “2013” insert “or Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 or Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014”.

(3) In section 48(5) as inserted by paragraph 2(1) and (7) of Schedule 4 to the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (civil partnerships that are to be treated as not coming to an end when converted into a marriage), in paragraph (a), after “2013” insert “or Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 or Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014”.

(4) In section 48, at the end insert—

“(6) For the purposes of this section, a marriage is not to be treated as having terminated by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

(5) In section 48A, after subsection (6) insert—

“(6A) For the purposes of subsection (5)(b), a person is not to be treated as having ceased to be in a civil partnership by reason of its having been converted into a marriage under—

- (a) Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
- (b) Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where the civil partnership is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.

(6B) For the purposes of subsection (5)(b), a person is not to be treated as having ceased to be married by reason of the person’s marriage having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

## **Social Security Contributions and Benefits (Northern Ireland) Act 1992**

**39.**—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992(b) is amended as follows.

(2) In each of sections 48(5)(a)(i) and 48A(6A)(a)(i) (civil partnerships that are to be treated as not coming to an end when converted into a marriage), after “converted into a marriage under” insert “Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 or”.

(3) In section 48, after subsection (5) insert—

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- (a) 1992 c. 4. A version of section 48(5) was inserted by paragraphs 29 and 30 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (c. 30) and, by virtue of section 20(7)(a) of that Act, extended to England and Wales only. A further version of section 48(5) was inserted by paragraph 2(7) of Schedule 4 to S.I. 2014/3229 (“the 2014 Order”). Under article 3 of the 2014 Order, the version of section 48(5) inserted by the 2014 Order extended to England and Wales, and Scotland. However, that version did not purport to replace the version inserted by the 2013 Act. And although the 2014 Order purported to repeal paragraphs 29 and 30 of Schedule 7 to the 2013 Act, under article 3 of the 2014 Order that repeal extended only to Scotland, even though those paragraphs extended only to England and Wales. Other amendments were made to section 48 by Schedule 24 to the Civil Partnership Act 2004 and Schedule 12 to the Pensions Act 2014. Section 48A was substituted by the Pensions Act 1995 and further substituted by the Pensions Act 2014.
  - (b) 1992 c. 7. Section 48A was substituted by S.I. 1995/3213 (N.I. 22) and was further substituted by paragraph 52 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 (c.5 (N.I.)). Sections 48(5) and 48A(6A) were inserted by S.I. 2019/1514.

“(6) For the purposes of this section, a marriage is not to be treated as having terminated by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

(4) In section 48A, after subsection (6A) insert—

“(6B) For the purposes of subsection (5)(b), a person is not to be treated as having ceased to be married by reason of the person’s marriage having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

### **Pension Schemes (Northern Ireland) Act 1993**

**40.—**(1) The Pension Schemes (Northern Ireland) Act 1993(a) is amended as follows.

(2) In section 13(2) (minimum pensions for surviving spouses and civil partners)—

(a) after paragraph (b) insert—

“(ba) if the earner is a man, or a woman in a relevant gender change case, who has a guaranteed minimum under that section, the weekly rate of the surviving civil partner’s pension in the case of a surviving civil partner who is a woman will be not less than the widow’s guaranteed minimum;”, and

(b) in paragraph (c), at the beginning insert “subject to paragraph (ba),”.

(3) In section 13(12) (meaning of “relevant gender change case”), in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner,”.

(4) In section 20D (survivors’ benefits)—

(a) in subsection (3), before “a civil partner” insert “(subject to subsection (3A))”,

(b) after subsection (3) insert—

“(3A) The third benefit is that if the earner is a man, or a woman in a relevant gender change case, who is a civil partner and the earner dies (whether before or after attaining normal pension age) leaving a surviving civil partner who is a woman, she is entitled to a pension of at least half the value of the pension to which the earner would have been entitled by reference to employment during the period—

(a) beginning with 6th April 1978, and

(b) ending with 5th April 1997.”, and

(c) in subsection (4) (meaning of “relevant gender change case”), in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner,”.

(5) In section 33 (alteration of rules of contracted-out schemes)—

(a) in subsection (5)(d), after “with an earner” insert “, except for a surviving civil partner who is a woman in the case of an earner to whom subsection (5A) applies”,

(b) after subsection (5) insert—

“(5A) This subsection applies to an earner who is—

(a) a man, or

(b) a woman in a relevant gender change case.”, and

(c) in subsection (6) (meaning of “relevant gender change case”)—

(i) for the words from the beginning to “subsection (5)(c)” substitute “A reference in subsection (5)(c) or (d) or (5A)”, and

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(a) 1993 c. 49. Section 13(2) was amended by S.I. 2005/433 and 2019/1514. Section 13(12) was inserted by S.I. 2019/1514. Section 20D was inserted by the Pensions Act (Northern Ireland) 2008 (c. 1 (N.I.)) and amended by S.I. 2019/1514. Section 33(1) to (3) were substituted by the Pensions Act (Northern Ireland) 2015. Sections 33(4) to (7) and 34A were inserted by S.I. 2019/1514.

- (ii) in paragraph (b), after “widow” insert “, or the civil partnership between the earner and her surviving civil partner,”.
- (6) In section 34A (regulations about relevant gender change cases)—
  - (a) in subsection (2)(a), after “couples” insert “or civil partnerships where the civil partners are of the same sex”,
  - (b) in subsection (2)(b), after “couples” insert “or civil partners”, and
  - (c) in subsection (6)(c), after “couples” insert “, or civil partners who are of the same sex,”.

**Wills and Administration Proceedings (Northern Ireland) Order 1994**

**41.**—(1) The Wills and Administration Proceedings (Northern Ireland) Order 1994(a) is amended as follows.

- (2) In Article 12 (wills revoked by marriage)—
  - (a) in paragraph (1), for “(4)” substitute “(5)”, and
  - (b) after paragraph (4) insert—
    - “(5) Nothing in this Article applies in the case of a marriage which results from—
      - (a) the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
      - (b) the conversion of a civil partnership into a marriage under Part 2, 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014; or
      - (c) the changing of a civil partnership into a marriage under—
        - (i) the Marriage (Scotland) Act 1977(b);
        - (ii) the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014; or
        - (iii) Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014.”.
- (3) In Article 13A (wills revoked by civil partnership)—
  - (a) in paragraph (1), for “(6)” substitute “(7)”, and
  - (b) after paragraph (6) insert—
    - “(7) Nothing in this Article applies in the case of a civil partnership which results from—
      - (a) the conversion of a marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020; or
      - (b) the conversion of a marriage into a civil partnership under Part 4 or 5 of those Regulations.”.
- (4) After Article 13B insert—

**“Effect on subsisting will of conversion of civil partnership into marriage**

- 13C.**—(1) The conversion of a civil partnership into a marriage does not—
- (a) revoke any will made by a party to the civil partnership before the conversion; or
  - (b) affect any disposition in such a will.

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(a) S.I. 1994/1899 (N.I. 13). Articles 13A and 13B were inserted by Schedule 14 to the Civil Partnership Act 2004 (c. 33).  
 (b) 1977 c. 15. See, in particular, section 5(4)(b) as amended by the Civil Partnership Act 2004 and by the Marriage and Civil Partnership (Scotland) Act 2014 (no legal impediment to marriage between civil partners in qualifying civil partnership as defined by section 5(6) of the 1977 Act as substituted by S.S.I. 2015/371). See also section 11 of that 2014 Act.

(2) The conversion of a civil partnership into a marriage does not affect any previous application of Article 13A(2) to (6) to—

- (a) a will made by a party to the civil partnership before the conversion; or
- (b) a disposition in such a will.

(3) Paragraphs (1) and (2) are subject to paragraph (4).

(4) Any reference in a will to a civil partnership or civil partners (howsoever expressed) is to be read in relation to any civil partnership that has been converted into a marriage, or civil partners who have converted their civil partnership into a marriage, as referring to that marriage or married couple, as appropriate.

(5) Paragraph (4) is subject to any contrary intention appearing from the will.

(6) In this Article “conversion” means—

- (a) the conversion of a civil partnership into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
- (b) the conversion of a civil partnership into a marriage under Part 2, 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014; or
- (c) the changing of a civil partnership into a marriage under—
  - (i) the Marriage (Scotland) Act 1977;
  - (ii) the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014; or
  - (iii) Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014.

### **Effect on subsisting will of conversion of marriage into civil partnership**

**13D.**—(1) The conversion of a marriage into a civil partnership does not—

- (a) revoke any will made by a party to the marriage before the conversion; or
- (b) affect any disposition in such a will.

(2) The conversion of a marriage into a civil partnership does not affect any previous application of Article 12(2) to (4) to—

- (a) a will made by a party to the marriage before the conversion; or
- (b) a disposition in such a will.

(3) Paragraphs (1) and (2) are subject to paragraph (4).

(4) Any reference in a will to a marriage or spouses (howsoever expressed) is to be read in relation to any marriage that has been converted into a civil partnership, or a married couple who have converted their marriage into a civil partnership, as referring to that civil partnership or the parties to it, as appropriate.

(5) Paragraph (4) is subject to any contrary intention appearing from the will.

(6) In this Article “conversion” means—

- (a) the conversion of a marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020; or
- (b) the conversion of a marriage into a civil partnership under Part 4 or 5 of those Regulations.”.

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

42. In regulation 8 of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003(a), after paragraph (3) (requirements which may be imposed in the case of employment for the purposes of an organised religion) insert—

“(4) In paragraph (3)(b) “a requirement related to sexual orientation” includes (without prejudice to the generality of that expression)—

- (a) a requirement not to be married to, or the civil partner of, a person of the same sex; and
- (b) a requirement not to be the civil partner of a person of the opposite sex.”.

### **Gender Recognition Act 2004**

43. In paragraph 15(7) of Schedule 5 to the Gender Recognition Act 2004 (effect of issue of full recognition certificate on guaranteed minimum entitlement to survivors’ pension benefits), after “widow or widower” insert “or surviving civil partner”.

### **Civil Partnership Act 2004**

44.—(1) The Civil Partnership Act 2004(b) is amended as follows.

(2) In section 1(1) (formation and deemed formation of civil partnerships), after paragraph (b) insert—

“, or

- (c) which results from the conversion, under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, of their marriage.”.

(3) In section 1(3) (ways in which a civil partnership may end), after paragraph (c) insert—

“, or

- (d) in the case of a civil partnership formed as mentioned in subsection (1)(a)(iii) or (iv), on the conversion of the civil partnership into a marriage—
  - (i) under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
  - (ii) under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014.”.

(4) In section 54 (validity in England and Wales of civil partnerships formed elsewhere), after subsection (2) insert—

“(2A) Where two people convert, or purport to convert, their marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, the civil partnership is—

- (a) void, if it would be void in Northern Ireland under section 173, and
- (b) voidable, if it would be voidable there under section 174.”.

(5) In section 173 (grounds on which a civil partnership is void)—

- (a) the existing text becomes subsection (1) of that section, and
- (b) after that subsection insert—

“(2) Subsection (3) applies in the case of a civil partnership which results from the conversion, or purported conversion, of a marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.

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(a) S.R. 2003/497.

(b) Section 1 was amended by the Marriage (Same Sex Couples) Act 2013 (c. 30), the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), S.I. 2019/1458 and S.I. 2019/1514, and is prospectively amended by the Civil Partnership (Scotland) Act 2020 (asp 15).

- (3) The civil partnership is void if (but only if) the marriage was void.”.
- (6) After section 174 insert—

**“Civil partnership converted from a marriage: when voidable**

**174A.**—(1) Subsections (2) and (3) apply in the case of a civil partnership which results from the conversion of a marriage into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.

(2) Section 174(1) applies in relation to the civil partnership, but does so as if—

- (a) the reference in paragraph (a) to either party not validly consenting to the formation of the civil partnership were a reference to either party not validly consenting to the marriage, and
- (b) a reference in paragraphs (b) to (e) to the time of the civil partnership’s formation were a reference to the time of the marriage.

(3) Section 175 applies in relation to the civil partnership as if—

- (a) the reference in subsection (1)(a) to obtaining a nullity order were a reference to obtaining a nullity order or (at times before the conversion) to having the marriage avoided,
- (b) the reference in subsection (2) to the date of the formation of the civil partnership were a reference to the date of the marriage, and
- (c) the reference in subsection (6) to the time of the formation of the civil partnership were a reference to the time of the marriage.”.

**Income Tax Act 2007**

**45.**—(1) In Part 3 of the Income Tax Act 2007(a) (personal reliefs), Chapter 3 (tax reductions for married couples and civil partners: persons born before 6th April 1935) is amended as follows.

(2) After section 43 insert—

**“Meaning of “relevant conversion”**

**43A.** For the purposes of this Chapter, a civil partnership between two people results from a relevant conversion if—

- (a) the civil partnership results from—
  - (i) the conversion of their marriage into a civil partnership under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020, or
  - (ii) the conversion of their marriage into a civil partnership under Part 4 or 5 of those Regulations, and
- (b) the marriage took place before 5 December 2005.”.

(3) In section 44 (election for new rules to apply)—

- (a) in subsection (1), after “2005” insert “, or by the civil partners in a civil partnership which results from a relevant conversion,”, and
- (b) in subsection (3)(a), after “marriage” insert “or civil partnership”.

(4) In section 45 (marriages before 5th December 2005: man’s entitlement to tax reduction)—

- (a) in subsection (1)(b) (man must meet conditions in subsection (2)), after “(2)” insert “or the conditions set out in subsection (2A)”.

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(a) 2007 c. 3. Sections 45(1) and (3), 47(4) and 48(4) were amended by the Statute Law (Repeals) Act 2013 (c. 2). The amount in section 45(3)(a) was most recently updated by S.I. 2020/343.

- (b) after subsection (2) insert—
  - “(2A) The conditions are that—
    - (a) for the whole or part of the tax year he is in a civil partnership and his female civil partner is living with him,
    - (b) the civil partnership results from a relevant conversion and no election for the new rules to apply is in force for the tax year,
    - (c) he or his civil partner was born before 6 April 1935, and
    - (d) he meets the requirements of section 56 (residence etc).”, and
  - (c) in subsection (3)(a), after “wife” insert “or civil partner”.

(5) In section 46 (marriages and civil partnerships on or after 5th December 2005, and earlier marriages where election made for new rules to apply), in subsection (2) (conditions for spouse or civil partner with higher net income to be entitled to tax reduction), in paragraph (b), after “if the marriage took place before that date” insert “or if the civil partnership results from a relevant conversion”.

(6) In each of sections 47(4)(a) and 48(4)(a), after “spouse” insert “or civil partner”.

(7) In section 54(4)(b), after “45(2)” insert “or (2A)”.

### **Consular Fees Order 2012**

**46.** In the table in Part 1 of Schedule 1 to the Consular Fees Order 2012(a), in row 12 (fees for marriages, civil partnerships and conversions), column 2—

- (a) after “registering” insert “a civil partnership;”, and
- (b) at the end insert “; or converting a marriage into a civil partnership under Part 4 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020”.

### **Pensions Act 2014**

**47.** In paragraph 4 of Schedule 6 to the Pensions Act 2014(b)—

- (a) the existing text becomes sub-paragraph (1) of paragraph 4, and
- (b) after that sub-paragraph insert—
  - “(2) For the purposes of this paragraph—
    - (a) a civil partnership is not to be treated as having come to an end by reason of its having been converted into a marriage under Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020;
    - (b) a civil partnership is not to be treated as having come to an end by reason of its having been converted into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where it is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations.

(3) For the purposes of this paragraph, a marriage is not to be treated as having come to an end by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

### **Pensions Act (Northern Ireland) 2015**

**48.**—(1) Paragraph 4 of Schedule 6 to the Pensions Act (Northern Ireland) 2015(c) is amended as follows.

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(a) S.I. 2012/798. The table was substituted by S.I. 2016/373 and amended by S.I. 2019/182 and 2020/942.  
 (b) 2014 c. 19.  
 (c) 2015 c. 5 (N.I.). Paragraph 4(2) of Schedule 6 was inserted by S.I. 2019/1514.

(2) In sub-paragraph (2)(a)(i) (civil partnerships that are to be treated as not coming to an end when converted into a marriage), after “converted into a marriage under” insert “Part 3 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020 or”.

(3) In sub-paragraph (2), before the “or” at the end of paragraph (a) insert—

“(aa) by reason of its having been converted into a marriage under Part 3 or 4 of the Marriage of Same Sex Couples (Conversion of Civil Partnership) Regulations 2014 where it is a convertible Northern Ireland civil partnership as defined by regulation 2 of those Regulations;”.

(4) After sub-paragraph (2) insert—

“(3) For the purposes of this paragraph, a marriage is not to be treated as having come to an end by reason of its having been converted into a civil partnership under Part 3, 4 or 5 of the Marriage and Civil Partnership (Northern Ireland) (No. 2) Regulations 2020.”.

20th October 2020

*Robin Walker*  
Minister of State  
Northern Ireland Office

### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations enable civil partners to convert their civil partnership into a marriage where the civil partnership was formed under the law of Northern Ireland and the civil partners are of the same sex.

These Regulations enable spouses to convert their marriage into a civil partnership where the marriage was solemnised under the law of Northern Ireland and the spouses are not of the same sex.

The rights to convert given by these Regulations are set out in regulation 3. The civil partnership or marriage being converted can be one formed at any time before the conversion, but the right of conversion has to be exercised during the 3 years that begin when these Regulations come into force (see regulations 6, 21(4) and 28(4), and the amendments made by regulation 31(4) and (7)).

In Part 2 of these Regulations, regulation 4 sets out the effect of a conversion under or by virtue of any of Parts 3 to 6 of these Regulations.

Part 3 of these Regulations enables conversions to take place in Northern Ireland. Regulation 7 offers a choice of procedures. Regulation 7(3)(b) ensures that the basic conversion fee is not payable for conversions taking place during the first year of the 3-year period. Regulation 10(6) and (7) identify the point in time at which a conversion under Part 3 occurs. There are options for a conversion of a civil partnership into a marriage to take place before a religious officiant, and regulation 16 gives protections to religious bodies from being compelled to be involved with conversions or with events or ceremonies to mark conversions.

Part 4 of these Regulations enables conversion of a marriage into a civil partnership to take place outside the United Kingdom before a British consular official where at least one party is a UK national. Part 5 of these Regulations enables conversion of a marriage into a civil partnership to take place outside the United Kingdom before a person authorised by a commanding officer of armed forces serving abroad where at least one of the parties is a serving member of the armed forces, or is eligible as a civilian employed in certain functions in support of the armed forces, or is a child of and living with a serving member or eligible civilian employee.

Part 6 of these Regulations enables conversion of a civil partnership into a marriage to take place outside the United Kingdom in cases corresponding to those covered by Parts 4 and 5 of these Regulations. Part 6 does this by extending and amending Parts 3 and 4 of the Marriage of

Same Sex Couples (Conversion of Civil Partnership) Regulations 2014, which currently enable conversions abroad only of civil partnerships formed under the law of England and Wales.

Part 7 of these Regulations contains amendments of legislation. The amendments made by regulations 35 (in part), 40 and 43 relate to the changes in the law of Northern Ireland extending civil partnership to opposite-sex couples that were made by the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019. The amendment made by regulation 42 relates to the changes in the law of Northern Ireland enabling religious marriage for same-sex couples that were made by the Marriage and Civil Partnership (Northern Ireland) Regulations 2020.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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