

2005 No. 3542

CIVIL PARTNERSHIP

The Civil Partnership Act 2004 (International Immunities and Privileges, Companies and Adoption) Order 2005

Made - - - - *22nd December 2005*

Coming into force in accordance with article 1

The Secretary of State for Foreign and Commonwealth Affairs makes the following Order in exercise of the powers conferred by sections 259(1) and (3)(a) of the Civil Partnership Act 2004(a).

In accordance with section 259(8) of that Act, a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament.

Citation and commencement

1.—(1) This Order may be cited as the Civil Partnership Act 2004 (International Immunities and Privileges, Companies and Adoption) Order 2005.

(2) This Order comes into force on the day after it is made, except article 4 which comes into force on 30th December 2005.

Amendment of the International Organisations Act 1968

2.—(1) In section 1 of the International Organisations Act 1968(b), after subsection (6) insert—

“(7) Notwithstanding subsection (6)(a) of this section, where any agreement to which the United Kingdom or Her Majesty’s Government in the United Kingdom is a party requires the conferral of any privileges and immunities on the spouse of any individual, Her Majesty may by Order in Council confer the same privileges and immunities on the civil partner of that individual.”

(2) In section 2, subsection (5) of the International Organisations Act 1968 replace the words—

- (a) “Subsection (6)” with “Subsections (6) and (7)”, and
- (b) “it has” with “those subsections have”.

(a) 2004 c.33.

(b) 1968 c.48, as amended by section 1 of the International Organisations Act 1981 (c. 9)

Amendment of the Companies Act 1985

3.—(1) In section 153(4)(bb) of the Companies Act 1985(**a**) (share transactions not prohibited by bar on financial assistance), for “wives, husbands, widows, widowers” substitute “spouses, civil partners, surviving spouses, surviving civil partners”.

(2) In section 743(b) of the Companies Act 1985 (definition of “employees’ share scheme”), for “wives, husbands, widows, widowers” substitute “spouses, civil partners, surviving spouses, surviving civil partners”.

Adoption and Children Act 2002

4. In section 79(7) of the Adoption and Children Act 2002(**b**) (connections between the register and birth records) after “the Marriage Act (c.76)” insert “or for the purposes of the Civil Partnership Act 2004 (c.33)”.

22 December 2005

Lord Triesman
Parliamentary Under Secretary of State
Foreign and Commonwealth Office

(a) 1985 c.6. Paragraph (bb) was inserted into section 153(4) by section 196 of the Financial Services Act 1986 (c. 60) and amended by paragraph 33 of Schedule 18 to the Companies Act 1989 (c. 40).
(b) 2002 c.38. Section 79(7) was amended by section 79(8) of the Civil Partnership Act 2004.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to the International Organisations Act 1968 (“the 1968 Act”), the Companies Act 1985 (“the 1985 Act”) and to the Adoption and Children Act 2002 (“the 2002 Act”) which are consequent upon the coming into force of the Civil Partnership Act 2004 (“the 2004 Act”).

The 1968 Act is amended to enable the conferral of privileges and immunities on civil partners to the same extent, and in the same circumstances, as such privileges and immunities would be conferred on spouses of individuals on whom privileges and immunities are to be conferred under an agreement to which the United Kingdom or Her Majesty’s Government in the United Kingdom is a party.

Section 153(4)(bb) of the 1985 Act is amended so that, like share ownership incentive schemes for spouses of employees and former employees of a company, those for civil partners are not prohibited as a form of financial assistance for the purchase of shares under section 151 of the Act. Similarly, section 743 of the 1985 Act is amended so that share schemes for the civil partners of employees and former employees of a company fall within the definition of “employees’ share scheme” for the purposes of the Act.

Section 79(7) of the 2002 Act is amended by section 79(8) of the 2004 Act. The effect of that amendment is to add civil partnership to the references to marriage in section 79(7) of the 2002 Act. This Order further amends section 79(7) of the 2002 Act by adding a corresponding reference to the 2004 Act to the reference to prohibited degrees for the purposes of the Marriage Act 1949, enabling the Registrar General to advise an adopted person whether he and his proposed civil partner are within the prohibited degrees of relationship as set out in Schedule 1 of the 2004 Act.

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£3.00

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E1859 1/2006 151859T 19585