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## SCHEDULES

### SCHEDULE 29

Section 261(3)

#### MINOR AND CONSEQUENTIAL AMENDMENTS: NORTHERN IRELAND

##### *Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))*

- 1 In section 46 (miscellaneous definitions), in subsection (2), after the definition of “barrister-at-law” insert—

““civil partnership” means a civil partnership which exists under the Civil Partnership Act 2004 (and any reference to a civil partner shall be construed accordingly);”.

##### *Trustee Act (Northern Ireland) 1958 (c. 23 (N.I.))*

- 2 (1) Amend section 32(3)(a) (trust on reaching 18 or marrying under that age of accumulations during infancy) as follows.
- (2) In sub-paragraph (i)—
- (a) after “marries under that age” insert “ or forms a civil partnership under that age ”, and
- (b) for “or until his marriage” substitute “ , or until his marriage or his formation of a civil partnership, ”.
- (3) In sub-paragraph (ii), after “marriage” insert “ , or on formation of a civil partnership, ”.
- (4) In the words after that sub-paragraph, after “marriage” insert “ or formation of a civil partnership ”.
- 3 (1) Amend section 34(1)(b) (trust to maintain principal beneficiary and his spouse and issue on failure of protective trust under paragraph (a)(ii)) as follows.
- (2) In sub-paragraphs (i) and (ii), for “wife or husband” substitute “ spouse or civil partner ”.
- (3) In sub-paragraph (ii), after “married” insert “ or formed a civil partnership ”.

##### *Perpetuities Act (Northern Ireland) 1966 (c. 2 (N.I.))*

- 4 (1) Amend section 3 (uncertainty as to remoteness) as follows.
- (2) In subsection (4)(a), after “spouse” insert “ or civil partner ”.
- (3) In subsection (5)(f), after “spouse” insert “ or civil partner ”.
- 5 (1) Amend section 5 (condition relating to death of surviving spouse) as follows.
- (2) After “spouse” insert “ or civil partner ”.

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- (3) In the heading to section 5, after “spouse” insert “ or civil partner ”.

*Office and Shop Premises Act (Northern Ireland) 1966 (c. 26 (N.I.))*

- 6 In section 2 (exception for premises in which only employer’s relatives or outworkers work), in subsection (1), after “wife” insert “ , civil partner ”.

*Maintenance and Affiliation Orders Act (Northern Ireland) 1966 (c. 35 (N.I.))*

- 7 In section 10 (orders to which Part 2 of the Act applies), in subsection (2), after paragraph (h) insert—

“(i) paragraph 2(1)(a) or (d), 33, 34(3) or 36(1)(a) or (d) of Schedule 15, Schedule 16, or paragraph 9 of Schedule 17 so far as that paragraph applies Part 1 of Schedule 15, to the Civil Partnership Act 2004;”.

- 8 (1) Amend section 13 (variation of orders registered in courts of summary jurisdiction) as follows.
- (2) In subsection (5A), after “1980” insert “ or paragraph 42 of Schedule 16 to the Civil Partnership Act 2004 ”.
- (3) In subsection (7B), after “1989” insert “ or paragraph 9 of Schedule 17 so far as that paragraph applies Part 1 of Schedule 15 ”.

*Census Act (Northern Ireland) 1969 (c. 8 (N.I.))*

- 9 In the Schedule (matters of which particulars may be required), in paragraph 5, after “marriage” insert “ or civil partnership ”.

*Theft Act (Northern Ireland) 1969 (c. 16 (N.I.))*

- 10 (1) Amend section 29(1) (effect on civil proceedings and rights) as follows.
- (2) For “wife or husband” substitute “ spouse or civil partner ”.
- (3) For “married after the making of the statement or admission) against the wife or husband” substitute “ married or became civil partners after the making of the statement or admission) against the spouse or civil partner ”.

*Industrial and Provident Societies Act (Northern Ireland) 1969 (c. 24 (N.I.))*

- 11 (1) Amend section 22 (nomination to property in society) as follows.
- (2) In subsection (2), for “husband, wife,” substitute “ spouse, civil partner, ”.
- (3) In subsection (6)—
- (a) for “marriage of” substitute “ formation of a marriage or civil partnership by ”;
- (b) after “before the marriage” insert “ or civil partnership was formed ”;
- (c) for “a marriage contracted” substitute “ the formation of a marriage or civil partnership ”.

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- 12 In the definition of “member of the family” in section 101(1) (interpretation), for “husband, wife,” substitute “ spouse, civil partner, ”.

*Land Registration Act (Northern Ireland) 1970 (c. 18 (N.I.))*

- 13 In Schedule 11 (matters required to be registered in the Statutory Charges Register), after paragraph 45 insert—

“46 An order under paragraph 67(2) of Schedule 15 to the Civil Partnership Act 2004 to the extent that by virtue of paragraph 69(1)(b) of that Schedule it renders liable to be set aside at the instance of an applicant for financial relief a disposition of any land in Northern Ireland which is specified in the order.”

*Leasehold (Enlargement and Extension) Act (Northern Ireland) 1971 (c. 7 (N.I.))*

- 14 In section 1 (general right to acquire fee simple or to obtain extension of lease), in subsection (3)(f)(i) to (iv), after “spouse” insert “ or civil partner ”.

- 15 In section 19 (restrictions on right to extension of lease or to acquire fee simple), in subsection (1)(a)(i), after “spouse” insert “ or civil partner ”.

*Civil Evidence Act (Northern Ireland) 1971 (c. 36 (N.I.))*

- 16 (1) Amend section 10 (privilege against incrimination of self or spouse).  
(2) In subsection (1), for “husband or wife” substitute “ spouse or civil partner ”.  
(3) In the heading to section 10, after “spouse” insert “ or civil partner ”.

*Local Government Act (Northern Ireland) 1972 (c. 9 (N.I.))*

- 17 In section 30 (relatives of councillors), in subsection (6) (relevant family relationship)—

- (a) after “husband and wife” insert “ or civil partners ”;  
(b) after “husband or wife” insert (in both places) “ or civil partner ”.

- 18 In section 146 (interpretation: pecuniary interests), in subsection (2) (interests of spouses living together)—

- (a) after “spouses” insert (in both places) “ or civil partners ”;  
(b) after “spouse” insert (in both places) “ or civil partner ”.

*Employer’s Liability (Defective Equipment and Compulsory Insurance) (Northern Ireland) Order 1972 (S.I. 1972/963 (N.I. 6))*

- 19 In Article 6(a) (persons whom employer is not required to insure) after “husband, wife,” insert “ civil partner, ”.

*Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14))*

- 20 In Article 2(2) (interpretation), in the definition of “relative”, after “by marriage” insert “ or civil partnership ”.

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*Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))*

- 21 In Article 2(6) (meaning of “near relative”)—
- (a) after “wife or husband” (in both places) insert “ or civil partner ”, and
  - (b) for “by affinity” substitute “ by marriage or civil partnership ”.

*Pharmacy (Northern Ireland) Order 1976 (S.I. 1976/1213 (N.I. 22))*

- 22 In Article 3(3)(e)(iii) (objects of Pharmaceutical Society include providing relief for distressed relatives), for “widows,” substitute “ surviving spouses, surviving civil partners, ”.

*Criminal Damage (Northern Ireland) Order 1977 (S.I. 1977/426 (N.I. 4))*

- 23 (1) Amend Article 11 (evidence in connection with offences under the Order) as follows.
- (2) For “wife or husband” substitute “ spouse or civil partner ”.
  - (3) For “married after the making of the statement or admission) against the wife or husband” substitute “ married or became civil partners after the making of the statement or admission) against the spouse or civil partner ”.

*Judicature (Northern Ireland) Act 1978 (c. 23)*

- 24 In section 31 (remittal and removal of proceedings), in subsection (7)(b), after “1882” insert “ or section 191 of the Civil Partnership Act 2004 ”.
- 25 (1) Amend section 35(2) (restrictions on appeals to Court of Appeal from High Court) as follows.
- (2) After paragraph (e) insert—
    - “(ea) from a dissolution order, nullity order or presumption of death order under Chapter 2 of Part 4 of the Civil Partnership Act 2004 that has been made final, by a party who, having had time and the opportunity to appeal from the conditional order on which the final order was founded, has not appealed from that conditional order;”.
  - (3) In paragraph (g)(iv), after “matrimonial cause” insert “ , a conditional order in a civil partnership cause ”.
- 26 (1) Amend section 94A (withdrawal of privilege against incrimination of self or spouse in certain proceedings) as follows.
- (2) In subsection (1), after “spouse” insert “ or civil partner ”.
  - (3) In subsection (3), for “married after the making of the statement or admission) against the spouse” substitute “ married or became civil partners after the making of the statement or admission) against the spouse or civil partner ”.

*Health and Safety at Work (Northern Ireland) Order 1978 (S.I. 1978/1039 (N.I. 9))*

- 27 In Article 22 (powers of inspectors), in paragraph (7), for “husband or wife” substitute “ spouse or civil partner ”.

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*Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))*

- 28 (1) Insert after Article 2(4)—
- “(4A) References in this Order to the formation of a civil partnership by a person include references to a civil partnership which is by law void or voidable.”
- 29 In Article 13 (grounds on which marriage is void), at the end of paragraph (1)(d) insert “ or a civil partner ”.
- 30 (1) Amend Article 17 (marriages governed by foreign law or celebrated abroad under certain enactments or common law) as follows.
- (2) In paragraph (1), at the beginning insert “ Subject to paragraph (3) ”.
- (3) After paragraph (2) insert—
- “(3) No marriage is to be treated as valid by virtue of paragraph (1) if, at the time when it purports to have been celebrated, either party was already a civil partner.”
- 31 (1) Amend Article 30 (duration of continuing financial provision orders in favour of party to marriage, and effect of remarriage) as follows.
- (2) In paragraph (1)(a) and (b) after “remarriage of” insert “ , or formation of a civil partnership by, ”.
- (3) In paragraph (2)—
- (a) after “remarriage of” insert “ , or formation of a civil partnership by, ”, and
- (b) after “the remarriage” insert “ or formation of the civil partnership ”.
- (4) In paragraph (3), after “remarries whether at any time before or after the commencement of this Article”, insert “ or forms a civil partnership ”.
- (5) In the heading to Article 30, after “remarriage” insert “ or formation of civil partnership ”.
- 32 In Article 37 (alteration of agreements by court during lives of parties), in paragraph (4)(a) and (b), after “remarriage of” insert “ , or formation of a civil partnership by, ”.
- 33 (1) Amend Article 40 (orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage) as follows.
- (2) In paragraph (1)—
- (a) in sub-paragraph (a), after “remarriage of” insert “ , or formation of a civil partnership by, ”, and
- (b) in sub-paragraph (b), after “remarriage” insert “ or formation of the civil partnership ”.
- (3) In paragraph (6)—
- (a) in sub-paragraph (a), after “remarriage of” insert “ , or formation of a civil partnership by, ”, and
- (b) in the words following sub-paragraph (b), after “had remarried” insert “ or formed a civil partnership ”.
- (4) In the heading to Article 40, after “remarriage” insert “ or formation of civil partnership ”.

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*Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27))*

- 34 In Article 8 (limitations on rehabilitation), in paragraph (2)(c), after “marriage,” insert “ civil partnership, ”.

*Criminal Appeal (Northern Ireland) Act 1980 (c. 47)*

- 35 In section 47A (appeals in cases of death), in subsection (3)(a), after “widower” insert “ or surviving civil partner ”.

*County Courts (Northern Ireland) Order 1980 (S.I. 1980/397 (N.I. 3))*

- 36 In Article 10 (general civil jurisdiction), after paragraph (3) insert—  
“(3A) Except as provided by the Civil Partnership Act 2004, a county court which is not a civil partnership proceedings county court shall not have jurisdiction to hear any cause or matter to which that Act applies.”
- 37 In Article 14 (jurisdiction in equity matters), in paragraph (j), after “1882” insert “ or section 191 of the Civil Partnership Act 2004 ”.
- 38 In Article 39 (capacity of parties), in paragraph (2)(d), after “marriage, death or bankruptcy of” insert “ , or the formation of a civil partnership by, ”.

*Domestic Proceedings (Northern Ireland) Order 1980 (S.I. 1980/563 (N.I. 5))*

- 39 In Article 6 (duration of orders for financial provision for a party to a marriage), in paragraph (2)—  
(a) after “remarriage of” insert “ , or formation of a civil partnership by, ”, and  
(b) after “the remarriage” insert “ or formation of the civil partnership ”.
- 40 (1) Amend Article 40 (orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage) as follows.  
(2) In paragraph (1)—  
(a) in sub-paragraph (a), after “remarriage of” insert “ , or formation of a civil partnership by, ”, and  
(b) in sub-paragraph (b), after “that remarriage” insert “ or the formation of that civil partnership ”.
- (3) In paragraph (8)—  
(a) in sub-paragraph (a), after “remarriage of” insert “ , or formation of a civil partnership by, ”, and  
(b) in the words following sub-paragraph (b)—  
(i) after “the remarriage” insert “ or the formation of that civil partnership ”, and  
(ii) after “had remarried” insert “ or formed a civil partnership ”.
- (4) In the heading to Article 40, after “remarriage” add “ or formation of civil partnership ”.

*Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6))*

- 41 In Article 4 (judgments to which Order applies), in paragraph (e), after “1980” insert “ or Part 1, 2 or 6 of Schedule 16 to the Civil Partnership Act 2004 ”.

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- 42 In Article 6 (judgments to which Order does not apply), in paragraph (c), after “matrimonial jurisdiction” insert “ or by the High Court or a civil partnership proceedings county court in the exercise of its civil partnership jurisdiction ”.
- 43 In Article 7 (The Enforcement of Judgments Office), in paragraph (3), after “domestic” insert “ or civil partnership ”.
- 44 In Article 25 (taking custody of goods under a money judgment), in paragraph (2) (b), after “spouse” insert “ or civil partner ”.
- 45 In Article 32 (property which may be seized), in paragraph (d), after “spouse” (in each place) insert “ or civil partner ”.
- 46 In Article 33 (property exempt from seizure), in paragraph (a), after “spouse” (in each place) insert “ or civil partner ”.
- 47 In Article 36 (where seizure may be effected), in paragraph (a)(i), after “spouse” insert “ or civil partner ”.
- 48 In Article 38 (power of entry under order of seizure), after “spouse” insert “ or civil partner ”.
- 49 In Article 44 (interpleader), in paragraph (1), after “spouse” insert “ or civil partner ”.
- F150 .....

**Textual Amendments**

**F1** Sch. 29 para. 50 repealed (31.10.2016) by [Justice Act \(Northern Ireland\) 2015 \(c. 9\), s. 106\(2\), Sch. 1 para. 124\(6\), Sch. 9 Pt. 1](#) (with [Sch. 8 para. 1](#)); [S.R. 2016/387, art. 2\(k\)\(m\)](#) (with [art. 3](#))

- 51 (1) Amend Article 98 (power of courts to make attachment of earnings orders) as follows.
- (2) In paragraph (a)(i), after “matrimonial” insert “ or civil partnership ”.
- (3) In paragraph (a)(ii), after “matrimonial jurisdiction” insert “ or a civil partnership proceedings county court in the exercise of its civil partnership jurisdiction ”.
- 52 (1) Amend Article 107 (committal for default) as follows.
- (2) In paragraph (1)(c), after “matrimonial jurisdiction” insert “ or by the High Court or a civil partnership proceedings county court in the exercise of its civil partnership jurisdiction ”.
- (3) In paragraph (2)(a)(ii), after “matrimonial” insert “ or civil partnership ”.

*Legal Aid, Advice and Assistance (Northern Ireland) Order 1981 (S.I. 1981/228 (N.I. 8))*

F253 .....

**Textual Amendments**

**F2** Sch. 29 para. 53 repealed (1.4.2015) by [Legal Aid and Coroners’ Courts Act \(Northern Ireland\) 2014 \(c. 11\), s. 12\(1\), Sch. 3 Pt. 1](#) (with [ss. 2\(3\), 9, Sch. 1 para. 3\(3\)](#)); [S.R. 2015/193, art. 2\(f\)](#)

F354 .....

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### Textual Amendments

- F3** Sch. 29 para. 54 repealed (1.4.2015) by [Legal Aid and Coroners' Courts Act \(Northern Ireland\) 2014](#) (c. 11), s. 12(1), [Sch. 3 Pt. 1](#) (with ss. 2(3), 9, Sch. 1 para. 3(3)); S.R. 2015/193, art. 2(f)

#### *Magistrates' Courts (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26))*

- 55 In Article 85 (orders for periodical payment: means of payment), in paragraph (8) (a)(ii), after “1980” insert “, the Civil Partnership Act 2004 ”.
- 56 In Article 86 (revocation, variation, etc., of orders for periodical payment), in paragraph (1), after “1980” insert “ and paragraph 42 of Schedule 16 to the Civil Partnership Act 2004 ”.
- 57 In Article 88 (nature of domestic proceedings), after paragraph (dh), insert—  
 “(di) under paragraph 54 of Schedule 15 to the Civil Partnership Act 2004 or under Schedule 16 to that Act;”.
- 58 In Article 98 (enforcement of orders for periodical payment of money), in paragraph (11)(i), after “1980” insert “ or Schedule 16 to the Civil Partnership Act 2004 ”.
- 59 In Article 99 (enforcement of orders for payment of money other than periodical payments), in paragraph (11), after “1980” insert “ or Part 1, 2 or 6 of Schedule 16 to the Civil Partnership Act 2004 ”.
- 60 In Article 143 (appeals in other cases), after paragraph (3) insert—  
 “(4) Paragraph (1) is also subject to paragraph 8(2) of Schedule 16 to the Civil Partnership Act 2004 and Article 31(1) of the Domestic Proceedings (Northern Ireland) Order 1980 as applied by paragraph 46 of that Schedule.”
- 61 In Article 164 (appearance by counsel or solicitor), in paragraph (3), for “husband, wife” substitute “ spouse, civil partner ”.

#### *Criminal Attempts and Conspiracy (Northern Ireland) Order 1983 (S.I. 1983/1120 (N.I. 13))*

- 62 In Article 10 (exemptions from liability for conspiracy), in paragraph (2)(a), after “spouse” insert “ or civil partner ”.

#### *Forfeiture (Northern Ireland) Order 1982 (S.I. 1982/1082 (N.I. 14))*

- 63 In Article 5 (application for financial provision not affected by the forfeiture rule), at the end of paragraph (2)(b) insert “and  
 (c) paragraphs 53 (variation of secured periodical payments order) and 66 (alteration of maintenance agreements by court) of Schedule 15 to the Civil Partnership Act 2004”.

#### *Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (S.I. 1984/1984 (N.I. 14))*

- 64 (1) Amend Article 18 (prohibited degrees of relationship) as follows.



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- (2) In paragraph (1), for the words from “between a man” to “that Table” substitute “between a person and any person mentioned in the list in Part 1 of the following Table”.
- (3) For the Table in paragraph (1) substitute—

#### **“PART 1**

##### PROHIBITED DEGREES OF RELATIONSHIP

Adoptive child  
Adoptive parent  
Child  
Former adoptive child  
Former adoptive parent  
Grandparent  
Grandchild  
Parent  
Parent’s sibling  
Sibling  
Sibling’s child

#### **PART 2**

##### DEGREES OF AFFINITY REFERRED TO IN PARAGRAPHS (2A) AND (2B)

Child of former civil partner  
Child of former spouse  
Former civil partner of grandparent  
Former civil partner of parent  
Former spouse of grandparent  
Former spouse of parent  
Grandchild of former civil partner  
Grandchild of former spouse

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### PART 3

#### DEGREES OF AFFINITY REFERRED TO IN PARAGRAPHS (2C) AND (2D)

Parent of former spouse

Parent of former civil partner

Former spouse of child

Former civil partner of child”.

(4) In paragraph (2)—

(a) in sub-paragraph (b), for the words “brother or sister” substitute “ sibling ”;

(b) in sub-paragraph (c), after the word “marriage” insert “ or civil partnership ”.

(5) In paragraph (2A), for the words from “between a man” to “that Part II” substitute “ between a person and any person mentioned in the list in Part 2 of that Table ”.

(6) <sup>F4</sup> .....

(7) <sup>F4</sup> .....

#### Textual Amendments

**F4** Sch. 29 para. 64(6)(7) repealed (20.9.2006) by [The Law Reform \(Miscellaneous Provisions\) \(Northern Ireland\) Order 2006 \(S.I. 2006/1945 \(N.I. 14\)\)](#), [art. 3\(3\)](#)

#### Commencement Information

**II** Sch. 29 para. 64 partly in force at 5.12.2005; Sch. 29 para. 64 not in force at Royal Assent see s. 263; Sch. 29 para. 64(1)(2)(4)(5) in force at 5.12.2005 and Sch. 29 para. 64(3) in force for certain purposes at 5.12.2005 by [S.I. 2005/3255](#), [art. 2\(1\)\(3\)\(4\)](#), [Sch.](#)

#### *Credit Unions (Northern Ireland) Order 1985 (S.I. 1985/1205 (N.I. 12))*

65 (1) Amend Article 2(2) (interpretation) as follows.

(2) After the definition of “board of directors” insert—

““civil partner” includes former civil partner;”.

(3) In the definition of “member of the family”—

(a) in paragraphs (a), (b) and (c), after “spouse” insert “ or civil partner ”, and

(b) in paragraph (ii), for “a child born in wedlock” substitute “ the legitimate child of the relationship in question ”.

66 (1) Amend Article 17 (nomination to property in credit union) as follows.

(2) In paragraph (2), after “wife,” insert “ civil partner, ”.

(3) In paragraph (6)—

(a) for “marriage of” substitute “ formation of a marriage or civil partnership by ”;

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- (b) after “before the marriage” insert “ or civil partnership was formed ”;
- (c) for “a marriage contracted” substitute “ the formation of a marriage or civil partnership ”.

*Mental Health (Northern Ireland) Order 1986 (S.I. 1986/595 (N.I. 4))*

- 67 (1) Amend Schedule 1 (persons by whom a medical recommendation or medical report under Article 12 may not be given) as follows.
- (2) In paragraph 3, after “spouse,” insert “ civil partner, ”.
  - (3) In paragraph 4, after “spouse” insert “ or civil partner ”.

*Companies (Northern Ireland) Order 1986 (S.I. 1986/1032 (N.I. 6))*

68 F5 .....

**Textual Amendments**

F5 Sch. 29 para. 68 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 1(2), 2(2), **Sch. 2** (with art. 10)

69 F6 .....

**Textual Amendments**

F6 Sch. 29 para. 69 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 1(2), 2(2), **Sch. 2** (with art. 10)

70 F7 .....

**Textual Amendments**

F7 Sch. 29 para. 70 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 1(2), 2(2), **Sch. 2** (with art. 10)

71 F8 .....

**Textual Amendments**

F8 Sch. 29 para. 71 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 1(2), 2(2), **Sch. 2** (with art. 10)

72 F9 .....

**Textual Amendments**

F9 Sch. 29 para. 72 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 1(2), 2(2), **Sch. 2** (with art. 10)

73 F10 .....

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#### Textual Amendments

**F10** Sch. 29 para. 73 repealed (1.10.2007) by [The Companies Act 2006 \(Commencement No. 3, Consequential Amendments, Transitional Provisions and Savings\) Order 2007 \(S.I. 2007/2194\)](#), art. 10(3), [Sch. 5](#) (with art. 12)

74 **F11** .....

#### Textual Amendments

**F11** Sch. 29 para. 74 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 1(2), 2(2), [Sch. 2](#) (with art. 10)

75 **F12** .....

#### Textual Amendments

**F12** Sch. 29 para. 75 repealed (1.10.2009) by [The Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), arts. 1(2), 2(2), [Sch. 2](#) (with art. 10)

#### *Enduring Powers of Attorney (Northern Ireland) Order 1987 (S.I. 1987/1627 (N.I. 16))*

76 In Article 5 (scope of authority etc. of attorney under enduring power), in paragraph (5)(a), for “or marriage” substitute “ marriage or the formation of a civil partnership ”.

77 (1) Amend paragraph 2(1) of Schedule 1 (persons entitled to receive notice) as follows.

(2) In head (a), after “wife” insert “ or civil partner ”.

(3) In head (e), after “widower” insert “ or surviving civil partner ”.

78 Paragraphs 76 and 77 apply in relation to the exercise of powers under enduring powers of attorney created before the passing of this Act as well as to those created on or after its passing.

#### *Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (S.I. 1989/677 (N.I. 4))*

79 (1) Amend Article 16 (applications for financial relief after overseas divorce etc.) as follows.

(2) In paragraph (2) (no application may be made after remarriage), for “remarries” substitute “ forms a subsequent marriage or civil partnership, ”.

(3) For paragraph (3) substitute—

“(3) The reference in paragraph (2) to the forming of a subsequent marriage or civil partnership includes a reference to the forming of a marriage or civil partnership which is by law void or voidable.”

#### *Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19))*

80 (1) Amend Article 4 (meaning of “associate”) as follows.

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- (2) For paragraph (2) substitute—
- “(2) A person is an associate of an individual if that person is—
- (a) the individual’s husband or wife or civil partner,
  - (b) a relative of—
    - (i) the individual, or
    - (ii) the individual’s husband or wife or civil partner, or
  - (c) the husband or wife or civil partner of a relative of—
    - (i) the individual, or
    - (ii) the individual’s husband or wife or civil partner.”
- (3) In paragraph (3), after “husband or wife” insert “ or civil partner ”.
- (4) In paragraph (8), at the end insert “ and references to a civil partner include a former civil partner ”.
- 81 In Article 179 (proceedings under Article 177 and 178), in paragraph (3)(b), after “marriage” insert “ or the formation of a civil partnership ”.
- 82 In Article 286 (charge on bankrupt’s home), in paragraph (1), after “former spouse” insert “ or by his civil partner or former civil partner ”.
- 83 (1) Amend Article 302 (debts to spouse) as follows.
- (2) In paragraph (1), after “spouse” (in each place) insert “ or civil partner ”.
- (3) In the heading to Article 302, after “spouse” insert “ or civil partner ”.
- 84 In Article 305 (saving for bankrupt’s home), in paragraph (1), after “former spouse” insert “ or by his civil partner or former civil partner ”.
- 85 In Article 312 (transactions at an undervalue), in paragraph (3)(b), after “marriage” insert “ or the formation of a civil partnership ”.
- 86 In Article 337 (inquiry into bankrupt’s dealings and property), in paragraph (1)(a), after “former spouse” insert “ or civil partner or former civil partner ”.
- 87 In Article 367 (transactions defrauding creditors), in paragraph (1)(b), after “marriage” insert “ or the formation of a civil partnership ”.
- Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))*
- 88 (1) Amend Article 79 (compellability of accused’s spouse) as follows.
- (2) In paragraphs (2), (2A) and (3), for “wife or husband” (in each place) substitute “ spouse or civil partner ”.
- (3) After paragraph (5) insert—
- “(5A) In any criminal proceedings a person who has been but is no longer the civil partner of the accused shall be compellable to give evidence as if that person and the accused had never been civil partners.”
- (4) In the heading to Article 79, after “accused’s spouse” insert “ or civil partner ”.
- 89 In Article 79A (rule where accused’s spouse not compellable)—
- (a) for “wife or husband” substitute “ spouse or civil partner ”, and
  - (b) in the heading, after “spouse” insert “ or civil partner ”.

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*Companies (Northern Ireland) Order 1990 (S.I. 1990/593 (N.I. 5))*

- 90 In Article 54 (meaning of “associate”), in paragraph (2)(a) after “spouse” insert “or civil partner”.

*Food Safety (Northern Ireland) Order 1991 (S.I. 1991/762 (N.I. 7))*

- 91 In Article 42 (continuance of registration or licence on death), in paragraph (2), for the words from “the deceased’s personal representative” to “his death” substitute “the deceased’s personal representative, or widow or widower or surviving civil partner or any other member of the deceased’s family, until the expiration of—  
(a) the period of 3 months from the date of the deceased’s death”.

*Industrial Relations (Northern Ireland) Order 1992 (S.I. 1992/807 (N.I.5))*

- 92 In Article 23 (recovery of sums awarded in proceedings involving trade unions and employers' associations), in the definition of “provident benefits” in paragraph (3), for “wife” substitute “spouse or civil partner”.

PROSPECTIVE

*Pension Schemes (Northern Ireland) Act 1993 (c. 49)*

- 93 In section 97E (discharge of liability where pension credit or alternative benefits secured by insurance policies or annuity contracts), in subsection (1)(b), after “or widower” insert “or civil partner”.

*Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6))*

- 94 (1) In Article 12 (family proceedings rules), amend paragraph (3)(g) as follows.  
(2) After “1978” insert “or a civil partnership cause within the meaning of section 190(3) of the Civil Partnership Act 2004”.  
(3) After “that Article 48” insert (in both places) “that section 190(3)”.  
<sup>F13</sup>(4) .....

**Textual Amendments**

**F13** Sch. 29 para. 94(4) repealed (31.10.2016) by Justice Act (Northern Ireland) 2015 (c. 9), s. 106(2), Sch. 1 para. 124(6), Sch. 9 Pt. 1 (with Sch. 8 para. 1); S.R. 2016/387, art. 2(k)(m) (with art. 3)

**Commencement Information**

**I2** Sch. 29 para. 94 wholly in force at 5.12.2005; Sch. 29 para. 94 not in force at Royal Assent see s. 263; Sch. 29 para. 94 in force for certain purposes at 5.9.2005 by S.I. 2005/2399, art. 2, Sch. and Sch. 29 para. 94 in force otherwise at 5.12.2005 by S.I. 2005/3255, art. 2(1), Sch. (subject to art. 2(2))

*Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))*

- 95 In Article 8 (residence, contact and other orders with respect to children), after paragraph (4)(h) insert—

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- “(i) Chapter 2 of Part 4 of, or Schedule 15, 16 or 17 to, the Civil Partnership Act 2004”.
- 96 In Article 50 (care orders and supervision orders), in paragraph (4), for “married)” substitute “ married or a civil partner) ”.
- 97 In Article 67 (powers to assist in discovery of children who may be in need of emergency protection), in paragraph (2), after “spouse” insert “ or civil partner ”.
- 98 In Article 69 (recovery of abducted children, etc.), in paragraph (11), after “spouse” insert “ or civil partner ”.
- 99 In Article 166 (appeals), at the end of paragraph (2)(b) insert “or  
(c) where the county court is a civil partnership proceedings county court exercising jurisdiction under the Civil Partnership Act 2004 in the same proceedings”.
- 100 In Article 171 (self-incrimination), in paragraph (2), after “spouse” insert “ or civil partner ”.

*Trade Union and Labour Relations (Northern Ireland) Order 1995(S.I.1995/1980 (N.I.12))*

- 101 In Article 125 (intimidation or annoyance by violence or otherwise), in paragraph (1)(a), for “wife” substitute “ spouse or civil partner ”.

*Employment Rights (Northern Ireland) Order 1996 (S.I. 1996/1919 (N.I. 16))*

- 102 In Article 85A (time off for dependants), in paragraph (3)(a), after “spouse” insert “ or civil partner ”.
- 103 In Article 248 (institution or continuance of tribunal proceedings), in paragraph (5) (b), for “widow or widower” substitute “ surviving spouse, surviving civil partner ”.

*Registration of Clubs (Northern Ireland) Order 1996 (S.I. 1996/3159 (N.I. 23))*

- 104 In Schedule 1 (provisions to be included in rules of club), in paragraph 11, for “husband, wife” substitute “ spouse, civil partner ”.

*Race Relations (Northern Ireland) Order 1997 (S.I. 1997/869 (N.I. 6))*

- 105 In Article 23(7) (exceptions: meaning of “near relative”)—  
(a) after “spouse” (in both places) insert “ or civil partner ”, and  
(b) for “by affinity)” substitute “ by marriage or civil partnership) ”.

*Fair Employment and Treatment (Northern Ireland) Order 1998 (S.I. 1998/3162 (N.I. 21))*

- 106 In Article 30(7) (exceptions: meaning of “near relative”)—  
(a) after “spouse” insert “ or civil partner ”, and  
(b) for “by affinity)” substitute “ by marriage or civil partnership) ”.
- 107 In Article 69(3)(c) (interpretation: connected person), after “wife or husband” (in each place) substitute “ or civil partner ”.

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*Welfare Reform and Pensions (Northern Ireland) Order 1999 (S.I. 1999/3147 (N.I. 11))*

- 108 (1) Amend Article 21 (supply of pension information in connection with divorce etc.) as follows.
- (2) After paragraph (1)(a)(i) insert—
- “(ia) financial relief under Schedule 15 or 17 to the Civil Partnership Act 2004 (powers in relation to domestic and overseas dissolution of civil partnerships etc.);”.
- (3) In paragraph (1)(a)(ii), after “1984” insert “ or Schedule 5 or 7 to the 2004 Act ”.
- (4) In paragraph (1)(a)(iii), after “1984” insert “ or Schedule 11 to the 2004 Act ”.
- (5) In paragraph (1)(b), after “(a)(i)” insert “ , (ia) ”.
- 109 (1) Amend Article 22 (charges by pension arrangements in relation to earmarking orders) as follows.
- (2) After paragraph (a) insert—
- “(aa) an order under Part 1 of Schedule 15 to the Civil Partnership Act 2004 (financial provision orders in connection with dissolution of civil partnerships etc.) so far as it includes provision made by virtue of Part 5 of that Schedule (powers to include provision about pensions);”.
- (3) At the end of paragraph (b) omit “or” and after that paragraph insert—
- “(bb) an order under Part 1 of Schedule 5 to the 2004 Act so far as it includes provision made by virtue of Part 6 of that Schedule (England and Wales powers corresponding to those mentioned in paragraph (aa)), or”.
- 110 (1) Amend Article 25 (activation of pension sharing) as follows.
- (2) After paragraph (1)(a) insert—
- “(aa) a pension sharing order under Schedule 15 to the Civil Partnership Act 2004;”.
- (3) After paragraph (1)(b) insert—
- “(ba) an order under Schedule 17 to the 2004 Act (financial relief in Northern Ireland after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (aa);”.
- 111 (1) Amend Article 31 (“implementation period”) as follows.
- (2) In paragraph (1)(b)(i), omit “matrimonial”.
- (3) In paragraph (2)—
- (a) omit “matrimonial”, and
- (b) in sub-paragraph (b), after “divorce” insert “ , dissolution ”.
- 112 (1) Amend Article 45 (activation of benefit sharing) as follows.
- (2) After paragraph (1)(a) insert—
- “(aa) a pension sharing order under Schedule 15 to the Civil Partnership Act 2004;”.



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(3) After paragraph (1)(b) insert—

“(ba) an order under Schedule 17 to the 2004 Act (financial relief in Northern Ireland after overseas dissolution etc. of a civil partnership) corresponding to such an order as is mentioned in paragraph (aa),”.

*Housing (Northern Ireland) Order 2003 (S.I. 2003/412 (N.I. 2))*

113 In Article 85 (meaning of exempt disposal), after paragraph (3)(d) insert—

“(e) Part 2 of Schedule 15 or 17 to the Civil Partnership Act 2004;”.

*Marriage (Northern Ireland) Order 2003 (S.I. 2003/413 (N.I. 3))*

114 (1) Amend Article 5 (power to require evidence) as follows.

(2) In paragraph (3)(c), after “marital” insert “ and civil partnership ”.

(3) After paragraph (3) insert—

“(4) In paragraph (3)(c), “marital and civil partnership status”, in relation to a person, means whether that person has previously formed a marriage or a civil partnership, and if so, whether that marriage or civil partnership has ended.”

115 In Article 6 (objections), in paragraph (6)(b), after “married” insert “ or a civil partner ”.

*Access to Justice (Northern Ireland) Order 2003 (S.I. 2003/435 (N.I. 10))*

116 In Article 39 (conditional fee agreements: supplementary), in paragraph (2) (definition of “family proceedings”), after sub-paragraph (f) insert—

“(g) Chapter 2 of Part 4 of, or Schedules 15, 16 or 17 to the Civil Partnership Act 2004,”. In Schedule 2 (civil legal services: excluded services), in paragraph 2(d)(i), after “1998” insert “ or Schedule 16 to the Civil Partnership Act 2004 ”.

*Firearms (Northern Ireland) Order 2004 (S.I. 2004/702 (N.I. 3))*

117 In Article 2(2) (interpretation), in the definition of “relative”—

(a) in paragraphs (a) and (b), for “spouse or former spouse” substitute “ spouse, former spouse, civil partner or former civil partner ”;

(b) after “as husband and wife” insert “ or as if they were civil partners ”;

(c) after “married to each other” insert “ or were civil partners of each other ”.

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