

SCHEDULE 17

Article 2(17)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO
PATERNITY AND ADOPTION LEAVE AND PAY, SEXUAL ORIENTATION
DISCRIMINATION IN EMPLOYMENT AND VOCATIONAL TRAINING,
AND EMPLOYMENT AGENCIES AND EMPLOYMENT BUSINESSES

Paternity and Adoption Leave Regulations 2002

- 1.—(1) Amend the Paternity and Adoption Leave Regulations 2002 ^{M1} as follows.
- (2) In regulation 4—
 - (a) in paragraph (2)(b)(ii), after “married to” insert “, the civil partner ”; and
 - (b) in paragraph (2)(c)(ii), after “mother's husband” insert “, civil partner ”.
- (3) In regulation 8(2)(b), after “married to” insert “, the civil partner ”.

Marginal Citations

M1 [S.I. 2002/2788](#), to which there are amendments not relevant to this Order.

Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002

2. In regulation 14(2)(b) of the Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002 ^{M2}, after “spouse” insert “, civil partner ”.

Marginal Citations

M2 [S.I. 2002/2820](#), to which there are amendments not relevant to this Order.

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002

3. In regulation 11(1)(a) of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 ^{M3}, after “married to” insert “, the civil partner ” (in each place).

Marginal Citations

M3 [S.I. 2002/2822](#), amended by [S.I. 2004/488](#); there are other amending instruments but none is relevant.

Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002

4. In regulation 3(1)(b)(ii) of the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 ^{M4}, after “married to” insert “, the civil partner ”.

Marginal Citations

M4 [S.I. 2002/3236](#).

Changes to legislation: There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 17. (See end of Document for details)

Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003

5.—(1) Amend the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003^{M5} as follows.

(2) In regulations 8 to 10 of the Paternity and Adoption Leave Regulations 2002 substituted by regulation 7—

- (a) in regulation 8(2)(c), after “married to” insert “, the civil partner ”; and
- (b) in regulation 10(3), for “partner or spouse” substitute “ partner, spouse or civil partner ”.

Marginal Citations

M5 [S.I. 2003/921](#).

Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003

6. In regulation 5(1)(a) of the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003^{M6}, after “married to” insert “, the civil partner ” (in each place).

Marginal Citations

M6 [S.I. 2003/1194](#), to which there are amendments not relevant to this Order.

Employment Equality (Sexual Orientation) Regulations 2003

7.—(1) Amend the Employment Equality (Sexual Orientation) Regulations 2003^{M7} as follows.

(2) After regulation 3(2) insert—

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

(3) For regulation 25 (Exception for benefits dependent on marital status) substitute—

“Exception for benefits dependent on a person's status

25. Nothing in Part II or III shall render unlawful—

- (a) anything which prevents or restricts access to a benefit by reference to marital status where the right to the benefit accrued or the benefit is payable in respect of periods of service prior to the coming into force of the Civil Partnership Act 2004;
- (b) the conferring of a benefit on married persons and civil partners to the exclusion of all other persons.”

Marginal Citations

M7 [S.I. 2003/1661](#), amended by [S.I. 2003/2827](#).

Conduct of Employment Agencies and Employment Businesses Regulations 2003

8. In regulation 3(1)(a) of the Conduct of Employment Agencies and Employment Businesses Regulations 2003 ^{M8}, after “spouse” insert “ or civil partner ”.

Marginal Citations

M8 [S.I. 2003/3319](#).

Changes to legislation:

There are currently no known outstanding effects for the The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005, SCHEDULE 17.