

2005 No. 471

CIVIL PARTNERSHIP

The Civil Partnership (Miscellaneous and Consequential Provisions) Order (Northern Ireland) 2005

Made - - - - 31st October 2005

Coming into operation in accordance with Article 1

To be laid before Parliament under paragraph 7(3) of the Schedule to the Northern Ireland Act 2000

The Department for Social Development in exercise of the powers conferred on it by sections 254(5) and 259 of the Civil Partnership Act 2004(a), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1.—(1) This Order may be cited as the Civil Partnership (Miscellaneous and Consequential Provisions) Order (Northern Ireland) 2005 and, subject to paragraph (2), shall come into operation on 5th December 2005.

(2) Paragraph 1 of the Schedule, shall come into operation, for the purposes only of making regulations under section 62 of the Social Security Contributions and Benefits (Northern Ireland) Act 1992(b), on 2nd December 2005.

Amendment of legislation

2. The Schedule, (which provides for the extension of certain provisions to civil partners and surviving civil partners) shall have effect.

Sealed with the Official Seal of the Department for Social Development on 31st October 2005.



Philip Angus

A senior officer of the Department for Social Development

(a) 2004 c. 33; section 254(5) applies section 171(3), (5) and (6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) to the exercise of powers under section 259

(b) 1992 c. 7; section 62 was amended by Article 128 of, and paragraph 7 of Schedule 2 to, the Pensions (Northern Ireland) Order 1995 (S.I. 1995/3213 (N.I. 22)), paragraph 87 of Schedule 24 to the Civil Partnership Act 2004, paragraph 16 of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I. 2005/255 (N.I. 1)) and paragraph 5 of the Schedule to S.R. 2005 No. 434

Amendment of Enactments

1. In section 62(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (graduated retirement benefit), after paragraph (ab)(a) there shall be inserted the following paragraph—

“(ac) for extending section 36 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to civil partners and their late civil partners who attain pensionable age before 6th April 2010 and for that section (except subsection (5)) so to apply as it applies to men and their late wives;”.

2. In Article 162 of the Pensions (Northern Ireland) Order 1995(b) (pensions on divorce etc.)—

(a) after paragraph (4) there shall be inserted the following paragraph—

“(4A) Nothing in the provisions mentioned in paragraph (5) applies to a court exercising its powers under Part 5 of Schedule 15 to the Civil Partnership Act 2004 (making of Part 1 orders having regard to pension benefits).”; and

(b) in paragraph (5), for “paragraph (4)” there shall be substituted “paragraphs (4) and (4A)”.

(a) Paragraph (ab) is inserted by paragraph 87 of Schedule 24 to the Civil Partnership Act 2004
(b) S.I. 1995/3213 (N.I. 22)

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends certain provisions of legislation relating to pensions and benefit payments, extending those provisions to cover civil partnerships.

Article 1 provides for citation and commencement. Article 2 introduces the Schedule containing the amendments.

In the Schedule—

Paragraph 1 amends section 62(1) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 to allow regulations to extend section 36 of the National Insurance Act (Northern Ireland) 1966 to provide that a surviving civil partner who attains pensionable age before 6th April 2010 may be entitled to graduated retirement benefit on the same conditions as a widower.

Paragraph 2 amends Article 162 of the Pensions (Northern Ireland) Order 1995 which has the effect of disapplying the prohibitions on assignment of private pensions to third parties in a number of statutory provisions in the case of a pension earmarking or attachment order made by a court under the powers contained in Part 5 of Schedule 15 to the Civil Partnership Act 2004.

An assessment of the impact on business, charities or the voluntary sector of the provisions in this Order is included in the Regulatory Impact Assessment that accompanied the Civil Partnership Act 2004. A copy of that assessment has been placed in the libraries of both Houses of Parliament. Copies may be obtained from the DTI website at <http://www.dti.gov.uk/access/ria/index.htm#equality>.