

*These notes refer to the Civil Partnership Act 2004 (c.33)
which received Royal Assent on 18th November 2004*

CIVIL PARTNERSHIP ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedules

Schedule 19: Family homes and domestic violence: Northern Ireland

Part 1 – Amendments of the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (S.I. 1998/1071 (N.I. 6))

777. This Part extends the provisions relating to matrimonial homes and domestic violence contained within the Family Homes and Domestic Violence (Northern Ireland) Order 1998 (“the 1998 Order”) so as to apply to civil partners as they apply to married persons.
778. Part 1 of the Schedule amends Articles 2 to 15, 20, 22, 24, 31, 33 and 39 of and Schedule 2 to the Family Homes and Domestic Violence (Northern Ireland) Order 1998. The amendments consist mainly of adding the words “civil partner”, “civil partnership” and “civil partnership home”, as appropriate, in order to extend the rights of spouses under those provisions to civil partners. Part 1 also amends references to “matrimonial home rights” to read “home rights”, so that the description covers the rights of both married people and civil partners. The amendments provide for civil partners to apply for non-molestation orders and occupation orders, and grant civil partners the same rights to occupy the civil partnership home, as married people currently have to occupy the matrimonial home. The civil partner’s right to occupy the civil partnership home will be a charge on the property. The amendments made to Schedule 2 will enable certain tenancies to be transferred on the dissolution of a civil partnership or following a declaration of nullity of a civil partnership.

Part 2 – Consequential amendments

779. This Part makes amendments consequential on the amendments to the 1998 Order in respect of the following enactments:
- Land Registration Act (Northern Ireland) 1970 (c. 18)
 - Registration of Deeds Act (Northern Ireland) 1970 (c. 25)
 - Land Acquisition and Compensation (Northern Ireland) Order 1973 (S.I. 1973/1896 (N.I. 21))
 - Rent (Northern Ireland) Order 1978 (S.I. 1978/1050 (N.I. 20))
 - Housing (Northern Ireland) Order 1983 (S.I. 1983/1118 (N.I. 15))
 - Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I.19))

Part 3 – Transitional arrangements

780. This Part provides that all references to rights of occupation and matrimonial home rights (within the meaning of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 and the 1998 Order respectively) in any enactment, instrument and document shall be read, so far as is necessary for continuing the effect of the enactment, instrument or document as being or including a reference to home rights under the 1998 Order as amended by this Schedule. This Part also provides that all references to home rights before the Schedule is brought into force shall be read as including rights of occupation and matrimonial home rights without the amendments made by the Schedule. Therefore the rights conferred on civil partners by this Schedule will take effect from the date the Schedule is brought into force and are not retrospective.
781. This Part further provides that all references to a matrimonial charge (within the meaning of Article 5(1) of the 1984 Order and the 1998 Order) in any enactment, instrument or document shall be read, so far as is necessary for continuing the effect of the enactment, instrument or document as being or including a reference to a matrimonial or civil partnership charge under, or within the meaning of the 1998 Order as amended by this Schedule. This Part provides that all references to a matrimonial or civil partnership charge before the Schedule is brought into force shall be read as a matrimonial charge without the amendments made by the Schedule.