



Civil Partnership Act 2004

2004 CHAPTER 33

PART 8

SUPPLEMENTARY

258 Regulations and orders

- (1) This section applies to any power conferred by this Act to make regulations or an order (except a power of a court to make an order).
- (2) The power may be exercised so as to make different provision for different cases and different purposes.
- (3) The power includes power to make any supplementary, incidental, consequential, transitional, transitory or saving provision which the person making the regulations or order considers expedient.

259 Power to make further provision in connection with civil partnership

- (1) A Minister of the Crown may by order make such further provision (including supplementary, incidental, consequential, transitory, transitional or saving provision) as he considers appropriate—
 - (a) for the general purposes, or any particular purpose, of this Act,
 - (b) in consequence of any provision made by or under this Act, or
 - (c) for giving full effect to this Act or any provision of it.
- (2) The power conferred by subsection (1) is also exercisable—
 - (a) by the Scottish Ministers, in relation to a relevant Scottish provision;
 - (b) by a Northern Ireland department, in relation to a provision which deals with a transferred matter;
 - (c) by the National Assembly for Wales, in relation to a provision which is made otherwise than by virtue of subsection (3) and deals with matters with respect to which functions are exercisable by the Assembly.

- (3) An order under subsection (1) may—
- (a) amend or repeal any enactment contained in an Act passed on or before the last day of the Session in which this Act is passed, including an enactment conferring power to make subordinate legislation where the power is limited by reference to persons who are or have been parties to a marriage;
 - (b) amend, repeal or (as the case may be) revoke any provision contained in Northern Ireland legislation passed or made on or before the last day of the Session in which this Act is passed, including a provision conferring power to make subordinate legislation where the power is limited by reference to persons who are or have been parties to a marriage;
 - (c) amend, repeal or (as the case may be) revoke any Church legislation.
- (4) An order under subsection (1) may—
- (a) provide for any provision of this Act which comes into force before another such provision has come into force to have effect, until that other provision has come into force, with such modifications as are specified in the order;
 - (b) amend or revoke any subordinate legislation.
- (5) The power to make an order under subsection (1) is not restricted by any other provision of this Act.
- (6) Subject to subsection (7), the power to make an order under subsection (1) is exercisable by statutory instrument.
- (7) Any power of a Northern Ireland department to make an order under this section is exercisable by statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)).
- (8) An order under subsection (1) which contains any provision (whether alone or with other provisions) made by virtue of subsection (3) may not be made—
- (a) by a Minister of the Crown, unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, each House of Parliament;
 - (b) by the Scottish Ministers, unless a draft of the statutory instrument containing the order has been laid before, and approved by a resolution of, the Scottish Parliament;
 - (c) by a Northern Ireland department, unless a draft of the statutory rule containing the order has been laid before, and approved by a resolution of, the Northern Ireland Assembly.
- (9) A statutory instrument containing an order under subsection (1) to which subsection (8) does not apply—
- (a) if made by a Minister of the Crown, is subject to annulment in pursuance of a resolution of either House of Parliament;
 - (b) if made by the Scottish Ministers, is subject to annulment in pursuance of a resolution of the Scottish Parliament.
- (10) A statutory rule made by a Northern Ireland department and containing an order to which subsection (8) does not apply is subject to negative resolution (within the meaning of section 41(6) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.))).
- (11) In this section—

“Act” includes an Act of the Scottish Parliament;

“Church legislation” has the same meaning as in section 255;

“Minister of the Crown” has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);

“relevant Scottish provision” means a provision that would be within the legislative competence of the Scottish Parliament if it were included in an Act of that Parliament;

“subordinate legislation” has the same meaning as in the Interpretation Act 1978 (c. 30) except that it includes any instrument made under an Act of the Scottish Parliament and any instrument within the meaning of section 1(c) of the Interpretation Act (Northern Ireland) 1954 (c. 33 (N.I.));

“transferred matter” has the meaning given by section 4(1) of the Northern Ireland Act 1998 (c. 47) and “deals with” in relation to a transferred matter is to be construed in accordance with section 98(2) and (3) of the 1998 Act.

260 Community obligations and civil partners

- (1) Subsection (2) applies where any person, by Order in Council or regulations under section 2(2) of the European Communities Act 1972 (c. 68) (general implementation of Treaties)—
 - (a) is making provision for the purpose of implementing, or for a purpose concerning, a Community obligation of the United Kingdom which relates to persons who are or have been parties to a marriage, or
 - (b) has made such provision and it has not been revoked.
- (2) The appropriate person may by Order in Council or (as the case may be) by regulations make provision in relation to persons who are or have been civil partners in a civil partnership that is the same or similar to the provision referred to in subsection (1).
- (3) “Marriage” and “civil partnership” include a void marriage and a void civil partnership respectively.
- (4) “The appropriate person” means—
 - (a) if subsection (1)(a) applies, the person making the provision referred to there;
 - (b) if subsection (1)(b) applies, any person who would have power to make the provision referred to there if it were being made at the time of the exercise of the power under subsection (2).
- (5) The following provisions apply in relation to the power conferred by subsection (2) to make an Order in Council or regulations as they apply in relation to the power conferred by section 2(2) of the 1972 Act to make an Order in Council or regulations—
 - (a) paragraph 2 of Schedule 2 to the 1972 Act (procedure etc. in relation to making of Orders in Council and regulations: general);
 - (b) paragraph 15(3)(c) of Schedule 8 to the Scotland Act 1998 (c. 46) (modifications of paragraph 2 in relation to Scottish Ministers and to Orders in Council made on the recommendation of the First Minister);
 - (c) paragraph 3 of Schedule 2 to the 1972 Act (modifications of paragraph 2 in relation to Northern Ireland departments etc.) and the Statutory Rules (Northern Ireland) Order 1979 (S.I. 1979/1573 (N.I. 12)) (treating the power conferred by subsection (2) as conferred by an Act passed before 1st January 1974 for the purposes of the application of that Order);

- (d) section 29(3) of the Government of Wales Act 1998 (c. 38) (modifications of paragraph 2 in relation to the National Assembly for Wales).

261 Minor and consequential amendments, repeals and revocations

- (1) Schedule 27 contains minor and consequential amendments.
- (2) Schedule 28 contains consequential amendments of enactments relating to Scotland.
- (3) Schedule 29 contains minor and consequential amendments relating to Northern Ireland.
- (4) Schedule 30 contains repeals and revocations.

262 Extent

- (1) Part 2 (civil partnership: England and Wales), excluding section 35 but including Schedules 1 to 9, extends to England and Wales only.
- (2) Part 3 (civil partnership: Scotland), including Schedules 10 and 11, extends to Scotland only.
- (3) Part 4 (civil partnership: Northern Ireland), including Schedules 12 to 19, extends to Northern Ireland only.
- (4) In Part 5 (civil partnerships formed or dissolved abroad etc.)—
 - (a) sections 220 to 224 extend to England and Wales only;
 - (b) sections 225 to 227 extend to Scotland only;
 - (c) sections 228 to 232 extend to Northern Ireland only.
- (5) In Part 6—
 - (a) any amendment made by virtue of section 247(1)(a) and Schedule 21 has the same extent as the provision subject to the amendment;
 - (b) section 248 and Schedule 22 extend to Northern Ireland only.
- (6) Section 251 extends to England and Wales and Scotland only.
- (7) Section 252 extends to Northern Ireland only.
- (8) Schedule 28 extends to Scotland only.
- (9) Schedule 29 extends to Northern Ireland only.
- (10) Any amendment, repeal or revocation made by Schedules 24 to 27 and 30 has the same extent as the provision subject to the amendment, repeal or revocation.

263 Commencement

- (1) Part 1 comes into force in accordance with provision made by order by the Secretary of State, after consulting the Scottish Ministers and the Department of Finance and Personnel.
- (2) Part 2, including Schedules 1 to 9, comes into force in accordance with provision made by order by the Secretary of State.

- (3) Part 3, including Schedules 10 and 11, comes into force in accordance with provision made by order by the Scottish Ministers, after consulting the Secretary of State.
- (4) Part 4, including Schedules 12 to 19, comes into force in accordance with provision made by order by the Department of Finance and Personnel, after consulting the Secretary of State.
- (5) Part 5, excluding section 213(2) to (6) but including Schedule 20, comes into force in accordance with provision made by order by the Secretary of State, after consulting the Scottish Ministers and the Department of Finance and Personnel.
- (6) Section 213(2) to (6) comes into force on the day on which this Act is passed.
- (7) In Part 6 —
 - (a) sections 246 and 247(1) and Schedule 21 come into force in accordance with provision made by order by the Secretary of State, after consulting the Scottish Ministers and the Department of Finance and Personnel,
 - (b) section 248(1) and Schedule 22 come into force in accordance with provision made by order by the Department of Finance and Personnel, after consulting the Secretary of State, and
 - (c) sections 247(2) to (7) and 248(2) to (5) come into force on the day on which this Act is passed.
- (8) In Part 7—
 - (a) sections 249, 251, 253, 256 and 257 and Schedules 23, 25 and 26 come into force in accordance with provision made by order by the Secretary of State,
 - (b) section 250 comes into force in accordance with provision made by order by the Secretary of State, after consulting the Scottish Ministers and the Department of Finance and Personnel,
 - (c) section 252 comes into force in accordance with provision made by the Department of Finance and Personnel, after consulting the Secretary of State,
 - (d) subject to paragraph (e), section 254(1) and Schedule 24 come into force in accordance with provision made by order by the Secretary of State,
 - (e) the provisions of Schedule 24 listed in subsection (9), and section 254(1) so far as relating to those provisions, come into force in accordance with provision made by the Department of Finance and Personnel, after consulting the Secretary of State, and
 - (f) sections 254(2) to (6) and 255 come into force on the day on which this Act is passed.
- (9) The provisions are—
 - (a) Part 2;
 - (b) in Part 5, paragraphs 67 to 85, 87, 89 to 99 and 102 to 105;
 - (c) Part 6;
 - (d) Parts 9 and 10;
 - (e) Part 15.
- (10) In this Part—
 - (a) sections 258, 259, 260 and 262, this section and section 264 come into force on the day on which this Act is passed,
 - (b) section 261(1) and Schedule 27 and, except so far as relating to any Acts of the Scottish Parliament or any provision which extends to Northern Ireland only,

Status: This is the original version (as it was originally enacted).

section 261(4) and Schedule 30 come into force in accordance with provision made by order by the Secretary of State,

- (c) section 261(2) and Schedule 28 and, so far as relating to any Acts of the Scottish Parliament, section 261(4) and Schedule 30 come into force in accordance with provision made by order by the Scottish Ministers, after consulting the Secretary of State,
- (d) section 261(3) and Schedule 29 and, so far as relating to any provision which extends to Northern Ireland only, section 261(4) and Schedule 30 come into force in accordance with provision made by order by the Department of Finance and Personnel, after consulting the Secretary of State.

(11) The power to make an order under this section is exercisable by statutory instrument.

264 Short title

This Act may be cited as the Civil Partnership Act 2004.