

Status: Point in time view as at 05/12/2005. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 13 is up to date with all changes known to be in force on or before 25 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 13 **N.I.**

Section 145(2)

CIVIL PARTNERSHIPS OF PERSONS UNDER 18: NORTHERN IRELAND

PART 1 **N.I.**

APPROPRIATE PERSONS

- 1 Column 2 of the table specifies the appropriate persons (or person) to give consent to a young person whose circumstances fall within column 1 and who intends to register as the civil partner of another—

<i>Case</i>	<i>Appropriate persons</i>
1 The circumstances do not fall within any of items 2 to 4.	Each of the following— (a) any parent of the young person who has parental responsibility for him, and (b) any guardian of the young person.
2 A care order has effect with respect to the young person.	Each of the following— (a) the Health and Social Services Board or Health and Social Services trust designated in the order, and (b) any parent or guardian mentioned in item 1.
3 A residence order has effect with respect to the young person.	Each of the persons with whom the young person lives, or is to live, as a result of the order.
4 The circumstances do not fall within item 2 or 3, but a residence order had effect with respect to the young person immediately before he reached 16.	The persons with whom the young person lived, or was to live, as a result of the order.

- 2 In the table the following expressions have the same meaning as in the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))—

“care order”;
“Health and Social Services trust”;
“parental responsibility”;
“residence order”;

and in item 1 “any guardian of the young person” means any person falling within the definition of “guardian of a child” in Article 2(2) of that Order.

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PART 2 N.I.

DISPENSING WITH CONSENT

Order dispensing with consent

PROSPECTIVE

- 3 (1) This paragraph applies if—
- (a) a young person and another person intend to register as civil partners of each other, and
 - (b) a county court is satisfied as mentioned in sub-paragraphs (3) and (4).
- (2) A county court may make an order dispensing with the consent of any person whose consent is required.
- (3) The court must be satisfied that the registration of the civil partnership is in the best interests of the young person.
- (4) The court must be satisfied that—
- (a) it is not reasonably practicable to obtain the consent of any person whose consent is required,
 - (b) any person whose consent is required withholds or refuses that consent, or
 - (c) there is uncertainty as to whose consent is required.
- (5) An application for an order under this paragraph may be made—
- (a) by or on behalf of the young person, or
 - (b) by or on behalf of the other person (who may be another young person) mentioned in sub-paragraph (1)(a),
- and without the intervention of a next friend.
- (6) The decision of the county court on any application made under this paragraph is final and conclusive.

PART 3 N.I.

RECORDING CONSENTS AND ORDERS

- 4 Any consent required by section 145(1) must be sent to the registrar.
- 5 Any order made under paragraph 3, or a certified copy of it, must be sent to the registrar.
- 6 The registrar must keep a record of—
- (a) such particulars as may be prescribed, taken from each consent or order received by him, and
 - (b) the date on which each consent or order is received by him.

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Commencement Information

- II** Sch. 13 para. 6 wholly in force at 5.12.2005; Sch. 13 para. 6 not in force at Royal Assent see s. 263; Sch. 13 para. 6 in force for certain purposes at 5.9.2005 by [S.I. 2005/2399](#), [art. 2](#), [Sch.](#) and Sch. 13 para. 6 in force otherwise at 5.12.2005 by [S.I. 2005/3255](#), [art. 2\(1\)](#), [Sch.](#)

- 7 The record kept under paragraph 6 must be kept with the civil partnership notice book and section 140(5) (right of inspection) applies accordingly.

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