



Civil Partnership Act 2004

2004 CHAPTER 33

PART 8

SUPPLEMENTARY

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.));

Status: This is the original version (as it was originally enacted).

“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.