
STATUTORY INSTRUMENTS

2005 No. 2114

CIVIL PARTNERSHIP

The Civil Partnership Act 2004 (Amendments
to Subordinate Legislation) Order 2005

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| <i>Made</i> | - - - - | <i>27th July 2005</i> |
| <i>Laid before Parliament</i> | | <i>2nd August 2005</i> |
| <i>Coming into force</i> | - - | <i>5th December 2005</i> |

The Secretary of State, in exercise of the powers conferred upon him by section 259 of the Civil Partnership Act 2004⁽¹⁾, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order 2005 and shall come into force on 5th December 2005.

Amendments to subordinate legislation

2.—(1) Schedule 1 (which contains amendments to miscellaneous subordinate legislation) shall have effect.

(2) Schedule 2 (which contains amendments to Orders of Council relating to health care professions) shall have effect.

(3) Schedule 3 (which contains amendments to subordinate legislation relating to the National Health Service) shall have effect.

(4) Schedule 4 (which contains amendments to subordinate legislation relating to establishments and agencies regulated under Part 2 of the Care Standards Act 2000⁽²⁾, and amendment of the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003⁽³⁾) shall have effect.

(5) Schedule 5 (which contains amendments to subordinate legislation relating to flood management) shall have effect.

(6) Schedule 6 (which contains amendments to subordinate legislation relating to the administration of estates) shall have effect.

(1) 2004 c. 33.

(2) 2000 c. 14.

(3) S.I. 2003/762.

(7) Schedule 7 (which contains amendments to subordinate legislation relating to legal aid) shall have effect.

(8) Schedule 8 (which contains amendments to subordinate legislation relating to Parliamentary elections in England and Wales and European Parliamentary elections) shall have effect.

(9) Schedule 9 (which contains amendments to subordinate legislation relating to Parliamentary and European Elections in Northern Ireland) shall have effect.

(10) Schedule 10 (which contains amendments to subordinate legislation relating to elections in Scotland) shall have effect.

(11) Schedule 11 (which contains amendments to the National Assembly for Wales (Representation of the People) Order 2003⁽⁴⁾) shall have effect.

(12) Schedule 12 (which contains amendments to subordinate legislation relating to local government elections, Greater London Authority elections, local authority referendums and local authority mayoral elections) shall have effect.

(13) Schedule 13 (which contains amendments to subordinate legislation relating to immigration and nationality) shall have effect.

(14) Schedule 14 (which contains amendments to subordinate legislation relating to probation) shall have effect.

(15) Schedule 15 (which contains amendments to subordinate legislation relating to merchant shipping) shall have effect.

(16) Schedule 16 (which contains amendments to subordinate legislation relating to financial services, national savings and investments and building societies and industrial assurance) shall have effect.

(17) Schedule 17 (which contains amendments to subordinate legislation relating to paternity and adoption leave and pay, sexual orientation discrimination in employment and vocational training, and employment agencies and employment businesses) shall have effect.

(18) Schedule 18 (which contains amendments to subordinate legislation relating to insolvency) shall have effect.

Meg Munn
Parliamentary Under-Secretary of State for
Women and Equality
Department of Trade and Industry

27th July 2005

SCHEDULE 1

Article 2(1)

AMENDMENTS TO MISCELLANEOUS SUBORDINATE LEGISLATION

Smallholdings (Selection of Tenants) Regulations 1970

1. In regulation 3 of the Smallholdings (Selection of Tenants) Regulations 1970⁽⁵⁾—
 - (a) in paragraph (2), for “widow” substitute “surviving spouse or surviving civil partner”;
 - (b) in paragraph (4)(a), for “wife or husband” insert “spouse or civil partner”; and
 - (c) in paragraph (4), for sub-paragraph (d), substitute—
 - “(d) any person (not within (b) or (c) above) who, in case of any marriage or civil partnership to which the deceased tenant was at any time a party, was treated by the deceased tenant as a child of the family in relation to that marriage or civil partnership.”.

Local Authorities' Cemeteries Order 1977

2. In paragraph 17 of Schedule 3 to the Local Authorities' Cemeteries Order 1977⁽⁶⁾, for “husband or wife” substitute “spouse or a civil partner”.

Trade Union (Nominations) Regulations 1977

- 3.—(1) Amend the Trade Union (Nominations) Regulations 1977⁽⁷⁾ as follows.
 - (2) In regulation 2(6), for “husband, wife” substitute “spouse or civil partner”.
 - (3) In regulation 3(1), for paragraph (c), substitute “by the formation of a subsequent marriage or civil partnership by the nominator”.
 - (4) In regulation 3(2)—
 - (a) for “marriage of nominator” substitute “formation of a subsequent marriage or civil partnership by the nominator”; and
 - (b) after “marriage” (in each place) insert “or civil partnership”.

Coroners Rules 1984

4. In rule 20(2)(a) of the Coroners Rules 1984⁽⁸⁾, after “spouse,” insert “civil partner”.

Customs and Excise (Personal Reliefs for Special Visitors) Order 1992

5. In articles 16(3) and 22(2) of the Customs and Excise (Personal Reliefs for Special Visitors) Order 1992⁽⁹⁾, after “spouse” insert “or civil partner”.

Education (Fees and Awards) Regulations 1997

6. Amend the Education (Fees and Awards) Regulations 1997⁽¹⁰⁾ as follows.
 - (1) In regulation 2—

⁽⁵⁾ S.I. 1970/1049, amended by S.I. 1976/2001.

⁽⁶⁾ S.I. 1977/204.

⁽⁷⁾ S.I. 1977/789, amended by S.I. 1984/1290.

⁽⁸⁾ S.I. 1984/552, amended by S.I. 2005/420.

⁽⁹⁾ S.I. 1992/3156.

⁽¹⁰⁾ S.I. 1997/1972, to which there are amendments not relevant to this Order.

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

- (a) in paragraph (4), after “spouse” insert “or his civil partner”; and
 - (b) in paragraph (5), after “spouse” insert “or civil partner”.
- (2) In the Schedule—
- (a) in paragraph 2, after “spouse,” insert “civil partner”;
 - (b) in paragraph 3(1), after “spouse” insert “, civil partner”; and
 - (c) in paragraph 7, after “spouse” (in each place) insert “or civil partner”.

Good Laboratory Practice Regulations 1999

7. In regulation 11(2) of the Good Laboratory Practice Regulations 1999(11), for “married, his spouse” substitute “married or a civil partner, his spouse or civil partner”.

Divorce etc (Pensions) Regulations 2000

8. In regulation 6(2)(b) of the Divorce etc (Pensions) Regulations 2000(12), after “the other party” insert “, or his having formed a subsequent civil partnership,”.

Education (Grants etc.) (Dance and Drama) (England) Regulations 2001

9. In Schedule 1 to the Education (Grants etc.) (Dance and Drama) (England) Regulations 2001(13)—

- (a) in paragraph 4, after “spouse,” insert “civil partner,”; and
- (b) in paragraph 7, after “spouse” (in each case) insert “or civil partner”.

SCHEDULE 2

Article 2(2)

AMENDMENTS TO ORDERS OF COUNCIL RELATING TO HEALTH CARE PROFESSIONS

General Chiropractic Council (Registration) Rules Order of Council 1999

1.—(1) Amend the General Chiropractic Council (Registration) Rules, scheduled to the General Chiropractic Council (Registration) Rules Order of Council 1999(14), as follows.

(2) For rule 2(3) substitute—

“(3) Two people are to be treated as related by birth, marriage or civil partnership for the purposes of these Rules if—

- (a) they are spouses or civil partners of each other; or
- (b) one or the spouse or civil partner of one of them bears to the other, spouse or civil partner of the other a relationship of lineal descendant, brother, sister, nephew, niece or first cousin, and

“spouse” for this purpose includes a former spouse and a partner, other than a spouse, of the opposite sex; and

(11) S.I. 1999/3106, amended by S.I. 2004/994.

(12) S.I. 2000/1123, to which there are amendments not relevant to this Order.

(13) S.I. 2001/2857, to which there are amendments not relevant to this Order.

(14) S.I. 1999/1856.

“civil partner” for this purpose includes a former civil partner and a partner, other than a civil partner, of the same sex.”.

(3) In paragraphs (2)(a) and (3) of rule 4 (applications for registration after transitional period), for “birth or marriage” substitute “birth, marriage or civil partnership”.

General Chiropractic Council (Professional Conduct Committee) Rules Order of Council 2000

2. In rule 7(3) of the General Chiropractic Council (Professional Conduct Committee) Rules, scheduled to the General Chiropractic Council (Professional Conduct Committee) Rules Order of Council 2000(15), after “marriage” insert “, civil partnership”.

Health Professions Council (Registration and Fees) Rules Order of Council 2003

3.—(1) Amend the Health Professions Council (Registration and Fees) Rules, scheduled to the Health Professions Council (Registration and Fees) Rules Order of Council 2003(16), as follows.

- (2) In the definition of “relative” in rule 2, after “spouse” (in each place) insert “or civil partner”.
- (3) In Schedule 3, after “spouse” (in each place) insert “or civil partner”.
- (4) In Schedule 4, after “spouse” (in each place) insert “or civil partner”.

Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004

4. In the definition of “relative” in rule 6(7) of the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules, scheduled to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004(17), after “spouse” (in each place) insert “or civil partner”.

SCHEDULE 3

Article 2(3)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO THE NATIONAL HEALTH SERVICE

National Health Service (Charges to Overseas Visitors) Regulations 1989

1. In regulations 4(4), 4A(2) and 5(b) and (e) of the National Health Service (Charges to Overseas Visitors) Regulations 1989(18), after “spouse” insert “, civil partner”.

National Institute for Clinical Excellence Regulations 1999

2. In regulation 12(5) of the National Institute for Clinical Excellence Regulations 1999(19), after “whether married or not” insert “or civil partners of each other or not”.

(15) S.I. 2000/3290.

(16) S.I. 2003/1572.

(17) S.I. 2004/1767.

(18) S.I. 1989/306, amended by S.I. 2005/498.

(19) S.I. 1999/260, amended by S.I. 2005/498.

Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000

3. In regulation 11(5) of the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000(20), after “whether married or not” insert “or civil partners of each other or not”.

Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002

4. In regulation 10(5) of the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002(21), after “whether married or not” insert “or civil partners of each other or not”.

Counter Fraud and Security Management Service Regulations 2002

5. In regulation 10(5) of the Counter Fraud and Security Management Service Regulations 2002(22), after “whether married or not” insert “or civil partners of each other or not”.

Patients' Forums (Membership and Procedure) Regulations 2003

6. In regulation 11(5) of the Patients' Forums (Membership and Procedure) Regulations 2003(23), after “whether married or not” insert “or civil partners of each other or not”.

National Health Service (Travel Expenses and Remission of Charges) Regulations 2003

7. In regulation 2 of the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003(24), in the definition of “partner” omit “married or an unmarried”.

NHS Professionals Special Health Authority Regulations 2003

8. In regulation 10(5) of the NHS Professionals Special Health Authority Regulations 2003(25), after “whether married or not” insert “or civil partners of each other or not”.

NHS Direct Regulations 2004

9. In regulation 10(5) of the NHS Direct Regulations 2004(26), after “whether married or not” insert “or civil partners of each other or not”.

NHS Pensions Agency (Asiantaeth Pensiynau'r GIG) Regulations 2004

10. In regulation 10(5) of the NHS Pensions Agency (Asiantaeth Pensiynau'r GIG) Regulations 2004(27), after “whether married or not” insert “or civil partners of each other or not”.

(20) S.I. 2000/89, amended by S.I. 2003/1616.

(21) S.I. 2002/3038.

(22) S.I. 2002/3040.

(23) S.I. 2003/2123.

(24) S.I. 2003/2382, amended by S.I. 2004/663, 2004/936, 2005/26, 2005/578.

(25) S.I. 2003/3060.

(26) S.I. 2004/570.

(27) S.I. 2004/668.

SCHEDULE 4

Article 2(4)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO ESTABLISHMENTS AND AGENCIES REGULATED UNDER PART 2 OF THE CARE STANDARDS ACT 2000, AND AMENDMENT OF THE COMMUNITY CARE, SERVICES FOR CARERS AND CHILDREN'S SERVICES (DIRECT PAYMENTS) (ENGLAND) REGULATIONS 2003

PART 1

SUBORDINATE LEGISLATION RELATING TO ESTABLISHMENTS AND AGENCIES REGULATED UNDER PART 2 OF THE CARE STANDARDS ACT 2000

Care Homes Regulations 2001

- 1.—(1) Amend the Care Homes Regulations 2001(28) as follows.
- (2) In regulation 2, in the definition of “relative”—
 - (a) after “spouse” (in each place) insert “or civil partner”; and
 - (b) at the end, insert “or as if they were civil partners”.
- (3) In Schedule 3, in paragraph 3(a), after “marital status” insert “or civil partnership status”.

Private and Voluntary Health Care (England) Regulations 2001

2. In Part 2 of Schedule 3 to the Private and Voluntary Health Care (England) Regulations 2001(29), in paragraph 1(a), after “marital status” insert “or civil partnership status”.

National Care Standards Commission (Registration) Regulations 2001

3. In regulation 2 of the National Care Standards Commission (Registration) Regulations 2001(30), in the definition of “relative”—
 - (a) after “spouse” (in each place) insert “or civil partner”; and
 - (b) at the end, insert “or as if they were civil partners”.

Adult Placement Schemes (England) Regulations 2004

- 4.—(1) Amend the Adult Placement Schemes (England) Regulations 2004(31) as follows.
- (2) In regulation 2, in the definition of “relative”—
 - (a) after “spouse” (in each place) insert “or civil partner”; and
 - (b) at the end, insert “or as if they were civil partners”.
- (3) In Schedule 4, in paragraph 1(d), after “marital status” insert “or civil partnership status”.

(28) S.I. 2001/3965, to which there are amendments not relevant to this Order.

(29) S.I. 2001/3968, to which there are amendments not relevant to this Order.

(30) S.I. 2001/3969, to which there are amendments not relevant to this Order. The functions of the National Care Standards Commission under Part 2 of the Care Standards Act 2000 (c. 14) are transferred either to the Commission for Healthcare Audit and Inspection or to the Commission for Social Care Inspection in accordance with section 102 of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

(31) S.I. 2004/2071.

PART 2

COMMUNITY CARE, SERVICES FOR CARERS AND CHILDREN'S SERVICES (DIRECT PAYMENTS) (ENGLAND) REGULATIONS 2003

5. In regulation 6(2) of the Community Care, Services for Carers and Children's Services (Direct Payments) (England) Regulations 2003⁽³²⁾, after "spouse" (in each place) insert "or civil partner".

SCHEDULE 5

Article 2(5)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO FLOOD MANAGEMENT

River Authorities (Compensation) Regulations 1965

1.—(1) Amend the River Authorities (Compensation) Regulations 1965⁽³³⁾ as follows.

(2) In regulations 24, 25, 26(1), 28 and 36, for "widow" (in each place) substitute "surviving spouse, surviving civil partner".

(3) In regulation 26(2)—

- (a) for "widow" (in each place) substitute "surviving spouse or surviving civil partner";
- (b) for "her remarriage" substitute "the formation of a subsequent marriage or civil partnership"; and
- (c) for "husband" substitute "spouse or civil partner".

Land Drainage (Compensation) Regulations 1977

2.—(1) Amend the Land Drainage (Compensation) Regulations 1977⁽³⁴⁾ as follows.

(2) In regulations 12(2), 23, 24, 25(1), 30 and 33(2), for "widow" (in each place) substitute "surviving spouse, surviving civil partner".

(3) In regulation 25(2)—

- (a) for "widow" (in each place) substitute "surviving spouse or surviving civil partner";
- (b) for "her remarriage" substitute "the formation of a subsequent marriage or civil partnership"; and
- (c) for "husband" substitute "spouse or civil partner".

(4) In Schedule 1—

- (a) for "widow" (in each place) substitute "surviving spouse or surviving civil partner";
- (b) for "remarriage" substitute "the formation of a subsequent marriage or civil partnership"; and
- (c) after "widowhood" (in each place) insert "or death of civil partner"

⁽³²⁾ S.I. 2003/762.

⁽³³⁾ S.I. 1965/836.

⁽³⁴⁾ S.I. 1977/339.

SCHEDULE 6

Article 2(6)

AMENDMENTS TO SUBORDINATE LEGISLATION
RELATING TO THE ADMINISTRATION OF ESTATES

Intestate Succession (Interest and Capitalisation) Order 1977

- 1.—(1) Amend the Intestate Succession (Interest and Capitalisation) Order 1977⁽³⁵⁾ as follows.
- (2) In article 3(1), (2) and (3), after “surviving spouse” insert “or civil partner”.
- (3) In Table 1 in the Schedule to the Order—
- (a) after “a surviving husband” insert “or a surviving male civil partner”; and
- (b) after “age last birthday of husband” insert “or civil partner”.
- (4) In Table 2 in the Schedule to the Order—
- (a) after “a surviving wife” insert “or a surviving female civil partner”; and
- (b) after “age last birthday of wife” insert “or civil partner”.

Non-Contentious Probate Rules 1987

- 2.—(1) Amend the Non-Contentious Probate Rules 1987⁽³⁶⁾ as follows.
- (2) In rule 22(1)(a), for “husband or wife” substitute “spouse or civil partner”.
- (3) In rule 22(4), after “a spouse” insert “or a civil partner”.
- (4) In the heading to rule 56 and in rule 56(1), after “surviving spouse” insert “or civil partner”.
- (5) In Form 6 in Schedule 1 to the Rules, after “wife/husband” insert “/civil partner”.

SCHEDULE 7

Article 2(7)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO LEGAL AID

Community Legal Service (Costs) Regulations 2000

1. In regulation 21(1) of the Community Legal Service (Costs) Regulations 2000⁽³⁷⁾, in the definition of “family proceedings”, at the end of sub-paragraph (g), omit “and” and after sub-paragraph (h), insert—

- “; and
- (i) the Civil Partnership Act 2004;”.

Community Legal Service (Funding) Order 2000

2. In article 2(1) of the Community Legal Service (Funding) Order 2000⁽³⁸⁾, in the definition of “family proceedings”, at the end of sub-paragraph (g), omit “and” and after sub-paragraph (h), insert—

- “; and

⁽³⁵⁾ S.I. 1977/1491, to which there is an amendment not relevant to this Order.

⁽³⁶⁾ S.I. 1987/2024, amended by S.I. 1991/1876.

⁽³⁷⁾ S.I. 2000/441.

⁽³⁸⁾ S.I. 2000/627.

- (i) the Civil Partnership Act 2004;”.

Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001

3. In article 2 of the Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001(**39**), in the definition of “family proceedings”, at the end of sub-paragraph (g), omit “and” and after sub-paragraph (h), insert—

“; and

- (i) the Civil Partnership Act 2004;”.

SCHEDULE 8

Article 2(8)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO PARLIAMENTARY ELECTIONS IN ENGLAND AND WALES AND EUROPEAN PARLIAMENTARY ELECTIONS

Representation of the People (England and Wales) Regulations 2001

1.—(1) Amend the Representation of the People (England and Wales) Regulations 2001(**40**) as follows.

- (2) In regulation 15(2), (3) and (4), after “spouse” insert “or civil partner”.
- (3) In regulation 16(1), (2) and (3), after “spouse” insert “or civil partner”.
- (4) In regulation 20(2)(c) and (4)(e), for “husband, wife” substitute “spouse, civil partner”.
- (5) In regulation 33(5), for “husband, wife” substitute “spouse, civil partner”.
- (6) In regulation 54—
 - (a) in paragraph (1)(a), after “spouse” (in each place) insert “or civil partner”;
 - (b) in paragraph (3)(b), after “spouse” insert “or civil partner”; and
 - (c) in paragraph (5), for “husband, wife,” substitute “spouse, civil partner”.
- (7) In Schedule 3 (Forms)—
 - (a) in Form B (Proxy’s Official Poll Card), for “husband, wife” substitute “spouse, civil partner”; and
 - (b) in Form E (Proxy Paper), for “husband, wife” substitute “spouse, civil partner”.

European Parliamentary Elections Regulations 2004

- 2.**—(1) Amend the European Parliamentary Elections Regulations 2004(**41**) as follows.
- (2) In regulation 24(5), for “husband, wife” substitute “spouse, civil partner”.
 - (3) In regulation 98(1)(a)(i) and (2)(a), for “husband or wife” substitute “spouse or civil partner”.
 - (4) In Schedule 1 (European parliamentary election rules)—
 - (a) in paragraph 36(2), for “husband (wife)” (in each place) substitute “spouse, civil partner”;
 - (b) in paragraph 40(3)(b), for “husband, wife” substitute “spouse, civil partner”;
 - (c) in paragraph 45(2)(b)(i), after “spouses” insert “or civil partners”;

(39) S.I. [2001/1077](#), amended by S.I. [2003/2590](#).

(40) S.I. [2001/341](#), amended by S.I. [2004/294](#).

(41) S.I. [2004/293](#).

- (d) in paragraph 47(2)(b)(i), after “spouses” insert “or civil partners”;
 - (e) in paragraph 53(2)(c)(i) and (2)(e)(i), after “spouse” insert “or civil partner”; and
 - (f) in the Appendix of forms, in Form A (Proxy Paper), for “husband, wife” substitute “spouse, civil partner”.
- (5) In Schedule 2 (Absent voting)—
- (a) in paragraph 3(3)(c), after “spouse” (in each place) insert “or civil partner”;
 - (b) in paragraph 6(5), for “husband, wife” substitute “spouse, civil partner”;
 - (c) in paragraph 17(1)(a) and (3)(b), after “spouse” (in each place) insert “or civil partner”
 - (d) in paragraph 17(5), for “husband, wife,” substitute “spouse, civil partner,”; and
 - (e) in the Appendix of forms, in Form A (Proxy Paper), for the words “husband, wife” substitute “spouse, civil partner”.

European Parliamentary Elections (Welsh Forms) Order 2004

- 3.**—(1) Amend the European Parliamentary Elections (Welsh Forms) Order 2004(42) as follows.
- (2) In Schedule 1 (Welsh version of prescribed forms or forms of words)—
- (a) in Form 4 (form of words for first question prescribed by rule 36(2)), for “gwr [gwraig]” substitute “priod, partner sifil”; and
 - (b) in Form 4 (form of words for second question prescribed by rule 36(2)), for “ŵr [gwraig]” substitute “briod, partner sifil”.
- (3) In Schedule 2 (Welsh and English versions of prescribed forms)—
- (a) in Form 3 (Proxy’s Official Poll Card)—
 - (i) for “ŵr, yn wraig” substitute “briod, partner sifil”; and
 - (ii) for “husband, wife” substitute “spouse, civil partner”; and
 - (b) in Form 6 (Proxy Paper)—
 - (i) for “ŵr, yn wraig” substitute “briod, partner sifil”; and
 - (ii) for “husband, wife” substitute “spouse, civil partner”.

SCHEDULE 9

Article 2(9)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO PARLIAMENTARY AND EUROPEAN ELECTIONS IN NORTHERN IRELAND

Representation of the People (Northern Ireland) Regulations 2001

- 1.**—(1) Amend the Representation of the People (Northern Ireland) Regulations 2001(43) as follows.
- (2) In regulation 16(2), 16(3) and 16(4), after “spouse” insert “or civil partner”.
 - (3) In regulation 17(1), after “spouse” (in each place) insert “or civil partner”.
 - (4) In regulation 17(2), after “spouse” insert “or civil partner”.
 - (5) In regulation 21(2)(c) and (4)(e), for “husband, wife” substitute “spouse, civil partner”.

(42) S.I. 2004/1373.

(43) S.I. 2001/400.

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

- (6) In regulation 33(5), for “husband, wife” substitute “spouse, civil partner”.
- (7) In regulation 54—
 - (a) in paragraph (1)(a), for “the applicant or his spouse” (in each place) substitute “the applicant, his spouse or civil partner”;
 - (b) in paragraph (3)(b), for “husband, wife” substitute “spouse, civil partner”; and
 - (c) in paragraph (5), for “husband, wife” substitute “spouse, civil partner”.
- (8) In Schedule 3 (Forms)—
 - (a) in Form B (Proxy’s Official Poll Card), for “husband, wife” substitute “spouse, civil partner”; and
 - (b) in Form E (Proxy Paper), for “husband, wife” substitute “spouse, civil partner”.

European Parliamentary Elections (Northern Ireland) Regulations 2004

2.—(1) Amend the European Parliamentary Elections (Northern Ireland) Regulations 2004⁽⁴⁴⁾ as follows.

- (2) In regulation 8(4)(c), after “spouse” (in each place) insert “or civil partner”.
- (3) In regulation 10(5), for “husband, wife” substitute “spouse, civil partner”.
- (4) In regulation 25(5), for “husband, wife” substitute “spouse, civil partner”.
- (5) In Schedule 1 (European Parliamentary Elections Rules)—
 - (a) in rule 35(3), after “(wife),” (in each place) insert “civil partner,”;
 - (b) in rule 39(4)(b), for “husband, wife” substitute “spouse, civil partner”;
 - (c) in rule 45(2)(b), after “spouses” insert “or civil partners”; and
 - (d) in rule 47(2)(b), after “spouses” insert “or civil partners”.
- (6) In Schedule 2 (Absent Voters)—
 - (a) in paragraph 5(1)(a), for “the applicant or his spouse” substitute (in each place) “the applicant, his spouse or civil partner”;
 - (b) in paragraph 5(3)(b), after “spouse” insert “or civil partner”;
 - (c) in paragraph 5(5), for “husband, wife” substitute “spouse, civil partner”; and
 - (d) in the Appendix of forms, in the Proxy Paper, for “husband, wife” substitute “spouse, civil partner”.

SCHEDULE 10

Article 2(10)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO ELECTIONS IN SCOTLAND

Representation of the People (Scotland) Regulations 2001

- 1.—(1) Amend the Representation of People (Scotland) Regulations 2001⁽⁴⁵⁾ as follows.
- (2) In regulation 15(2), (3) and (4), after “spouse” insert “or civil partner”.
- (3) In regulation 16(1), (2) and (3), after “spouse” insert “or civil partner”.

⁽⁴⁴⁾ S.I. 2004/1267.

⁽⁴⁵⁾ S.I. 2001/497, to which there are amendments not relevant to this Order.

- (4) In regulation 20(2)(c) and (4)(e), for “husband, wife” substitute “spouse, civil partner”.
- (5) In regulation 33(4), for “husband, wife” substitute “spouse, civil partner”.
- (6) In regulation 54—
 - (a) in paragraph (1)(a), after “spouse” (in each place) insert “or civil partner”;
 - (b) in paragraph (3)(b), after “spouse” insert “or civil partner”; and
 - (c) in paragraph (5), for “husband, wife” substitute “spouse, civil partner”.
- (7) In Schedule 3 (Forms)—
 - (a) in Form B (Proxy’s Official Poll Card), for “husband, wife” substitute “spouse, civil partner”; and
 - (b) in Form E (Proxy Paper), for “husband, wife” substitute “spouse, civil partner”.

Scottish Parliament (Elections etc.) Order 2002

- 2.—(1) Amend the Scottish Parliament (Elections etc.) Order 2002⁽⁴⁶⁾ as follows.
- (2) In article 9(3)(c), after “spouse” (in each place) insert “or civil partner”.
- (3) In article 11(5), for “husband, wife” substitute “spouse, civil partner”.
- (4) In article 27(5), for “husband, wife” substitute “spouse, civil partner”.
- (5) In Schedule 2—
 - (a) in paragraph 44(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”; and
 - (b) in paragraph 48(3)(b) for “husband, wife” substitute “spouse, civil partner”.
- (6) In Schedule 3—
 - (a) in paragraph 3(1)(a), after “spouse” (in each place) insert “or civil partner”;
 - (b) in paragraph 3(3), for “husband, wife” substitute “spouse, civil partner”;
 - (c) in paragraph 3(4)(b), after “spouse” insert “or civil partner”; and
 - (d) in the Appendix of forms, in forms N and R, for “husband, wife” in each form insert “spouse, civil partner”.

SCHEDULE 11

Article 2(11)

AMENDMENTS TO THE NATIONAL ASSEMBLY FOR WALES (REPRESENTATION OF THE PEOPLE) ORDER 2003

- 1.—(1) Amend the National Assembly for Wales (Representation of the People) Order 2003⁽⁴⁷⁾ as follows.
- (2) In article 8(2)(c)—
 - (a) after “his spouse” insert “or civil partner”; and
 - (b) after “his spouse’s” insert “or civil partner’s”.
- (3) In article 11(5), for “husband, wife,” substitute “spouse, civil partner.”
- (4) In article 29(6), for “husband, wife,” substitute “spouse, civil partner.”

⁽⁴⁶⁾ S.I. 2002/2779, to which there are amendments not relevant to this Order.

⁽⁴⁷⁾ S.I. 2003/284.

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

- (5) In article 96(1)(a) and (2), for “husband or wife” substitute “spouse or civil partner”.
- (6) In Schedule 2—
- (a) in paragraph 3(1)(a), after “spouse” (in each place) insert “or civil partner”;
 - (b) in paragraph 3(3), for “husband, wife,” substitute “spouse, civil partner,”;
 - (c) in paragraph 3(4)(b), after “spouse” insert “or civil partner”; and
 - (d) in the Form of Proxy Paper, in note 4, for “husband, wife,” substitute “spouse, civil partner,” and (in the Welsh language version) for “ŵr, gwraig,” substitute “briod, partner sifil,”.
- (7) In Schedule 5—
- (a) in paragraph 12(5), for “wife or husband” substitute “spouse or civil partner”;
 - (b) in paragraph 40(5)(a), for “husband [wife],” substitute “spouse, civil partner,”;
 - (c) in paragraph 40(5)(b), for “gwr [gwraig],” substitute “priod, partner sifil,”;
 - (d) in paragraph 40(6)(a), for “husband [wife],” substitute “spouse, civil partner,”;
 - (e) in paragraph 40(6)(b), for “wr [wraig],” substitute “briod, partner sifil,”;
 - (f) in paragraph 44(3)(b), for “husband, wife,” substitute “spouse, civil partner,”;
 - (g) in paragraph 49(7)(b), for “wives or husbands,” substitute “spouses or civil partners,”;
 - (h) in the Form of proxy’s pollcard referred to in paragraph 33(6), in the note, for “husband, wife,” substitute “spouse, civil partner,” and (in the Welsh language version) for “ŵr, gwraig,” substitute “briod, partner sifil,”;
 - (i) in the Form of proxy’s pollcard referred to in paragraph 33(7), in the note, for “husband, wife,” substitute “spouse, civil partner,” and (in the Welsh language version) for “ŵr, gwraig,” substitute “briod, partner sifil,”; and
 - (j) in the Form of declaration to be made by the companion of a voter with disabilities, for “[husband] [wife]” substitute “[spouse] [civil partner]”, and (in the Welsh language version) for “[gwr] [gwraig]” substitute “[priod] [partner sifil]”.

SCHEDULE 12

Article 2(12)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO LOCAL GOVERNMENT ELECTIONS, GREATER LONDON AUTHORITY ELECTIONS, LOCAL AUTHORITY REFERENDUMS AND LOCAL AUTHORITY MAYORAL ELECTIONS

PART 1

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO LOCAL GOVERNMENT ELECTIONS

Local Elections (Principal Areas) Rules 1986

- 1.—(1) Amend the Local Elections (Principal Areas) Rules 1986(48) as follows.
- (2) In Schedule 2 (Rules for conduct of an election of councillors of a principal area where poll is not taken together with poll at another election)—

(48) S.I. 1986/2214, relevant amending instruments are S.I. 1990/158, 2001/81, 2004/223.

- (a) in rule 29(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”;
 - (b) in rule 33(3)(b), for “husband, wife” substitute “spouse, civil partner”;
 - (c) in rule 38(2)(b), for “wives or husbands” substitute “spouses or civil partners”; and
 - (d) in the Appendix of forms, in the proxy’s official poll card, for “husband, wife”, which appear in the fourth paragraph on the back of the card, substitute “spouse, civil partner”.
- (3) In Schedule 3 (Rules for conduct of an election of councillors of a principal area where the poll is taken together with the poll at a relevant election or referendum)—
- (a) in rule 29(2), in the first question, for “husband [wife]” substitute “spouse, civil partner”;
 - (b) in rule 29(2), in the second question, for “husband [wife]” substitute “spouse, civil partner”;
 - (c) in rule 33(3)(b), for “husband, wife” substitute “spouse, civil partner”;
 - (d) in rule 38(1B)(b), for “wives or husbands” substitute “spouses or civil partners”; and
 - (e) in the Appendix of forms, in the proxy’s official poll card, for “husband, wife”, which appear in the fourth paragraph on the back of the card, substitute “spouse, civil partner”.

Local Elections (Parishes and Communities) Rules 1986

- 2.—(1) Amend the Local Elections (Parishes and Communities) Rules 1986(49) as follows.
- (2) In Schedule 2 (Rules for conduct of an election of councillors of a parish or community where poll is not taken together with poll at another election)—
- (a) in rule 29(2), for “husband [wife]”(in each place) substitute “spouse, civil partner”;
 - (b) in rule 33(3)(b), for “husband, wife” substitute “spouse, civil partner”;
 - (c) in rule 38(2)(b), for “wives or husbands” substitute “spouses or civil partners”; and
 - (d) in the Appendix of forms, in the proxy’s official poll card, for “husband, wife”, which appear in the fourth paragraph on the back of the card, substitute “spouse, civil partner”.
- (3) In Schedule 3 (Rules for conduct of an election of councillors of a parish or community where the poll is taken together with the poll at a relevant election or referendum)—
- (a) in rule 29(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”;
 - (b) in rule 33(3)(b), for “husband, wife” substitute “spouse, civil partner”;
 - (c) in rule 38(1B)(b), for “wives or husbands” substitute “spouses or civil partners”; and
 - (d) in the Appendix of forms, in the proxy’s official poll card, for “husband, wife”, which appear in the fourth paragraph on the back of the card, substitute “spouse, civil partner”.

Parish and Community Meetings (Polls) Rules 1987

3. In the Schedule (Poll rules) to the Parish and Community Meetings (Polls) Rules 1987(50)—
- (a) in rule 14(a), for “wives and husbands” substitute “spouses and civil partners”;
 - (b) in rule 21(3)(b), for “husband, wife” substitute “spouse, civil partner”; and
 - (c) in rule 26(2)(b), for “wives or husbands” substitute “spouses or civil partners”.

(49) S.I. 1986/2215, relevant amending instruments are S.I. 2001/80, 2004/224.

(50) S.I. 1987/1, to which there is an amendment not relevant to this Order.

Local Elections (Communities) (Welsh Forms) Order 1987

4.—(1) Amend the Schedule to the Local Elections (Communities) (Welsh Forms) Order 1987⁽⁵¹⁾ as follows.

- (2) In Part I, in the further questions to be put to a person applying as a proxy for a ballot paper—
 - (a) in the first question, for “gwr (gwraig)” substitute “priod, partner sifil”; and
 - (b) in the second question, for “wêr (gwraig)” substitute “briod, partner sifil”.
- (3) In Part III, in the proxy’s official poll card / cerdyn pleidleisio swyddogol y dirprwy—
 - (a) for “husband, wife”, which appear in the fourth paragraph of the English language text on the back of the card, substitute “spouse, civil partner”; and
 - (b) for “wr, gwraig”, which appear in the fourth paragraph of the Welsh language text on the back of the card, substitute “briod, partner sifil”.

Local Elections (Principal Areas) (Welsh Forms) Order 1987

5. Amend the Schedule to the Local Elections (Principal Areas) (Welsh Forms) Order 1987⁽⁵²⁾ as follows.

- (1) In Part I, in the further questions to be put to a person applying as a proxy for a ballot paper—
 - (a) in the first question, for “gwr (gwraig)” substitute “priod, partner sifil”; and
 - (b) in the second question, for “wr (gwraig)” substitute “briod, partner sifil”.
- (2) In Part III, in the proxy’s official poll card / cerdyn pleidleisio swyddogol y dirprwy—
 - (a) for “husband, wife”, which appears in the fourth paragraph of the English language text on the back of the card, substitute “spouse, civil partner”; and
 - (b) for “wr, gwraig”, which appears in the fourth paragraph of the Welsh language text on the back of the card, substitute “briod, partner sifil”.

Local Elections (Communities) (Welsh Forms) Order 2004

6.—(1) Amend the Schedule to the Local Elections (Communities) (Welsh Forms) Order 2004⁽⁵³⁾ (Forms), as follows.

- (2) In Part 1 (Forms in Welsh), in the further questions to be put to a person applying as a proxy for a ballot paper—
 - (a) in the first question, for “gwr [gwraig]” substitute “priod, partner sifil”; and
 - (b) in the second question, for “wr, gwraig” substitute “briod, partner sifil”.
- (3) In Part 2 (Forms partly in Welsh and partly in English), in the cerdyn pleidleisio swyddogol dirprwy / proxy’s official poll card—
 - (a) for “husband, wife”, which appears in the fourth paragraph of the English language text on the back of the card, substitute “spouse, civil partner”; and
 - (b) for “wr, gwraig”, which appears in the fourth paragraph of the Welsh language text on the back of the form, substitute “briod, partner sifil”.

⁽⁵¹⁾ S.I. [1987/561](#), to which there are amendments not relevant to this Order.

⁽⁵²⁾ S.I. [1987/562](#), to which there are amendments not relevant to this Order.

⁽⁵³⁾ S.I. [2004/1233](#).

Local Elections (Principal Areas) (Welsh Forms) Order 2004

7.—(1) Amend the Schedule to the Local Elections (Principal Areas) (Welsh Forms) Order 2004⁽⁵⁴⁾ (Forms) as follows.

(2) In Part 1 (Forms in Welsh), in the further questions to be put to a person applying as a proxy for a ballot paper—

- (a) in the first question, for “gwr [gwraig]” substitute “priod, partner sifil”; and
- (b) in the second question, for “wr, gwraig” substitute “briod, partner sifil”.

(3) In Part 2 (Forms partly in Welsh and partly in English), in the cerdyn pleidleisio swyddogol dirprwy / proxy’s official poll card—

- (a) for “husband, wife”, which appears in the fourth paragraph of the English language text on the back of the card, substitute “spouse, civil partner”; and
- (b) for “wr, gwraig”, which appears in the fourth paragraph of the Welsh language text on the back of the form, substitute “briod, partner sifil”.

PART 2

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO GREATER LONDON AUTHORITY ELECTIONS

Greater London Authority Elections (No. 2) Rules 2000

8.—(1) Amend the Greater London Authority Elections (No. 2) Rules 2000⁽⁵⁵⁾ as follows.

(2) In Schedule 1 (The Constituency Members Election Rules)—

- (a) in rule 30(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”;
- (b) in rule 34(3)(b), for “husband, wife” substitute “spouse, civil partner”; and
- (c) in rule 39(2)(b), for “husbands or wives” substitute “spouses or civil partners”.

(3) In Schedule 2 (The London Members Election Rules)—

- (a) in rule 31(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”;
- (b) in rule 35(3)(b), for “husband, wife” substitute “spouse, civil partner”; and
- (c) in rule 40(2)(b), for “husbands or wives” substitute “spouses or civil partners”.

(4) In Schedule 3 (The Mayoral Election Rules)—

- (a) in rule 31(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”;
- (b) in rule 35(3)(b), for “husband, wife” substitute “spouse, civil partner”; and
- (c) in rule 40(2)(b), for “husbands or wives” substitute “spouses or civil partners”.

(5) In Schedule 5 (Forms), in form 11 (Proxy’s official poll card), for “husband, wife”, which appear in the fourth paragraph on the back of the card, substitute “spouse, civil partner”.

(6) In Schedule 8 (Rules for conduct of an election of constituency members where the poll is taken together with the poll at any other election or referendum – the Constituency Members Election Rules)—

- (a) in rule 32(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”;
- (b) in rule 36(3)(b), for “husband, wife” substitute “spouse, civil partner”; and

⁽⁵⁴⁾ S.I. 2004/1234.

⁽⁵⁵⁾ S.I. 2000/427, amended by S.I. 2001/3789, 2004/227; there is another amending instrument which is not relevant.

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

(c) in rule 41(4)(b), for “husbands or wives” substitute “spouses or civil partners”.

(7) In Schedule 9 (Rules for conduct of an election of London members of the London Assembly where the poll is taken together with the poll at any other election or referendum – the London Members Election Rules)—

(a) in rule 33(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”;

(b) in rule 37(3)(b), for “husband, wife” substitute “spouse, civil partner”; and

(c) in rule 42(4)(b), for “husbands or wives” substitute “spouses or civil partners”.

(8) In Schedule 10 (Rules for conduct of an election of the Mayor of London where the poll is taken together with the poll at any other election or referendum – the Mayoral Election Rules)—

(a) in rule 33(2), for “husband [wife]” (in each place) substitute “spouse, civil partner”;

(b) in rule 37(3)(b), for “husband, wife” substitute “spouse, civil partner”; and

(c) in rule 42(4)(b), for “husbands or wives” substitute “spouses or civil partners”.

PART 3

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO LOCAL AUTHORITY REFERENDUMS

Local Authorities (Conduct of Referendums) (England) Regulations 2001

9.—(1) Amend the Local Authorities (Conduct of Referendums) (England) Regulations 2001⁽⁵⁶⁾ as follows.

(2) In Schedule 3 (Application, with modifications, of Acts and Statutory Instruments)—

(a) in table 2 (Representation of the People Act 1983), in the modification of section 61 subsections (2) to (4), for “husband, wife”, which appear in the modified section 61(4), substitute “spouse, civil partner”; and

(b) in table 3 (Local Elections (Principal Areas) Rules 1986), in the modification of rule 29, for “husband [wife]”, which appear in the substituted rule 29(2B), (in each place) substitute “spouse, civil partner”.

(3) In Schedule 5 (Combination of Polls) in Part II (Combined polls at referendums: modifications to Schedule 3 to the Principal Areas Rules) for “husband [wife]”, which appear in the substituted rule 29(2B), (in each place) substitute “spouse, civil partner”.

PART 4

AMENDMENTS TO THE SUBORDINATE LEGISLATION RELATING TO LOCAL AUTHORITY MAYORAL ELECTIONS

Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002

10.—(1) Amend the Local Authorities (Mayoral Elections) (England and Wales) Regulations 2002⁽⁵⁷⁾ as follows.

(2) In Schedule 1 (The Mayoral Elections Rules)—

⁽⁵⁶⁾ S.I. 2001/1298, to which there are amendments not relevant to this Order.

⁽⁵⁷⁾ S.I. 2002/185, amended by S.I. 2004/225.

- (a) in rule 31(2), for “husband, wife” (in each place) substitute “spouse, civil partner”;
 - (b) in rule 35(3)(b)(ii), for “husband, wife” substitute “spouse, civil partner”;
 - (c) in rule 40(2)(b), for “husbands or wives” substitute “spouses or civil partners”; and
 - (d) in the Appendix of forms, in form 7 (Proxy’s official poll card), for “husband, wife”, which appear in the fourth paragraph on the back of the card, substitute “spouse, civil partner”.
- (3) In Schedule 3 (Rules for the conduct of a Mayoral election where the poll is taken together with the poll at a relevant election or referendum – the Mayoral Elections (Combination of Polls) Rules)—
- (a) in rule 31(2), in the first question, for “husband [wife]” substitute “spouse, civil partner”;
 - (b) in rule 31(2), in the second question, for “husband, wife” substitute “spouse, civil partner”;
 - (c) in rule 35(3)(b)(ii), for “husband, wife” substitute “spouse, civil partner”;
 - (d) in rule 40(1B)(b), for “wives or husbands” substitute “spouses or civil partners”; and
 - (e) in the Appendix of forms, in form 7 (Proxy’s official poll card), for “husband, wife”, which appear in the fourth paragraph on the back of the card, substitute “spouse, civil partner”.

SCHEDULE 13

Article 2(13)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO IMMIGRATION AND NATIONALITY

PART 1

IMMIGRATION

Asylum Support (Interim Provisions) Regulations 1999

1. In regulation 2 of the Asylum Support (Interim Provisions) Regulations 1999(58)—
 - (a) in paragraph (1)(a), after “is his spouse” insert “or civil partner”;
 - (b) in paragraph (1)(b), after “or of his spouse” insert “or civil partner”;
 - (c) in paragraph (1)(c), after “or his spouse's” insert “or civil partner's”; and
 - (d) after paragraph (1)(f) insert—
 - “(ff) had been living with him as a member of a same-sex couple for at least two of the three years before the day on which his claim for support was made;”.

Asylum Support Regulations 2000

- 2.—(1) Amend the Asylum Support Regulations 2000(59) as follows.
- (2) In regulation 2(1)—
 - (a) after the definition of “asylum support” insert ““civil partnership couple” means two people of the same sex who are civil partners of each other and who are members of the same household;”; and

(58) S.I. 1999/3056, to which there are amendments not relevant to this Order.

(59) S.I. 2000/704, to which there are amendments not relevant to this Order.

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

- (b) after the definition of “married couple” insert ““same-sex couple” means two people of the same sex who, though not civil partners of each other, are living together as if they were;”.
- (3) In regulation 2(4)—
 - (a) in sub-paragraph (a), after “is his spouse” insert “or civil partner”;
 - (b) in sub-paragraph (b), after “is a child of his or of his spouse” insert “or civil partner”;
 - (c) in sub-paragraph (c), after “his spouse's” insert “or civil partner's”; and
 - (d) after sub-paragraph (f) insert—
 - “(fa) had been living with him as a member of a same-sex couple for at least two of the three years before the relevant time;”.
- (4) In regulation 10(4)—
 - (a) for sub-paragraph (a) substitute—
 - “(a) “qualifying couple” means a married couple, an unmarried couple, a civil partnership couple or a same-sex couple, at least one of whom is aged 18 or over and neither of whom is aged under 16;”; and
 - (b) for sub-paragraph (b) substitute—
 - “(b) “lone parent” means a parent who is not a member of a married couple, an unmarried couple, a civil partnership couple or a same-sex couple;”
- (5) In regulation 15(2)—
 - (a) after sub-paragraph (f) insert:
 - “(fa) forms a civil partnership;”;
 - (b) after sub-paragraph (g) insert:
 - “(ga) starts living with a person as if a civil partner of that person;”;
 - (c) after sub-paragraph (h) insert:
 - “(ha) becomes a former civil partner on the dissolution of his civil partnership;”; and
 - (d) after sub-paragraph (i) insert:
 - “(ia) separates from his civil partner or from the person with whom he has been living as if a civil partner of that person;”.

Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002

- 3.** In regulation 2 of the Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002(**60**)—
- (a) in paragraph (2)(a), after “his spouse” insert “or his civil partner”;
 - (b) in paragraph (2)(b), after “his spouse” insert “or of his civil partner”;
 - (c) in paragraph (2)(c), after “his spouse's” insert “or his civil partner's”;
 - (d) in paragraph (2)(f), for “an unmarried couple” substitute “a couple”; and
 - (e) in paragraph (3), for the definition of “unmarried couple” substitute—
 - ““couple” means a man and woman who are not married to each other but are living together as if they are, or, two people of the same sex who are not civil partners of each other but are living together as if they are.”.

(60) S.I. 2002/3078.

PART 2

NATIONALITY

British Nationality (Dependent Territories) Regulations 1982

- 4.—(1) Amend the British Nationality (Dependent Territories) Regulations 1982(**61**) as follows.
- (2) In Schedule 2—
- (a) in paragraph 9(a), after “is married to” insert “, or is the civil partner of,”;
 - (b) in paragraph 11, after “marriage to” insert “or civil partnership with”; and
 - (c) in paragraph 19(b), after “has been married to” insert “, or has been the civil partner of,”.
- (3) In Schedule 5, in paragraph 2(b), after “has been married” insert “or has been a civil partner”.

The British Nationality (General) Regulations 2003

- 5.—(1) Amend the British Nationality (General) Regulations 2003(**62**) as follows.
- (2) In Schedule 2—
- (a) in paragraph 14(1)(a), after “is married to” insert “, or is the civil partner of,”;
 - (b) in paragraph 14(3), after “marriage to” insert “or civil partnership with”; and
 - (c) in paragraph 16(b), after “has been married to” insert “, or has been the civil partner of,”.
- (3) In Schedule 5, in paragraph 2(b), after “has been married” insert “or has been a civil partner”.

The British Nationality (Fees) Regulations 2003

6. In regulation 5(1) of the British Nationality (Fees) Regulations 2003(**63**), for “a husband and wife” substitute “either a husband and wife, or two people who are civil partners of each other,”.

SCHEDULE 14

Article 2(14)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO PROBATION

Probation (Compensation) Regulations 1965

- 1.—(1) Amend the Probation (Compensation) Regulations 1965(**64**) as follows.
- (2) In regulation 23(5), after “spouse” insert “, civil partner”.
- (3) In regulation 24(1), (5) and (6), for “widow” substitute “surviving spouse, surviving civil partner”.
- (4) In regulation 25(3), for “widow” substitute “surviving spouse, surviving civil partner”.
- (5) In regulation 26—
- (a) in paragraph (1), for “widow” substitute “surviving spouse, surviving civil partner”; and
 - (b) for paragraph (2) substitute—

(61) S.I. 1982/987, amended by S.I. 2003/539.

(62) S.I. 2003/548, to which there are amendments not relevant to this Order.

(63) S.I. 2003/3157, to which there are amendments not relevant to this Order.

(64) S.I. 1965/620.

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

“(2) If an annual sum becomes payable to a surviving spouse or surviving civil partner under Regulation 24 of these Regulations and on the formation of their subsequent marriage or civil partnership or death the sum ceases to be payable, and the aggregate amount of the payments which were made to them as aforesaid, to their spouse or civil partner by way of retirement compensation and to their personal representative under Regulation 25 of these Regulations is less than a sum equivalent to the amount which would have been payable to the personal representative under that Regulation if no annual sum had been payable to the surviving spouse or surviving civil partner under the said Regulation 24, there shall be paid to them or their personal representative the difference between such aggregate amount and the said equivalent sum.”.

(6) In regulation 28—

(a) after “his” insert “or her”; and

(b) for “widow” substitute “surviving spouse, surviving civil partner”.

(7) In regulation 36(2), for “widow” substitute “surviving spouse, surviving civil partner”.

Local Probation Boards (Miscellaneous Provisions) Regulations 2001

2. In regulation 6(2)(e) of the Local Probation Boards (Miscellaneous Provisions) Regulations 2001(65), after “spouse,” insert “civil partner”.

SCHEDULE 15

Article 2(15)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO MERCHANT SHIPPING

In the subordinate legislation specified in column 1 of the following table, in the definition of “pleasure vessel” or “pleasure craft”, as the case may be, contained in the provisions specified in column 2 of that table, for each reference to “husband or wife” substitute “spouse or civil partner”.

| <i>1 Title of enactment</i> | <i>2 Provisions to be amended</i> |
|--|-----------------------------------|
| Merchant Shipping (Means of Access) Regulations 1988(66) | Regulation 2 |
| Merchant Shipping (Entry into Dangerous Spaces) Regulations 1988(67) | Regulation 2 |
| Merchant Shipping (Safe Movement on Board Ship) Regulations 1988(68) | Regulation 2 |
| Merchant Shipping (Provisions and Water) Regulations 1989(69) | Regulation 2 |
| Merchant Shipping (Survey and Certification) Regulations 1995(70) | Regulation 1, paragraph 2 |

(65) S.I. 2001/786.

(66) S.I. 1988/1637, amended by S.I. 1993/1072; there are other amending instruments but none is relevant.

(67) S.I. 1988/1638, amended by S.I. 1993/1072; there are other amending instruments but none is relevant.

(68) S.I. 1988/1641, amended by S.I. 1993/1072; there are other amending instruments but none is relevant.

(69) S.I. 1989/102, amended by S.I. 1993/1072.

(70) S.I. 1995/1210, to which there are amendments not relevant to this Order.

| <i>1 Title of enactment</i> | <i>2 Provisions to be amended</i> |
|---|-----------------------------------|
| Merchant Shipping (Light Dues) Regulations 1997(71) | Schedule 2 Part I, paragraph 1(f) |
| Merchant Shipping (Crew Accommodation) Regulations 1997(72) | Regulation 2, paragraph 1 |
| Merchant Shipping (Cargo Ship Construction) Regulations 1997(73) | Regulation 2, paragraph 1 |
| Merchant Shipping (Tonnage) Regulations 1997(74) | Regulation 2, paragraph 1 |
| Merchant Shipping (Load Line) Regulations 1998(75) | Regulation 2, paragraph 1 |
| Merchant Shipping (Fire Protection: Small Ships) Regulations 1998(76) | Regulation 1, paragraph 2 |
| Merchant Shipping (Fire Protection: Large Ships) Regulations 1998(77) | Regulation 1, paragraph 2 |
| Merchant Shipping (Radio Installations) Regulations 1998(78) | Regulation 2 |
| Merchant Shipping (Vessels in Commercial Use for Sport or Pleasure) Regulations 1998(79) | Regulation 2, paragraph 1 |
| Merchant Shipping (Life-Saving Appliances For Ships Other Than Ships Of Classes III to VI (A)) Regulations 1999(80) | Regulation 2, paragraph 2 |
| Merchant Shipping (Musters, Training and Decision Support Systems) Regulations 1999(81) | Regulation 2, paragraph 1 |
| Merchant Shipping (Safety of Navigation) Regulations 2002(82) | Regulation 2, paragraph 1 |
| Merchant Shipping (Medical Examination) Regulations 2002(83) | Regulation 2, paragraph 1 |
| Merchant Shipping (Hours of Work) Regulations 2002(84) | Regulation 2 |

(71) S.I. [1997/562](#), to which there are amendments not relevant to this Order.

(72) S.I. [1997/1508](#).

(73) S.I. [1997/1509](#), to which there are amendments not relevant to this Order.

(74) S.I. [1997/1510](#), to which there are amendments not relevant to this Order.

(75) S.I. [1998/224](#), to which there are amendments not relevant to this Order.

(76) S.I. [1998/1011](#), amended by S.I. [2000/2687](#); there are other amending instruments but none is relevant.

(77) S.I. [1998/1012](#), amended by S.I. [2000/2687](#); there are other amending instruments but none is relevant.

(78) S.I. [1998/2070](#), amended by S.I. [2000/2687](#); there are other amending instruments but none is relevant.

(79) S.I. [1998/2771](#), to which there are amendments not relevant to this Order.

(80) S.I. [1999/2721](#), amended by S.I. [2000/2687](#); there are other amending instruments but none is relevant.

(81) S.I. [1999/2722](#), to which there are amendments not relevant to this Order.

(82) S.I. [2002/1473](#), to which there are amendments not relevant to this Order.

(83) S.I. [2002/2055](#), amended by S.I. [2005/1919](#); there is another amending instrument but it is not relevant.

(84) S.I. [2002/2125](#), to which there are amendments not relevant to this Order.

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

| <i>1 Title of enactment</i> | <i>2 Provisions to be amended</i> |
|---|-----------------------------------|
| Merchant Shipping (Categorisation of Registries of Relevant British Possessions) Order 2003(85) | Regulation 2 |
| Merchant Shipping (Fire Protection) Regulations 2003(86) | Regulation 2, paragraph 1 |
| Merchant Shipping (High Speed Craft) Regulations 2004(87) | Regulation 2 |

SCHEDULE 16

Article 2(16)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO
FINANCIAL SERVICES, NATIONAL SAVINGS AND INVESTMENTS
AND BUILDING SOCIETIES AND INDUSTRIAL ASSURANCE

PART 1

FINANCIAL SERVICES

Financial Services and Markets Act 2000 (Regulated Activities) Order 2001

1.—(1) Amend the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001(88) as follows.

(2) In article 3(1), in the definition of “close relative”, after “spouse” (in each place) insert “or civil partner”.

(3) In article 61(4)(c)(i), after “spouse” insert “or civil partner”.

(4) In article 71(2)(b), after “widowers,” insert “civil partners, surviving civil partners,”.

(5) In paragraph 2 of Part 2 of Schedule 1, after “marriage” insert “or the formation of a civil partnership”.

Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemptions) Order 2001

2. In article 2(1) of the Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemptions) Order 2001(89), in the definition of “close relative”, after “spouse” (in each place) insert “or civil partner”.

(85) S.I. 2003/1248.

(86) S.I. 2003/2950.

(87) S.I. 2004/302, to which there are amendments not relevant to this Order.

(88) S.I. 2001/544, to which there are amendments not relevant to this Order.

(89) S.I. 2001/1060, to which there are amendments not relevant to this Order.

Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001

3. In paragraph 8(2)(b) of the Schedule to the Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001(90), after “widowers,” insert “civil partners, surviving civil partners,”.

Financial Services and Markets Act 2000 (Exemption) Order 2001

4. In paragraph 41(3)(b)(ii) of the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001(91), after “widowers” insert “, civil partners, surviving civil partners,”.

Open-Ended Investment Companies Regulations 2001

5. In regulation 44(8)(a) of the Open-Ended Investment Companies Regulations 2001(92), after “spouse,” insert “civil partner,”.

PART 2

NATIONAL SAVINGS AND INVESTMENTS

Savings Contracts Regulations 1969

6.—(1) Amend the Savings Contracts Regulations 1969(93) as follows.

(2) In the heading preceding regulation 21, for “and marriage” substitute “, marriage and civil partnership”.

(3) In regulation 21—

(a) for “Section 10” substitute “Sections 10, 10A, 10B and 10C”; and

(b) for “relates to the price of a certificate of birth, death or marriage” substitute “relate to the price of a certificate of birth, death, marriage, civil partnership or a certified copy of an entry in the Civil Partnership Register”.

National Savings Bank Regulations 1972

7.—(1) Amend the National Savings Bank Regulations 1972(94) as follows.

(2) In regulation 29L(2)(c), after “married to” insert “, or a civil partner of,”.

(3) In regulation 35—

(a) in paragraph (1)(c), after “marriage” insert “or formation of a civil partnership by,”; and

(b) in paragraph (3)—

(i) after “by the marriage” insert “or formation of a civil partnership by,”; and

(ii) after “before the marriage” insert “or civil partnership”.

(4) In regulation 41(1)(c), after “spouse” insert “or civil partner”.

(90) S.I. 2001/1062, to which there are amendments not relevant to this Order.

(91) S.I. 2001/1201, to which there are amendments not relevant to this Order.

(92) S.I. 2001/1228, to which there are amendments not relevant to this Order.

(93) S.I. 1969/1342, to which there are amendments not relevant to this Order.

(94) S.I. 1972/764, relevant amending instruments are S.I. 1981/484, 1999/588.

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

Premium Savings Bonds Regulations 1972

8.—(1) Amend the Premium Savings Bonds Regulations 1972(**95**) as follows.

(2) In the heading preceding regulation 25, for “and marriage” substitute “, marriage and civil partnership”.

(3) In regulation 25—

- (a) for “Section 10” substitute “Sections 10, 10A, 10B and 10C”; and
- (b) for “relates to the price of a certificate of birth, death or marriage” substitute “relate to the price of a certificate of birth, death, marriage, civil partnership or a certified copy of an entry in the Civil Partnership Register”.

National Savings Stock Register Regulations 1976

9.—(1) Amend the National Savings Stock Register Regulations 1976(**96**) as follows.

(2) In regulation 36—

- (a) in paragraph (1)(c), after “marriage” insert “or formation of a civil partnership by,”; and
- (b) in paragraph (3)—
 - (i) after “by the marriage” insert “or formation of a civil partnership by,”; and
 - (ii) after “before the marriage” insert “or civil partnership”.

(3) In regulation 42(1)(c), after “spouse” insert “or civil partner”.

(4) In the heading preceding regulation 52, for “and marriage” substitute “, marriage and civil partnership”.

(5) In regulation 52—

- (a) for “Section 10” substitute “Sections 10, 10A, 10B and 10C”; and
- (b) for “relates to the price of a certificate of birth, death or marriage” substitute “relate to the price of a certificate of birth, death, marriage, civil partnership or a certified copy of an entry in the Civil Partnership Register”.

Savings Certificates (Yearly Plan) Regulations 1984

10.—(1) Amend the Savings Certificates (Yearly Plan) Regulations 1984(**97**) as follows.

(2) In regulation 17(1)(c), after “spouse” insert “or civil partner”.

(3) In the heading preceding regulation 26, for “and marriage” substitute “, marriage and civil partnership”.

(4) In regulation 26—

- (a) for “Section 10” substitute “Sections 10, 10A, 10B and 10C”; and
- (b) for “relates to the price of a certificate of birth, death or marriage” substitute “relate to the price of a certificate of birth, death, marriage, civil partnership or a certified copy of an entry in the Civil Partnership Register”.

Savings Certificates Regulations 1991

11.—(1) Amend the Savings Certificates Regulations 1991(**98**) as follows.

(95) S.I. 1972/765, to which there are amendments not relevant to this Order.

(96) S.I. 1976/2012, relevant amending instruments are S.I. 1981/485, 1993/3131, 1998/146, 2004/1662.

(97) S.I. 1984/779, relevant amending instruments are S.I. 1993/3132, 2004/1662.

(98) S.I. 1991/1031, relevant amending instruments are S.I. 1993/3133, 2004/1662.

- (2) In regulation 17(1)(c), after “spouse” insert “or civil partner”.
- (3) In the heading preceding regulation 26, for “and marriage” substitute “, marriage and civil partnership”.
- (4) In regulation 26—
 - (a) for “Section 10” substitute “Sections 10, 10A, 10B and 10C”; and
 - (b) for “relates to the price of a certificate of birth, death or marriage” substitute “relate to the price of a certificate of birth, death, marriage, civil partnership or a certified copy of an entry in the Civil Partnership Register”.
- (5) In Schedule 2—
 - (a) in paragraph (4)(1)(c), after “marriage” insert “or formation of a civil partnership by,”; and
 - (b) in paragraph (4)(3)—
 - (i) after “by the marriage” insert “or formation of a civil partnership by,”; and
 - (ii) after “before the marriage” insert “or civil partnership”.

Savings Certificates (Children’s Bonus Bonds) Regulations 1991

- 12.**—(1) Amend the Savings Certificates (Children’s Bonus Bonds) Regulations 1991(**99**) as follows.
- (2) In the heading preceding regulation 23, for “and marriage” substitute “, marriage and civil partnership”.
 - (3) In regulation 23—
 - (a) for “Section 10” substitute “Sections 10, 10A, 10B and 10C”; and
 - (b) for “relates to the price of a certificate of birth, death or marriage” substitute “relate to the price of a certificate of birth, death, marriage, civil partnership or a certified copy of an entry in the Civil Partnership Register”.

PART 3

BUILDING SOCIETIES AND INDUSTRIAL ASSURANCE

Industrial Assurance (Premium Receipt Books) Regulations 1948

- 13.** In regulation 2 of the Industrial Assurance (Premium Receipt Books) Regulations 1948(**100**), after “spouse” insert “or civil partner”.

Building Societies Act 1986 (Powers and Miscellaneous Transitional Provisions) Order 1986

- 14.**—(1) Amend the Building Societies Act 1986 (Powers and Miscellaneous Transitional Provisions) Order 1986(**101**) as follows.
- (2) In article 5(3)(b)(i) and (iv), after “spouse” insert “or civil partner”.
 - (3) In article 5(3)(b)(iii), after “spouse's” insert “or civil partner's”.
 - (4) In article 5(6), after “child includes a step-child;” insert the following definition—
““civil partner” includes a former civil partner;”.

(99) S.I. [1991/1407](#), to which there are amendments not relevant to this Order.

(100) S.I. [1948/2770](#), to which there are amendments not relevant to this Order.

(101) S.I. [1986/2169](#), to which there are amendments not relevant to this Order.

Building Societies (Accounts and Related Provisions) Regulations 1998

15.—(1) Amend the Building Societies (Accounts and Related Provisions) Regulations 1998(102) as follows.

- (2) In paragraph 5(6) of Schedule 8, for “wife, husband” substitute “spouse, civil partner”.
- (3) In paragraph 4(5) of Schedule 9, after “spouse” insert “or civil partner”.

SCHEDULE 17

Article 2(17)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO
PATERNITY AND ADOPTION LEAVE AND PAY, SEXUAL ORIENTATION
DISCRIMINATION IN EMPLOYMENT AND VOCATIONAL TRAINING,
AND EMPLOYMENT AGENCIES AND EMPLOYMENT BUSINESSES

Paternity and Adoption Leave Regulations 2002

1.—(1) Amend the Paternity and Adoption Leave Regulations 2002(103) as follows.

- (2) In regulation 4—
 - (a) in paragraph (2)(b)(ii), after “married to” insert “, the civil partner”; and
 - (b) in paragraph (2)(c)(ii), after “mother’s husband” insert “, civil partner”.
- (3) In regulation 8(2)(b), after “married to” insert “, the civil partner”.

Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002

2. In regulation 14(2)(b) of the Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002(104), after “spouse” insert “, civil partner”.

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002

3. In regulation 11(1)(a) of the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002(105), after “married to” insert “, the civil partner” (in each place).

Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002

4. In regulation 3(1)(b)(ii) of the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002(106), after “married to” insert “, the civil partner”.

Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003

5.—(1) Amend the Paternity and Adoption Leave (Adoption from Overseas) Regulations 2003(107) as follows.

- (2) In regulations 8 to 10 of the Paternity and Adoption Leave Regulations 2002 substituted by regulation 7—
 - (a) in regulation 8(2)(c), after “married to” insert “, the civil partner”; and

(102) S.I. 1998/504, to which there are amendments not relevant to this Order.

(103) S.I. 2002/2788, to which there are amendments not relevant to this Order.

(104) S.I. 2002/2820, to which there are amendments not relevant to this Order.

(105) S.I. 2002/2822, amended by S.I. 2004/488; there are other amending instruments but none is relevant.

(106) S.I. 2002/3236.

(107) S.I. 2003/921.

- (b) in regulation 10(3), for “partner or spouse” substitute “partner, spouse or civil partner”.

Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003

6. In regulation 5(1)(a) of the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003(**108**), after “married to” insert “, the civil partner” (in each place).

Employment Equality (Sexual Orientation) Regulations 2003

7.—(1) Amend the Employment Equality (Sexual Orientation) Regulations 2003(**109**) as follows.

(2) After regulation 3(2) insert—

“(3) For the purposes of paragraph (2), in a comparison of B’s case with that of another person the fact that one of the persons (whether or not B) is a civil partner while the other is married shall not be treated as a material difference between their respective circumstances.”

(3) For regulation 25 (Exception for benefits dependent on marital status) substitute—

“Exception for benefits dependent on a person’s status

25. Nothing in Part II or III shall render unlawful—

- (a) anything which prevents or restricts access to a benefit by reference to marital status where the right to the benefit accrued or the benefit is payable in respect of periods of service prior to the coming into force of the Civil Partnership Act 2004;
- (b) the conferring of a benefit on married persons and civil partners to the exclusion of all other persons.”

Conduct of Employment Agencies and Employment Businesses Regulations 2003

8. In regulation 3(1)(a) of the Conduct of Employment Agencies and Employment Businesses Regulations 2003(**110**), after “spouse” insert “or civil partner”.

SCHEDULE 18

Article 2(18)

AMENDMENTS TO SUBORDINATE LEGISLATION RELATING TO INSOLVENCY

PART 1

AMENDMENTS TO INSOLVENCY LEGISLATION

Insolvency Rules 1986

1.—(1) Amend the Insolvency Rules 1986(**111**) as follows.

(2) In Rule 6.237 (bankrupt’s home – notification of property falling within section 283A)—

(108) S.I. 2003/1194, to which there are amendments not relevant to this Order.

(109) S.I. 2003/1661, amended by S.I. 2003/2827.

(110) S.I. 2003/3319.

(111) S.I. 1986/1925; relevant amending instruments are S.I. 2003/1730 , 2005/527.

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

- (a) in paragraph (1)(b), after “spouse” insert “or civil partner”; and
 - (b) in paragraph (1)(c), after “former spouse” insert “or former civil partner”.
- (3) In Rule 6.237A (application in respect of the vesting of an interest in a dwelling-house (registered land))—
- (a) in paragraph (1)(a)(ii), after “spouse” insert “or civil partner”;
 - (b) in paragraph (1)(a)(iii), after “former spouse” insert “or former civil partner”; and
 - (c) in paragraph (4), after “former spouse” insert “or civil partner or former civil partner”.
- (4) In Rule 6.237B (vesting of bankrupt’s interest (unregistered land))—
- (a) in paragraph (1)(b), after “spouse” insert “or civil partner”;
 - (b) in paragraph (1)(c), after “former spouse” insert “or former civil partner”; and
 - (c) in paragraph (3), after “former spouse” insert “or civil partner or former civil partner”.
- (5) In paragraph (2)(a) of Rule 6.237D (charging order), after “former spouse” insert “or civil partner or former civil partner”.
- (6) In Schedule 4 (Forms), for Forms 6.28 and 6.83 substitute the Forms so numbered as set out in Part 2 of this Schedule.

Insolvent Partnerships Order 1994

- 2.—(1) Amend the Insolvent Partnerships Order 1994(**112**) as follows.
- (2) In Schedule 4, in paragraph 28A (Section 283A: Individual member’s home ceasing to form part of estate), in modified section 283A—
- (a) in subsection (1)(b) after “spouse” insert “or civil partner”; and
 - (b) in subsection (1)(c) after “former spouse” insert “or former civil partner”.
- (3) In Schedule 4, in paragraph 29A (Section 313A: Low value home: application for sale, possession or charge), in modified section 313A—
- (a) in subsection (1)(a)(ii) after “spouse” insert “or civil partner”; and
 - (b) in subsection (1)(a)(iii) after “former spouse” insert “or former civil partner”.
- (4) In Schedule 7, in paragraph 7A (Section 283A: Bankrupt’s home ceasing to form part of estate), in modified section 283A—
- (a) in subsection (1)(b) after “spouse” insert “or civil partner”; and
 - (b) in subsection (1)(c) after “former spouse” insert “or former civil partner”.
- (5) In Schedule 7, paragraph 20A (Section 313A: Low value home: application for sale, possession or charge), in modified section 313A—
- (a) in subsection (1)(a)(ii) after “spouse” insert “or civil partner”; and
 - (b) in subsection (1)(a)(iii) after “former spouse” insert “or former civil partner”.

Limited Liability Partnerships Regulations 2001

3. In Schedule 3 to the Limited Liability Partnerships Regulations 2001(**113**), in the entry relating to section 435 of the Insolvency Act 1986(**114**) (meaning of “associate”), in the entry relating to the new subsection (3A), after “wife” insert “or civil partner”.

(112) S.I. 1994/2421, amended by S.I. 2005/1516; there are other amending instruments but none is relevant.

(113) S.I. 2001/1090, to which there are amendments not relevant to this Order.

(114) 1986 c. 45.

PART 2
FORMS FOR INSERTION INTO SCHEDULE
4 TO THE INSOLVENCY RULES 1986

Rule 6.41(1) Statement of Affairs (Debtor's Petition) Form 6.28
Insolvency Act 1986

NOTE:
These details will be the same as those shown at the top of your petition. Please complete this form in black ink.

In the
In Bankruptcy

No. _____ of 20 _____

Re _____
The 'Guidance Notes' Booklet tells you how to complete this form easily and correctly

Show your current financial position and supply the required information by completing all the pages of this form, which will then be your Statement of Affairs

AFFIDAVIT

When you have completed the rest of this form, this Affidavit must be sworn before a Solicitor or Commissioner for Oaths or an officer of the court duly authorised to administer oaths

- (a) Insert full name
(b) Insert occupation
(c) Insert full address

I (a) _____
(b) _____
of (c) _____

Make oath and say that the several pages marked
and contained in the exhibit marked "Z"

are to the best of my knowledge and belief a full, true and complete statement of my affairs at today's date.

Sworn at

Dated this _____ day of _____ 20____ Signature(s) _____
Before me _____

A Solicitor or Commissioner for Oaths or authorised officer

Before swearing the affidavit, the Solicitor or Commissioner is particularly requested to make sure that the full name, address and description of the deponent are stated, and to initial any crossing out or other alterations in the printed form. A deficiency in the affidavit in any of the above respects will mean it will be refused by the court, and will need to be re-sworn.

| | |
|--------------------|-------------------------|
| Section 1 : | Personal Details |
|--------------------|-------------------------|

| | |
|--|--|
| 1.1 Surname | |
| Forename(s) | |
| Title (Mr, Mrs, Ms etc) | |
| 1.2 Any other names by which you have been known (such as maiden name, alias or nickname). | |
| 1.3 Date of birth | |
| 1.4 Place of birth | |
| 1.5 National insurance number | |
| 1.6 Home address | |
| 1.7 Home telephone number | |
| 1.8 Mobile telephone number | |
| 1.9 On which telephone number can you be contacted during the day? | |
| 1.10 E-mail address | |

1.11 Are you (tick all that apply):

| | | | | | |
|----------|--------------------------|-------------|--------------------------|---------------------------|--------------------------|
| Single | <input type="checkbox"/> | Co-habiting | <input type="checkbox"/> | A civil partner | <input type="checkbox"/> |
| Married | <input type="checkbox"/> | Separated | <input type="checkbox"/> | A former civil partner | <input type="checkbox"/> |
| Divorced | <input type="checkbox"/> | Widowed | <input type="checkbox"/> | A surviving civil partner | <input type="checkbox"/> |

1.12 Are you, or in the last 5 years have you been, involved in proceedings for divorce, separation or the dissolution of a civil partnership?

| | | | |
|------------|--------------------------|-----------|--------------------------|
| Yes | <input type="checkbox"/> | No | <input type="checkbox"/> |
|------------|--------------------------|-----------|--------------------------|

If 'No', please go to question 1.14

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Section 1 cont: Personal Details

If **Yes**, please give details including any agreed settlement whether formal or informal, and any gifts or transfers of property that occurred in those proceedings.

1.13 Name, address and reference of your solicitor in the proceedings

1.14 Have you been bankrupt before?

Yes No

If **Yes**, when?

Which court and which Official Receiver's office dealt with the proceedings?

1.15 Have you previously entered, or have you tried to enter, into an Individual Voluntary Arrangement (a formal arrangement with your creditors, ratified by the Court, to pay them in full or part over time)?

Yes No

If **Yes**, give the name and address of the insolvency practitioner involved and the date of the arrangement.

Section 1 cont:

Personal Details

1.16 Are you involved in any legal proceedings? **Yes** **No**

If **Yes**, please give brief details of the nature of the proceedings, the name and address of any solicitor acting for you, the name of the relevant court and any case or reference number.

1.17 Are you, or in the last five years, have you been a director or involved in the management of a company? **Yes** **No**

If '**Yes**', please give details of all the companies in question:

| Name of company | If the company is subject to liquidation administration, administrative receivership or other insolvency proceedings, give details of the Official Receiver's office or insolvency practitioner dealing with the company. |
|-----------------|---|
| | |
| | |
| | |
| | |

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| | |
|--------------------|-------------------------|
| Section 2 : | Business Details |
|--------------------|-------------------------|

Please complete this section if you are or have been self-employed (including a partner in a partnership) at any time in the last two years. If not, go to Section 3.

| | | | | |
|--|-----|--|----|--|
| 2.1 What was the name of your business? | | | | |
| 2.2 State the type of business, trade or profession | | | | |
| 2.3 What was the trading address? (this should also be listed in Section 8) | | | | |
| 2.4 Was the business registered for VAT? | Yes | | No | |
| If Yes, give the VAT number. | | | | |
| 2.5 If the business was a partnership give the name(s) and address(es) of the partner(s) | | | | |
| 2.6 When did the business start trading? | | | | |
| 2.7 If it has stopped trading, when did it do so? | | | | |
| 2.8 At what address are your books of account and other accounting records kept? | | | | |
| 2.9 If you hold records on a computer, provide details of which records are held, what software is used (including any passwords) and state where the computer is. | | | | |
| 2.10 What is the name and address of your accountant? | | | | |
| 2.11 What is the name and address of your solicitor? | | | | |

Section 2 cont:

Business Details

2.12 Have you employed anybody during the last two years?

Yes

No

If **Yes**, do you owe them any money or may any former employee claim that you owe them any money, e.g. for wages, holiday pay or redundancy pay?

Yes

No



Details of employees to whom money is or may be owing should be included in your list of creditors in Section 4.

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

| | |
|-------------------|---------------|
| Section 3: | Assets |
|-------------------|---------------|

| 3.1 | Details (if none owned write "NONE") | Approximate value £ |
|--|--|--------------------------------------|
| 1. Cash in hand | | |
| 2. Cash in bank, building society or similar account | | |
| 3. Cash held by anyone for you | | |
| 4. Money owed to you | | |
| 5. Tools of your trade | | |
| 6. Stock in trade | | |
| 7. Machinery, plant and equipment | | |
| 8. Fixtures and fittings | | |
| 9. Freehold land and property | | |
| 10. Leasehold land and property | | |

| Section 3 cont: | | Assets |
|--|----------------|--------------------------------|
| | Details | Approximate value £ |
| 11. Stocks, shares and investments | | |
| 12. Pension policies and other pension entitlements | | |
| 13. Endowment and other life policies | | |
| 14. Motor vehicles | | |
| 15. Farming stock and crops | | |
| 16. National Savings and Premium Bonds | | |
| 17. Any property or possessions abroad in which you have an interest, including timeshares | | |
| 18. Any property or sums due to you under a will or trust | | |
| 19. Any other property of any value e.g. paintings, furniture or jewellery | | |

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

| | |
|------------------------|---------------|
| Section 3 cont: | Assets |
|------------------------|---------------|

3.2 Do you have or have you had any endowment or other life policies? **Yes** **No**

3.3 If **Yes**, give details, including details of lapsed policies.

| Name and address (including postcode) of life assurance company or broker | Policy number | When was it taken out, roughly? | Type of policy | Estimated value of policy £ | Name and address (including postcode) of any concern holding security over the policy |
|---|---------------|---------------------------------|----------------|--------------------------------|---|
| | | | | | |
| | | | | | |
| | | | | | |
| TOTAL | | | | £ | |

3.4 Apart from state benefits, do you have or have you had any personal pension arrangements? **Yes** **No**

If **Yes**, give details.

| Name and address of the pension company | Policy number | Roughly when did you take out the policy? How much have you paid in total? | When are the payments to you due to start? | Amount (if any) being received now, and how often/period £ | Value of pension £ |
|---|---------------|--|--|---|-----------------------|
| | | | | | |
| | | | | | |
| | | | | | |

Section 3 cont: Assets

3.5 Have you in the last five years given away, transferred or sold for less than its true value any property or possessions you owned? This includes the surrender of life, endowment and pension policies. **Yes** **No**

If **Yes**, please provide the following details.

| Description of the asset | When did you give away, transfer or sell the asset? | Name and address of recipient | Estimated market value or true value of the asset | Value at which the asset was given away, transferred or sold |
|--------------------------|---|-------------------------------|---|--|
| | | | | |
| | | | | |

3.6 In the last 2 years have you made any payment to a creditor, other than in the ordinary course of business, with a view to improving the position of that creditor in case you became subject to insolvency/bankruptcy proceedings? **Yes** **No**

If **Yes**, give details.

3.7 Do you own a motor vehicle or have you disposed of any vehicle in the last 12 months? (if you own a motor vehicle, this should also be listed in Q3.1) **Yes** **No**

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

| | |
|------------------------|---------------|
| Section 3 cont: | Assets |
|------------------------|---------------|

If **Yes**, please provide the following details:

| | |
|---|--|
| Make/Model | |
| Registration number | |
| Estimated value £ | |
| Finance outstanding £ | |
| Name of finance company | |
| Reference number of agreement | |
| Does the vehicle have a valid MOT? If yes, provide expiry date of MOT | |
| Insurance / Expiry date | |
| Give your general view on the condition of the vehicle | |
| Location of vehicle | |
| Name of any joint owner | |

3.8 If you have disposed of any vehicle in the last 12 months, please specify where the vehicle is now.

| | |
|------------------------|---------------|
| Section 3 cont: | Assets |
|------------------------|---------------|

3.9 Do you have the use of a motor vehicle that you do not own? Yes No

If **Yes**, please provide the following details:

| | |
|---------------------|--|
| Registration number | |
| Owner | |
| Estimated value £ | |

3.10 Has an enforcement officer (previously known as sheriff's officer) / bailiff visited you in the last 6 months? Yes No

(An enforcement officer / bailiff is an officer of the court who may attend to remove assets for sale, if, for example, a judgment debt has not been paid)

If **Yes**, please provide the following details:

| Name of creditor | Amount of claim £ | Date distress levied | Description and estimated value of property seized |
|------------------|----------------------|----------------------|--|
| | | | |
| | | | |
| | | | |
| | | | |

Section 5 : Bank Accounts and Credit Cards

Note: Include any current liability also shown in Section 4.

5.1 Do you have any cheque cards, cash dispenser cards, credit or charge cards, debit cards, etc? **Yes** **No**

5.2 If **Yes**, provide details.

| Type of card | Card number | Name and address of bank or supplier | Date obtained |
|--------------|-------------|--------------------------------------|---------------|
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |

5.3 Are any of the above accounts or cards held jointly with anyone else? **Yes** **No**

If **Yes**, provide details

WARNING:

If you become bankrupt it may be possible for the Official Receiver to ask your bank or building society to release some or all of a credit balance to you if it is required for your domestic living expenses. However you should not access any account without first contacting the Official Receiver. If you become bankrupt, you must not use any credit cards or charge cards and should cut them in half and send them to the Official Receiver.

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

| | |
|------------------------|---------------------------------------|
| Section 5 cont: | Bank Accounts and Credit Cards |
|------------------------|---------------------------------------|

Note: Include details of accounts with a debit (overdrawn) balance also shown in Section 4.

5.4 Please list any bank, building society or National Savings accounts you hold, or have held in the last two years, including any joint, business or dormant accounts.

| Name and address (including postcodes) of banks etc | Account number | Tick if your regular income is paid into this account | Name of joint account-holder (if applicable) | Balance of account £ |
|---|----------------|---|--|-------------------------|
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

Section 6 : Employment and Present Income

The court can order that you pay part of your earnings or other income to your trustee if your income is more than you need to live on. The order is known as an Income Payments Order and is made under section 310 of the Insolvency Act 1986. Alternatively you can enter into a voluntary arrangement with the Official Receiver or trustee called an Income Payments Agreement under section 310A of the Insolvency Act 1986.

You must answer the following questions about your income and outgoings and you may be asked to provide your wage slips or salary statements and bills such as gas or electricity to support your answers. This will enable a decision to be made as to whether an Income Payments Order or an Income Payments Agreement is appropriate.

The court will not make an Income Payments Order, neither would an Income Payments Agreement be agreed, that would leave you too little income to meet the reasonable domestic needs of you and your family.

If an Income Payments Order or an Income Payments Agreement is made against you, the payments will usually stop after 3 years.

If your income increases while you are bankrupt, you must inform your trustee of the increase within 21 days.

6.1 Are you: employed self-employed unemployed

If you are unemployed, when did you last work, what was your last job and who was your last employer?

6.2 If employed, what is your job and who is your employer? What is the address of the personnel department and your pay reference number?
When did you start this job?

If self-employed, give the name and address of the business.

6.3 What is your average monthly take-home pay (include, for example, overtime, commission and bonuses).

£

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

Section 6 cont: Employment and Present Income

6.4 How much tax do you usually pay each month? £

6.5 How much do you pay in National Insurance each month? £

6.6 Do you receive any other income, including state benefits or tax credits? Yes No

If Yes, state from what source (for example pension, state benefits, part-time earnings) and how much you receive each month? £

6.7 How much do other members of your household contribute each month to the household expenses? £

6.8 Total household income (Q6.3 + 6.6 + 6.7) £

6.9 Give your current (or last) Income Tax reference number.

Address of tax office (including postcode)

| | |
|------------------------|--------------------------------------|
| Section 6 cont: | Employment and Present Income |
|------------------------|--------------------------------------|

6.10 Do you have any current attachment of earnings orders in force against you? **Yes** **No**

If **Yes**, give details

| Name of creditor | Date of first payment | Date last payment due | Court | Amount of each payment and whether monthly or weekly £ | Total amount paid to date £ |
|------------------|-----------------------|-----------------------|-------|---|--------------------------------|
| | | | | | |
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Status: This is the original version (as it was originally made).

Section 7 : Outgoings

The information in this section may be used to work out how much, if anything, you can afford to pay your creditors each month. It is important that it is accurate and that you include all necessary expenditure.

7.1 How much do you spend each month on the following:-

Mortgage payments or rent on your home £

Housekeeping (including food and cleaning) £

Gas, electricity, other heating £

Water £

Telephone charges £

Travelling to and from work and other essential journeys £

Clothing £

Maintenance payments and fines £

Council tax £

Other essential payments (e.g. life/household insurance, car tax & repairs) £

→ Provide details of these payments

Total £



| Current Property (including properties used for residential and business purposes) | | | | | | | |
|--|--|-------------------------------------|---|---|---|-------------------------------------|--|
| <p>Section 8 :</p> <p>8.1 Give details of any properties you own. (these should also be listed in Q3.1)</p> | Address, type of property (e.g. flat, semi-detached house), number of bedrooms and whether freehold or leasehold | Approximate value of property (A) £ | Name and address(es) of any joint owner(s) | Name and address of anyone who holds a charge or mortgage over your property. | Amount owing to each secured creditor (B) £ | Net value of the property (A)-(B) £ | What insurance is currently in force and what is its expiry date |
| | | | | | | | |
| | | | | | | | |
| <p>8.2 Give details of any properties you rent or lease, either alone or jointly.</p> | Address of property | Monthly rent £ | Name and address(es) of any joint tenant(s) | | Name and address of landlord | | |
| | | | | | | | |
| | | | | | | | |

**You must take or send to the Official Receiver a copy of your lease or rent agreement.
A rent demand or rent book will help if you do not have a copy agreement.**

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Section 8 cont: **Current Property**

8.3 Apart from properties that you own, rent or lease, are there any other properties in which you may otherwise have an interest? **Yes** **No**

If Yes, give details

| Address of property, type of property (e.g. flat, semi-terraced) and number of bedrooms | Who lets you use it? | How much do you pay? | Is there a written agreement? |
|---|----------------------|----------------------|-------------------------------|
| | | | |
| | | | |

8.4 Does anyone else have an interest in any of the properties that you own, rent or lease? This interest may be as a sub-tenant, a guarantor of the mortgage, a partner, a joint tenant, joint lessee or otherwise. **Yes** **No**

If Yes, give details

| Address of property (including postcode) | Name of person with an interest | Their address, if different from the property (including postcode) and reference | Nature of interest |
|--|---------------------------------|--|--------------------|
| | | | |

| Section 9 : Property Disposed of in the last Five Years | | | | | | |
|---|---------------------|--|---|---|---|--|
| Address of property | Value of property £ | When did you sell, transfer or give away the property? | To whom did you sell, transfer or give away the property? | Net sale proceeds (less any charges and legal fees) £ | Details of solicitor (name and address) who acted on your behalf in the transaction | |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

9.1 Give details of any properties, owned alone or jointly, that you have sold, given away or transferred in the five years before the presenting of your bankruptcy petition.

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

Section 10 : Members of your Household and Dependents

10.1 Give the names and ages of all occupants of your household and state which, if any, are dependent on you.

10.2 Apart from members of your household, is any other person dependent upon you?

Yes

No

If **Yes**, provide details including their name, address and reason for dependency

Section 11 :

Causes of Bankruptcy

11.1 When did you first have difficulty paying your debts?

11.2 What do you think are the reasons for you not having enough money to pay your debts? You should provide reasons to support your answer. For example, it would not be enough to state "the recession" without explaining its effect on your affairs.

11.3 Have you lost any money through betting or gambling during the last two years? **Yes**

No

If **Yes**, how much have you lost?

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Section 12 :

Declaration

I hereby confirm that my answers to all the above questions (including any extra information on pages following this declaration) are to the best of my knowledge and belief a true and accurate statement of my affairs as at today's date. I understand that I may be committing a criminal offence if I deliberately give false information in relation to my bankruptcy.

Your signature

**Name in
BLOCK CAPITALS**

Date

| | |
|---------------------|--------------------------|
| Section 13 : | Extra Information |
|---------------------|--------------------------|

| | |
|--------------|--|
| Question No. | If there is insufficient space on any page, you should continue your answer to the question on this page. The question number should be given in the left-hand column. |
|--------------|--|

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| | |
|-------------------------|--------------------------|
| Section 13 cont: | Extra Information |
|-------------------------|--------------------------|

Question
No:

Rule 6.237

Form 6.83

Notice to interested parties of a dwelling-house falling within Section 283A of the Insolvency Act 1986

(TITLE)

In theCourt/District Registry

No.of

(a) Insert date Bankruptcy order dated (a) _____

(b) Insert full name and address of trustee I (b) _____

the trustee in bankruptcy of the above named hereby notify

(c) Insert name of bankrupt, and where applicable the name of the bankrupt's spouse, former spouse, civil partner or former civil partner (c) _____

(d) Insert address of dwelling-house That the dwelling-house (d) _____

(e) Delete if unregistered land or insert relevant Land Registry details (e) Registered at the Land Registry under title number _____

falls within Section 283A(1) of the Insolvency Act 1986

The last date under which I am able to serve this notice is

(f) _____

(f) Insert relevant date which is either 14 days before the third anniversary of the bankruptcy order or, 14 days before the third anniversary of when the official receiver or trustee became aware of the property Dated _____

Signed _____

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to various provisions of subordinate legislation. The amendments are consequential upon the Civil Partnership Act 2004 (“the Act”). The Act, the substantive provisions of which comes into force on the same date at this Order, enables same-sex couples to form a civil partnership by registering as civil partners of each other (and certain overseas relationships registered abroad may be treated as civil partnerships). The Act makes provision for civil partners to be treated in the same or similar way as spouses in relation to certain benefits and obligations.

Schedule 1 makes amendments to miscellaneous subordinate legislation.

Paragraph 1 amends the Smallholdings (Selection of Tenants) Regulations 1970 (S.I. [1970/1049](#)) to ensure that civil partners have the same rights to the succession of smallholdings as spouses. It also amends those Regulations to ensure that a person treated by a deceased tenant as a child of the family applies to civil partnerships in the same way as it does to marriage.

Paragraph 2 amends paragraph 17 of Schedule 3 to the Local Authorities' Cemeteries Order 1977 (S.I. [1977/204](#)). Paragraph 17 is an interpretation provision and defines “relative” for the purposes of Schedule 3, which is concerned with the removal of tombstones and other memorials and the levelling of graves. Under Schedule 3, if a relative objects to proposals to remove a tombstone or other memorial or to levelling of a grave, a burial authority may not proceed in relation to that particular tombstone or grave, unless in particular circumstances the consent of the Secretary of State is obtained. The effect of the amendment is to include a civil partner within the definition of a relative and so put a civil partner in the same position as a spouse.

Paragraph 3 amends the Trade Union (Nominations) Regulations 1977 (S.I. [1977/789](#)) which deal with nominations made by members of trade unions as to the payment of any union funds which may be made on their death. The effect of the amendment to regulation 2 is to place a civil partner in the same position as a spouse in relation to an exception from a provision which renders a nomination invalid. The amendments to regulation 3 provide that, in relation to a nomination, forming a subsequent civil partnership is treated in the same way as entering into a subsequent marriage.

Paragraph 4 amends rule 20(2) of the Coroners Rules 1984 (S.I. [1984/552](#)) which specifies persons who are entitled to examine witnesses at an inquest. Those listed include a spouse of the deceased and the effect of this amendment is to give a civil partner of the deceased the same right as a spouse to examine witnesses.

Paragraph 5 amends the Customs and Excise (Personal Reliefs for Special Visitors) Order 1992 (S.I. [1992/3156](#)) to extend an existing relief on the payment of value added tax on motor vehicles for diplomats, members of international organisations and visiting forces who are married to those who are in a civil partnership.

Paragraph 6 amends the Education (Fees and Awards) Regulations 1997 (S.I. [1997/1972](#)) so that civil partners are treated in the same way as spouses in relation to the charging of fees for certain courses and eligibility for certain awards. *Paragraph 9* amends the Education (Grants etc.) (Dance and Drama) (England) Regulations 2001 (S.I. [2001/2587](#)) to include in the categories of persons who may qualify for an award under the Regulations the civil partner of a refugee and the civil partner of a migrant worker.

Paragraph 7 amends the Good Laboratory Practice Regulations 1999 (S.I. [1999/3106](#)), which implement Council Directive [87/18/EEC](#) relating to the application of the principles of good

laboratory practice and the verification of their applications for tests on chemical substances and Council Directive [88/320/EEC](#) on the inspection and verification of good laboratory practice. Regulation 11(2) deals with incrimination. The amendment to regulation 11(2) ensures that civil partners have the same protection, in relation to incrimination of their civil partner, as those who are married have in relation to their spouses.

Paragraph 8 amends regulation 6(2)(b) of the Divorce etc (Pensions) Regulations 2000 (S.I. [2000/1123](#)). Regulation 6 of those Regulations sets out when a person in whose favour a pension attachment order has been granted must notify the person responsible for the pension arrangement of any relevant change of circumstances, and what will happen should he fail to do so. The amendment reflects the fact that the formation of a subsequent civil partnership will become such a change of circumstances.

Schedule 2 amends certain Rules relating to health care professions. The General Chiropractic Council (Registration) Rules 1999 (scheduled to the General Chiropractic Council (Registration) Rules Order of Council, S.I. [1999/1856](#)), the General Chiropractic Council (Professional Conduct Committee) Rules 2000 (scheduled to the General Chiropractic Council (Professional Conduct Committee) Rules 2000 Order of Council, S.I. [2000/3290](#)), the Health Professions Council (Registration and Fees) Rules 2003 (scheduled to the Health Professions Council (Registration and Fees) Rules Order of Council 2003, S.I. [2003/1572](#)) and the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules 2004 (scheduled to the Nursing and Midwifery Council (Education, Registration and Registration Appeals) Rules Order of Council 2004, S.I. [2004/1767](#)) are amended so as to include references to a civil partner in the definition of “relative” and to include a reference to a civil partner as an alternative to the term “spouse” where they occur in the rules.

Schedule 3 amends subordinate legislation relating to the National Health Service.

Paragraph 1 amends the National Health Service (Charges to Overseas Visitors) Regulations 1989 (S.I. [1989/306](#)) to include a reference to a civil partner as an alternative to the term “spouse” where the term occurs in these Regulations.

Paragraphs 2, 5 and 8-10 of this Order amend certain sets of Regulations made under sections 16(4) and 126(4) of, and Schedule 5 to, the National Health Service Act 1977.

Paragraph 3 amends the Primary Care Trusts (Membership, Procedure and Administration Arrangements) Regulations 2000 (S.I. [2000/89](#)); *paragraph 4* amends the Commission for Patient and Public Involvement in Health (Membership and Procedure) Regulations 2002 (S.I. [2002/3038](#)) and *paragraph 6* amends the Patients' Forums (Membership and Procedure) Regulations 2003 (S.I. [2003/2123](#)). These Regulations state that where two people are living together as a couple, married or not, one person's indirect pecuniary interest in a matter will, if known by the other person, be deemed to be an interest of that other person. The amendments are made so that indirect pecuniary interests of persons living together as a couple, whether civil partners or not, are treated in the same way.

Paragraph 7 amends the National Health Service (Travel Expenses and Remission of Charges) Regulations 2003 (S.I. [2003/2382](#)) to remove the reference to a couple being “married or unmarried” in the definition of “partner” so as to include civil partners, or persons of the same sex living together as if they were civil partners of each other, in the definition.

Schedule 4 makes amendments to subordinate legislation relating to establishments and agencies regulated under the Care Standards Act 2000 and related Regulations.

Part 1 amends certain regulations made under Part 2 of the Care Standards Act 2000 which provides for the registration and inspection of establishments and agencies by the Commission for Social Care Inspection (in relation to care homes and adult placement schemes amongst others) and the Commission for Health Audit and Improvement (in relation to private and voluntary health care). Part 2 of the Act also provides powers for regulations governing the conduct of establishments and agencies, and the regulations being amended here are made under those powers. In relation to the Care Homes Regulations 2001 (S.I.[2001/3965](#)), the National Care Standards Commission

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(Registration) Regulations 2001 (S.I.2001/3969) and the Adult Placement Schemes (England) Regulations 2004 (S.I.2004/2071), the amendments are made in order to include references to a civil partner or a former civil partner in the definition of “relative” in each case, and to include a reference to a civil partnership status alongside the term “marital status” where it occurs in the Regulations. The Private and Voluntary Health Care (England) Regulations 2001 (S.I.2001/3968) are amended to include a reference to a civil partnership status alongside the term “marital status” where it occurs.

Part 2 amends regulation 6(2) of the Community Care, Services for Carers and Children’s Services (Direct Payments) (England) Regulations 2003 (S.I. 2003/762). Regulation 6 prohibits a direct payment from being used to secure a service from certain persons, except in specified circumstances, and is amended to include references to a civil partner and to a person who lives as if they were a civil partner.

Schedule 5 makes amendments to subordinate legislation relating to flood management. It amends the River Authorities (Compensation) Regulations 1965 (S.I. 1965/836) and the Land Drainage (Compensation) Regulations 1977 (S.I. 1977/339). These Regulations provide for the payment of compensation to persons who suffer loss of employment or loss or diminution of emoluments in consequence of the transfer of function or property to river authorities (or any alteration of river authority areas) or which is attributable to a scheme, order or agreement under the Land Drainage Act 1976. The Regulations provide for compensation to be payable to a widow on the death of a claimant and the amendments, in particular, make provision for compensation to be payable to surviving civil partners.

Schedule 6 makes amendments to subordinate legislation relating to the administration of estates. The Act amended section 47A of the Administration of Estates Act 1925 to enable a surviving civil partner, as well as a surviving spouse to have their life interest in an estate redeemed and to receive its capital value. The Schedule adds references to surviving civil partners to the Non-Contentious Probate Rules 1987 (S.I. 1987/2024) and the Intestate Succession (Interest and Capitalisation) Order 1977 (S.I. 1977/1491), which deal with notices to choose to have the life interest redeemed and with the calculation of the capital value. Paragraph 2 also amends the 1987 Rules to provide that a surviving civil partner has the same right as a surviving spouse to apply for a grant of administration where the deceased died intestate.

Schedule 7 makes amendments to subordinate legislation relating to legal aid. It amends the Community Legal Service (Costs) Regulations 2000 (S.I. 2000/441), the Community Legal Service (Funding) Order 2000 (S.I. 2000/627) and the Community Legal Service (Funding) (Counsel in Family Proceedings) Order 2001 (S.I. 2001/1077), all of which relate in whole or in part to family proceedings. The amendments provide for proceedings under the Act to be included in the definition of “family proceedings” in each of the three instruments.

Schedule 8 makes amendments to subordinate legislation relating to Parliamentary elections in England and Wales and European Parliamentary elections. *Paragraph 1* gives civil partners the same status as a spouse in all matters connected to the conduct of Parliamentary elections. It also extends the definition of “relative” to include civil partners. *Paragraph 2* has the same effect as paragraph 1 in relation to European Parliamentary elections. *Paragraph 3* amends the Order which prescribes Welsh versions of certain forms or forms of words which may be used at European Parliamentary elections in Wales, by prescribing Welsh versions of the words “spouse” and “civil partner” in substitution for the words “husband and wife”.

Schedule 9 amends subordinate legislation relating to Parliamentary and European Parliamentary elections in Northern Ireland. *Paragraph 1* gives civil partners the same status as a spouse in all matters connected to the conduct of Parliamentary elections. It also extends the definition of “relative” to include civil partners. *Paragraph 2* has the same effect as paragraph 1 in relation to European Parliamentary elections.

Schedule 10 amends subordinate legislation relating to elections in Scotland to enable certain civil partners to claim a service qualification or a proxy or absent vote, prevent civil partners from attesting

overseas electors' declarations in respect of their civil partners, and to clarify that a person is to be treated as a relative of their civil partner for various Scottish electoral purposes.

Schedule 11 makes minor amendments to the National Assembly for Wales (Representation of the People) Order 2003 so that civil partners are treated in the same way as spouses for electoral purposes.

Schedule 12 makes amendments to subordinate legislation relating to the conduct of Local Government elections in England and Wales, Greater London Authority elections, Local Authority referendums and Local Authority Mayoral elections so that civil partners are treated the same way as spouses for local election etc. purposes.

Schedule 13 makes amendments to subordinate legislation relating to immigration and nationality. *Paragraph 1* amends the Asylum Support (Interim Provisions) Regulations 1999 (S.I. [1999/3056](#)) to expand the definition of dependant in regulation 2(1) to include civil partners and those who live together as if they are civil partners. *Paragraph 2* amends the Asylum Support Regulations 2000 (S.I. [2000/704](#)) so that the definition of a dependant is expanded to include civil partners and those who live together as if they are civil partners. The formation or dissolution of a civil partnership or same-sex cohabitation is now also a relevant change of circumstances, which must be notified to the Secretary of State under regulation 15 of those Regulations. *Paragraph 3* amends the Withholding and Withdrawal of Support (Travel Assistance and Temporary Accommodation) Regulations 2002 (S.I. [2002/3078](#)) to expand the definition of dependant in regulation 2(2) to include civil partners and those who live together as if they are civil partners. *Part 2* of the Schedule makes minor amendments to Regulations relating to nationality so that civil partners are treated in the same way as spouses for these purposes.

Schedule 14 makes amendments to subordinate legislation relating to probation. *Paragraph 2* amends regulation 6(2)(e) of the Local Probation Boards (Miscellaneous Provisions) Regulations 2001 (S.I. [2001/786](#)). Regulation 6 lists those persons who are eligible to make a complaint to a local probation board, and is amended so that a civil partner is included within the definition of an immediate family member who is entitled to complain on behalf of an eligible person who is deceased. *Paragraph 1* amends the Probation (Compensation) Regulations 1965 (S.I. [1965/620](#)) to include references to a civil partner for the purposes of who is eligible to lodge a claim under the provisions of the Regulations.

Schedule 15 contains amendments to subordinate legislation relating to merchant shipping so that civil partners and relatives of civil partners are treated in the same way as spouses and relatives of spouses for the purposes of the definition of “immediate family”.

Schedule 16 makes amendments to financial services and related legislation.

Paragraph 1 amends the Financial Services and Markets Act 2000 (Regulated Activities) Order 2001 (S.I. [2001/544](#)). Sub-paragraph (2) amends article 3(1) so that civil partners are treated in the same way as spouses for the purposes of the definition of “close relative”. Sub-paragraph (3) amends article 61(4)(c)(i) so that civil partners are treated in the same way as spouses for the purposes of the definition of “related person” which may be relevant in determining whether a contract is a regulated mortgage contract as defined in article 61(3)(a). Sub-paragraph (4) amends article 71(2)(b) so that employees' or former employees' civil partners and surviving civil partners are treated in the same way as their spouses, widows and widowers in relation to employee share schemes. Sub-paragraph (5) amends paragraph 2 of Part 2 of Schedule 1 so that a contract of insurance to provide a sum on the formation of a civil partnership is treated as a contract of long-term insurance on the same basis as a contract of insurance to provide a sum on marriage.

Paragraph 2 amends article 2(1) of the Financial Services and Markets Act 2000 (Promotion of Collective Investment Schemes) (Exemptions) Order 2001 (S.I. [2001/1060](#)) so that civil partners are treated in the same way as spouses for the purposes of the definition of “close relative”.

Paragraph 3 amends paragraph 8(2)(b) of the Schedule to the Financial Services and Markets Act 2000 (Collective Investment Schemes) Order 2001 (S.I. [2001/1062](#)) so that employees' or former

employees' civil partners and surviving civil partners are treated in the same way as their spouses, widows and widowers in relation to employee share schemes.

Paragraph 4 amends paragraph 41(3)(b)(ii) of the Schedule to the Financial Services and Markets Act 2000 (Exemption) Order 2001 (S.I. [2001/1201](#)) so that employees' or former employees' civil partners and surviving civil partners are treated in the same way as their spouses, widows and widowers in relation to employee share schemes in electricity industry shares.

Paragraph 5 amends regulation 44(8)(a) of the Open-Ended Investment Companies Regulations 2001 (S.I. [2001/1228](#)) so that civil partners are treated in the same way as spouses for the purposes of determining whether a transaction is voidable under that regulation.

Paragraph 6 amends regulation 21 of the Savings Contracts Regulations 1969 (S.I. [1969/1342](#)) so that civil partners are treated the same way as spouses in relation to the fee for a certificate of marriage or civil partnership, or a certified copy of an entry in the Civil Partnership Register.

Paragraph 7 amends regulation 29L(2)(c) of the National Savings Bank Regulations 1972 (S.I. [1972/764](#)) so that civil partners are treated the same way as spouses for the purposes of opening individual savings accounts. Regulation 35(1)(c) is amended to allow a nomination to be revoked by the formation of a civil partnership by a holder in the same way as applies on the marriage of a holder. It also amends regulation 41(1)(c) so that civil partners are treated in the same way as spouses in relation to death duties or inheritance tax chargeable upon the death of a depositor.

Paragraph 8 amends regulation 25 of the Premium Savings Bonds Regulations 1972 (S.I. [1972/765](#)) so that civil partners are treated the same way as spouses in relation to the fee for a certificate of marriage or civil partnership, or a certified copy of an entry in the Civil Partnership Register.

Paragraph 9 amends regulation 52 of the National Savings Stock Register Regulations 1976 (S.I. [1976/2012](#)) so that civil partners are treated the same way as spouses in relation to the fee for a certificate of marriage or civil partnership, or a certified copy of an entry in the Civil Partnership Register. Regulation 36(1)(c) is amended to allow a nomination to be revoked by the formation of a civil partnership by a holder in the same way as applies on the marriage of a holder. It also amends regulation 42(1)(c) so that civil partners are treated in the same way as spouses in relation to death duties or inheritance tax chargeable upon the death of a depositor.

Paragraph 10 amends regulation 26 of the Savings Certificates (Yearly Plan) Regulations 1984 (S.I. [1984/779](#)) so that civil partners are treated the same way as spouses in relation to the fee for a certificate of marriage or civil partnership, or a certified copy of an entry in the Civil Partnership Register. It also amends regulation 17(1)(c) so that civil partners are treated in the same way as spouses in relation to death duties or inheritance tax chargeable upon the death of a depositor.

Paragraph 11 amends regulation 26 of the Savings Certificates Regulations 1991 (S.I. [1991/1031](#)) so that civil partners are treated the same way as spouses in relation to the fee for a certificate of marriage or civil partnership, or a certified copy of an entry in the Civil Partnership Register. Paragraph 4 of Schedule 2 is amended to allow a nomination to be revoked by formation of a civil partnership by a holder in the same way as applies on the marriage of a holder. It also amends regulation 17(1)(c) so that civil partners are treated in the same way as spouses in relation to death duties or inheritance tax chargeable upon the death of a depositor.

Paragraph 12 amends regulation 23 of the Savings Certificates (Children's Bonus Bonds) Regulations 1991 (S.I. [1991/1407](#)) so that civil partners are treated the same way as spouses in relation to the fee for a certificate of marriage or civil partnership, or a certified copy of an entry in the Civil Partnership Register.

Paragraph 13 amends regulation 2 of the Industrial Assurance (Premium Receipt Books) Regulations 1948 (S.I. [1948/2770](#)) so that civil partners are treated in the same way as spouses in relation to making an entry in a premium receipt book relating to a proposed policy.

Paragraph 14 amends article 5 of the Building Societies Act 1986 (Powers and Miscellaneous Transitional Provisions) Order 1986 (S.I. [1986/2169](#)) so that civil partners are treated in the same way as spouses in relation to making an advance to which the article applies.

Paragraph 15 amends paragraph 5(6) of Schedule 8 and paragraph 4(5) of Schedule 9 of the [Building Societies \(Accounts and Related Provisions\) Regulations 1998 \(1998/504\)](#) so that civil partners are treated in the same way as spouses in relation to a directors' interest in shares in or debentures of, any connected undertaking of the society.

Schedule 17 amends subordinate legislation relating to paternity and adoption leave and pay, sexual orientation discrimination in employment and vocational training, and employment agencies and businesses.

Paragraphs 1, 2, 3, 5 and 6 amend the Paternity and Adoption Leave Regulations 2002 (S.I. [2002/2788](#)), the Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations 2002 (S.I. [2002/2820](#)), the Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations 2002 (S.I. [2002/2822](#)), the Paternity and Adoption Leave (Adoption From Overseas) Regulations 2003 (S.I. [2003/921](#)) and the Statutory Paternity Pay (Adoption) and Statutory Adoption Pay (Adoptions from Overseas) (No. 2) Regulations 2003 (S.I. [2003/1194](#)). These extend entitlement to paternity leave, adoption leave (including adoption from overseas), statutory paternity pay, statutory adoption pay (including adoption from overseas) to civil partners and also extend any evidential or information requirements relating to these entitlements to civil partners. *Paragraph 4* amends the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002 (S.I. [2002/3236](#)) to extend the entitlement to request a contract variation for flexible working to civil partners.

Paragraph 7 amends the Employment Equality (Sexual Orientation) Regulations 2003 (S.I. [2003/1661](#)). These regulations implement in Great Britain Directive [2000/78](#) (establishing a general framework for equal treatment in employment) in so far as it relates to discrimination on grounds of sexual orientation. The Regulations make it unlawful to discriminate on grounds of sexual orientation in employment and vocational training. Subparagraph (2) inserts a new paragraph - paragraph 3 - into regulation 3 to ensure that the status of a civil partner is comparable to that of a spouse. The effect of the amendment is that if a spouse receives different treatment to a civil partner, the employer or training provider etc. cannot successfully argue that there is no discrimination because married persons are not comparable to civil partners. Sub-paragraph (3) substitutes a new regulation 25. Regulation 25 (a) preserves the existing exemption for benefits which are dependent on marital status where the right to the benefit accrued or the benefit is payable in respect of periods of service prior to the coming into force of the Act. Regulation 25(b) permits benefits to be conferred on married people and civil partners to the exclusion of all others.

Paragraph 8 amends the Conduct of Employment Agencies and Employment Businesses Regulations 2003 (S.I. [2003/3319](#)) so that civil partners are included within the definition of connected persons for the purposes of those Regulations.

Schedule 18 makes amendments to subordinate legislation relating to insolvency.

Paragraph 1 amends the Insolvency Rules 1986 (S.I. [1986/1925](#)) so that where a person is adjudged bankrupt, the person's civil partner is to have the same rights and liabilities as the spouse of a bankrupt has at present in connection with dealings with a bankrupt's home. In addition, Form 6.28 is amended to require information about the civil partnership status of a debtor petitioning for his own bankruptcy as well as his marital status. *Paragraph 2* amends the Insolvent Partnerships Order 1994 (S.I. [1994/2421](#)) to make equivalent amendments in respect of members of partnerships. *Paragraph 3* makes amendments to the Limited Liability Partnerships Regulations 2001 (S.I. [2001/1090](#)) so that the definition of "associate" in the Insolvency Act 1986, as applied to limited liability partnerships by those Regulations, extends to civil partners of members of limited liability partnerships in the same way that it applies to the spouses of such members. The definition is important, for example, in the context of determining whether transactions between an insolvent and other persons, including associates, prior to the onset of insolvency should be undone or adjusted to protect creditors.

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

A regulatory impact assessment has not been prepared for this Order, as it has no impact on the costs of business, charities, voluntary bodies or any public bodies distinct from that of the Act itself. A full regulatory impact assessment for civil partnership was published alongside the Act and can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>.