

**EXPLANATORY MEMORANDUM TO
THE CIVIL PARTNERSHIP ACT 2004 (RELATIONSHIPS ARISING
THROUGH CIVIL PARTNERSHIP) ORDER 2006**

2006 No. 1121

1. This explanatory memorandum has been prepared by the HM Revenue and Customs and is laid before Parliament by Command of Her Majesty.

2. **Description**

The Civil Partnership Act 2004 (Relationships Arising Through Civil Partnership) Order 2006 ensures that references to ‘step’ relations and ‘in-laws’ in the Social Security (Categorisation of Earners) Regulations 1978 (S.I. 1978 No. 1689) are interpreted to include relationships arising from a civil partnership. This Order comes into force on 11th May 2006.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

None

4. **Legislative Background**

This Order applies section 246 of the Civil Partnership Act 2004 to paragraph 7 of Part 3 of Schedule 1 to the Social Security (Categorisation of Earners) Regulations 1978 (S.I. 1978/1689). Section 246 of the Act provides that references to “step” relationships and “in laws” in any provision to which the section applies are to be read as including relationships arising through a civil partnership.

5. **Extent**

The Civil Partnership Act 2004 (Relationships Arising Through Civil Partnership) Order 2006 applies to Great Britain.

6. **European Convention on Human Rights**

This instrument is subject to the negative resolution procedure and does not amend primary legislation. Accordingly, no statement of compliance with the European Convention on Human Rights is required.

7. **Policy background**

Regulation 3 (1) of the Civil Partnership Act 2004 (Relationships Arising Through Civil Partnership) Order 2005 (S.I. 2005/3137) ensures that

references to 'step' relations and 'in-laws' in subordinate legislation are interpreted to include relationships arising from a civil partnership. The subordinate legislation is listed in the schedule to the Order, which includes a reference to step persons in Paragraph 7 in Column (A) of Schedule 1 to the Social Security (Categorisation of Earners) Regulations (Northern Ireland) 1978. However, the equivalent regulations for the rest of the UK, the Social Security (Categorisation of Earners) Regulations 1978 (S.I. 1978/1689) were inadvertently omitted from the Schedule to the Order. Regulation 2 of the Civil Partnership Act 2004 (Relationships Arising Through Civil Partnership) Order 2006 provides that such references should be interpreted to include relationships arising from a civil partnership.

8. Impact

A regulatory impact assessment has not been prepared for this instrument as it has no impact on the costs of business, charities, voluntary bodies or any public bodies distinct from that of the Civil Partnership Act 2004. A full regulatory impact assessment for civil partnership was published alongside the Civil Partnership Act 2004 and can be viewed at <http://www.dti.gov.uk/access/ria/index.htm#equality>.

9. Contact

Raj Nayyar
Her Majesty's Revenue and Customs
1E/09
100 Parliament Street
London
SW1A 2BQ
Tel: 0207 147 2521
Fax: 0207 147 2531