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STATUTORY INSTRUMENTS

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**2019 No. 1514**

**CIVIL PARTNERSHIP, NORTHERN IRELAND  
MARRIAGE, NORTHERN IRELAND**

The Marriage (Same-sex Couples) and Civil Partnership  
(Opposite-sex Couples) (Northern Ireland) Regulations 2019

<i>Made</i>	- - - -	<i>19th December 2019</i>
<i>Laid before Parliament</i>		<i>23rd December 2019</i>
<i>Coming into force</i>	- -	<i>13th January 2020</i>

The Secretary of State makes these regulations in exercise of the powers conferred by sections 8 and 11 of the Northern Ireland (Executive Formation etc) Act 2019<sup>(1)</sup>.

**PART 1**

Introductory Provision

**Citation and commencement**

1.—(1) These Regulations may be cited as the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.

(2) These Regulations come into force on 13th January 2020.

**Extent**

2.—(1) These Regulations extend to Northern Ireland only, subject to paragraphs (2) to (6).

(2) The following extend to Northern Ireland, England and Wales, and Scotland—

this Part;

regulation 10(3)(a);

regulation 11(3);

regulation 12, except paragraph (1);

regulation 14, except paragraph (1);

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(1) 2019 c.22.

- regulation 17(1) and (2)(b);  
 regulation 18;  
 regulations 41, 42(2) to (4), 43(2) to (7), 44, 46(1) and (2) and 49 to 52.
- (3) The following extend to Northern Ireland, and England and Wales—  
 regulation 10(3)(c);  
 regulation 26(3)(b) and (6)(b);  
 regulation 46(3).
- (4) The following extends to England and Wales only—  
 regulation 47(1).
- (5) The following extends to Scotland only—  
 regulation 47(3).
- (6) The following extends to England and Wales, and Scotland, only—  
 regulation 65.

## PART 2

### Marriage: Same-sex Couples

#### **Extension of marriage to same-sex couples**

**3.**—(1) In Article 6(6) of the Marriage (Northern Ireland) Order 2003 (legal impediments to marriage)(2)—

- (a) omit sub-paragraph (e) (parties must not be of the same sex), and the preceding “or”, and
- (b) after sub-paragraph (c) insert “or”.

(2) In Article 9 of that Order (persons who may solemnise marriages), after paragraph (b) insert—  
 “But a marriage between parties of the same sex may be solemnised only by a person appointed under Article 31.”.

#### **Form of appropriate declaration at solemnisation of a marriage**

**4.** In each of Articles 19(3) and 25 of the Marriage (Northern Ireland) Order 2003 (which refer to declarations by the parties to a marriage that they accept each other as husband and wife), after “as husband and wife” insert “*or* as husband and husband *or* as wife and wife”.

#### **Parties being of the same sex no longer to be a ground on which a marriage is void**

**5.**—(1) In Article 13(1) of the Matrimonial Causes (Northern Ireland) Order 1978(3) (grounds on which a marriage is void), omit sub-paragraph (e) (parties not respectively male and female).

(2) In section 4(1) of the Northern Ireland (Executive Formation and Exercise of Functions) Act 2018(4), omit paragraph (b) (guidance connected to Article 13(1)(e) of the 1978 Order) and the preceding “and”.

(2) S.I. 2003/413 (N.I. 3).

(3) S.I. 1978/1045 (N.I. 15).

(4) 2018 c.28.

### **Effect of extension**

6.—(1) In the law of Northern Ireland, marriage has the same effect in relation to same-sex couples as it has in relation to opposite-sex couples.

(2) The law of Northern Ireland (including all applicable legislation whenever passed or made) has effect in accordance with paragraph (1).

(3) Paragraphs (1) and (2), and regulation 7, are subject to any contrary provision made by these Regulations (or future applicable legislation), including contrary provision contained in amendments of existing applicable legislation.

(4) In this regulation—

“applicable legislation” means—

- (a) an Act of Parliament so far as it forms part of the law of Northern Ireland,
- (b) Northern Ireland legislation,
- (c) subordinate legislation made under an Act of Parliament, so far as the subordinate legislation forms part of the law of Northern Ireland, and
- (d) subordinate legislation made under Northern Ireland legislation;

“existing applicable legislation” means applicable legislation passed or made before 13th January 2020;

“subordinate legislation” means any Order in Council, order or warrant (other than an order made or a warrant issued by a court), scheme, rule, regulation, bye-law or other instrument.

### **Interpretation of existing legislation: references to marriage, couples and married persons**

7.—(1) In existing applicable legislation—

- (a) a reference to marriage is to be read as including a reference to marriage of a same-sex couple,
- (b) a reference to a married couple is to be read as including a reference to a married same-sex couple, and
- (c) a reference to a person who is married is to be read as including a reference to a person who is married to a person of the same sex.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a marriage that has ended, or a reference to a person whose marriage has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2), it does not matter how a reference is expressed, so that (for example) in existing applicable legislation—

- (a) a reference to a husband, or a reference to a wife, is to be read as including a reference to a same-sex spouse (of either sex),
- (b) a reference to a widow, or a reference to a widower, is to be read as including a reference to a surviving same-sex spouse (of either sex), and
- (c) a reference to a person’s “husband or wife” is to be read as a reference to the person’s spouse (whether of the opposite or same sex).

(4) Paragraphs (1) to (3) do not limit regulation 6(1) and (2).

(5) In this regulation “existing applicable legislation” has the same meaning as in regulation 6.

### **Interpretation of existing private legal instruments**

**8.—**(1) Regulation 6(1) and (2) do not alter the effect of any private legal instrument made before 13th January 2020.

(2) In this regulation “private legal instrument” includes—

- (a) a will,
- (b) an instrument (including a private Act) which settles property,
- (c) an instrument (including a private Act) which provides for the use, disposal or devolution of property, and
- (d) an instrument (including a private Act) which—
  - (i) establishes a body, or
  - (ii) regulates the purposes or administration of a body,(whether the body is incorporated or not and whether it is charitable or not);

but (with the exception of the kinds of private Act mentioned in sub-paragraphs (b) to (d)) it does not include applicable legislation.

(3) In paragraph (2)—

- (a) “Act” includes an Act of the Parliament of Ireland, an Act of the Parliament of Northern Ireland and an Act of the Northern Ireland Assembly;
- (b) “applicable legislation” has the same meaning as in regulation 6.

### **Disapplication of regulations 6 and 7 in certain cases**

**9.—**(1) Regulation 6(1) and (2) do not apply to the common law concerning—

- (a) the right of a person who marries, or is married to, the King Regnant, to the title of Queen,
- (b) the right of a person who marries, or is married to, the Prince of Wales, to the title of Princess of Wales, or
- (c) the acquisition of a right to, or interest in, a peerage, and all titles, rights, offices, privileges and precedence attaching to it, by a person who marries or who is married to a peer holding that peerage.

(2) Regulation 6(1) and (2) do not apply to EU instruments.

(3) Regulations 6(1) and (2) and 7(1) to (3) do not apply to a provision listed in paragraph 5 of Schedule 2 to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014(5), so far as the provision forms part of the law of Northern Ireland.

### **Recognition of extra-territorial marriages of same-sex couples**

**10.—**(1) A marriage under—

- (a) the law of any part of the United Kingdom (other than Northern Ireland), or
- (b) the law of any country or territory outside the United Kingdom,

is not prevented from being recognised under the law of Northern Ireland only because it is the marriage of a same-sex couple.

(2) For the purposes of paragraph (1) it is irrelevant whether the law of a particular part of the United Kingdom, or a particular country or territory outside the United Kingdom—

- (a) at the start of 13th January 2020 already provides for marriage of same-sex couples, or

(b) provides for marriage of same-sex couples from some later time.

(3) Accordingly—

(a) in the Marriage (Same Sex) Couples Act 2013<sup>(6)</sup>, in paragraph 2 of Schedule 2 (same-sex marriage in England and Wales to be treated in Northern Ireland as civil partnership), after sub-paragraph (1) insert—

“(1A) Sub-paragraph (1) does not apply on or after 13th January 2020 except for the purposes of proceedings commenced before that date under Chapter 2 of Part 4, or section 191, of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings in Northern Ireland in respect of civil partnerships, and property disputes between civil partners).”

(b) in the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014<sup>(7)</sup>, in Article 6 (same-sex marriage in Scotland to be treated in Northern Ireland as civil partnership), after paragraph (1) insert—

“(1A) Paragraph (1) does not apply on or after 13th January 2020 except for the purposes of proceedings commenced before that date under Chapter 2 of Part 4, or section 191, of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings in respect of civil partnerships, and property disputes between civil partners).”, and

(c) in section 1(3) of the Civil Partnership Act 2004<sup>(8)</sup> (cases where civil partnerships brought to an end), after paragraph (b) insert—

“, or

(c) on its coming to an end in accordance with section 11(2)(a) of the Marriage and Civil Partnership (Scotland) Act 2014 [\(asp 5\)](#) (ending of civil partnership formed as mentioned in subsection (1)(a)(ii) or (iv) on its being changed to a marriage under section 10 of that Act, and ending of certain civil partnerships where the civil partners marry in accordance with the Marriage (Scotland) Act 1977).”<sup>(9)</sup>

(4) Paragraphs (1) and (2) do not apply for the purposes of any proceedings commenced before 13th January 2020 under Chapter 2 of Part 4, or section 191, of the Civil Partnership Act 2004 (dissolution, nullity and other proceedings in respect of civil partnerships, and property disputes between civil partners).

### **Marriage overseas: consular, and armed forces, marriages**

**11.**—(1) The Foreign Marriage Act 1892<sup>(10)</sup> is repealed.

(2) In the Marriage (Same Sex Couples) Act 2013<sup>(11)</sup>, paragraphs 4, 5, 10 and 11 of Schedule 6 extend also to Northern Ireland.

(3) Accordingly, in section 20 of the Marriage (Same Sex Couples) Act 2013 (extent)—

(a) in subsection (3)(b), omit “and paragraphs 4, 5, 10 and 11 of Schedule 6”, and

(b) in subsection (8), at the end insert “(but see regulations [2](#) and [11](#) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019)”.

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<sup>(6)</sup> [2013 c.30](#).

<sup>(7)</sup> [S.I. 2014/3229](#).

<sup>(8)</sup> [2004 c.33](#). In section 1(3), paragraph (b) was inserted (and part of the existing text re-numbered as paragraph (a)) by paragraph 34 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

<sup>(9)</sup> [1977 c.15](#).

<sup>(10)</sup> [1892 c.23](#) (55 & 56 Vict.). The 1892 Act was repealed, so far as extending to England and Wales, and Scotland, by section 13(2) of the Marriage (Same Sex Couples) Act 2013.

<sup>(11)</sup> [2013 c.30](#).

**12.**—(1) Part 2 of the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014(**12**) extends also to Northern Ireland.

(2) Accordingly, omit article 1(3) of that Order (Part 2 does not extend to Northern Ireland).

(3) Part 2 of that Order (as it has effect in accordance with paragraph (1)) is amended as follows.

(4) In article 4(4)(a) (notice of marriage must specify relevant part of UK)—

(a) omit “either”, and

(b) after “Scotland” insert “or Northern Ireland”.

(5) In article 5 (consent to marriage), after paragraph (2) insert—

“(2A) Where either party to the marriage is under the age of 18 and the relevant part of the United Kingdom is Northern Ireland then the same consents are required as would be required under Article 22 of the Marriage (Northern Ireland) Order 2003 in respect of a marriage solemnized in Northern Ireland.

(2B) The Secretary of State may dispense with the requirement to obtain those consents if satisfied that it is not reasonably practicable to obtain the consent of any person whose consent is so required.”.

(6) In article 8 (declaration before marriage)—

(a) in paragraph (a), after sub-paragraph (ii) insert—

“(iii) where the relevant part of the United Kingdom is Northern Ireland, that there is no impediment to the marriage such that the marriage would be void under Article 13 of the Matrimonial Causes (Northern Ireland) Order 1978;”, and

(b) after paragraph (c) insert—

“(d) where either party is under the age of 18 and the relevant part of the United Kingdom is Northern Ireland—

(i) that any consents to the marriage which are required in respect of that party have been obtained; or

(ii) that the necessity of obtaining any such consents in respect of that party has been dispensed with.”.

(7) In article 10 (register of marriages)—

(a) in paragraph (4)—

(i) after “Scotland”, in the first place it occurs, insert “or Northern Ireland”, and

(ii) after “Scotland”, in the second place it occurs, insert “or (as the case may be) the Registrar General for Northern Ireland”,

(b) in paragraph (5), after “Scotland” insert “or the Registrar General for Northern Ireland”, and

(c) in paragraph (6), after “Scotland” insert “or Northern Ireland”.

**13.**—(1) A person is entitled, on payment of a fee, to obtain from the Registrar General for Northern Ireland—

(a) a certified copy of any entry in a marriage register book transmitted to the Registrar General under article 6 of the Foreign Marriage Order 1970(**13**);

(b) a certified copy of any of the following documents transmitted to the Registrar General in accordance with article 7 of that Order—

(12) S.I. 2014/3265.

(13) S.I. 1970/1539, made under 1892 c.23 and revoked in relation to England and Wales, and Scotland, by article 17 of S.I. 2014/1110.

- (i) a certificate of a foreign marriage;
  - (ii) any translation of such a certificate;
  - (iii) any certificate produced by a consular officer regarding the accuracy of the translation.
- (2) The fee payable under sub-paragraph (1) is the amount equal to the sum of the fees for the time being charged by the Registrar General for Northern Ireland for—
- (a) the provision of a document relating to an entry in a marriage registration record, and
  - (b) a search of the indexes to marriage registration records in the Registrar General’s custody.
- (3) A certified copy provided under sub-paragraph (1)(a) is sufficient evidence of the marriage.
- (4) A certified copy provided under sub-paragraph (1)(b) of any entry in the register under the Foreign Marriage Act 1892 is sufficient evidence of the formation of a foreign marriage.
- (5) In this regulation “foreign marriage” means a marriage solemnized outside the United Kingdom.

**14.**—(1) The Overseas Marriage (Armed Forces) Order 2014(**14**), except article 12, extends also to Northern Ireland.

(2) Accordingly, in Article 1(2) of that Order (Order does not extend to Northern Ireland), for “This Order” substitute “Article 12”.

(3) That Order (as it has effect in accordance with paragraph (1)) is amended as follows.

(4) In article 6 (marriage notice)—

(a) in paragraph (3)(c) (notice must specify relevant part of UK)—

(i) omit “either”, and

(ii) after “Scotland” insert “or Northern Ireland”, and

(b) after paragraph (3) insert—

“(3A) Where the parties are a same sex couple, Northern Ireland may not be nominated under paragraph (3)(c) if the authorised person in whose presence the marriage is to be solemnized is (whether within paragraph (a) or (b) of the definition of “authorised person”) a chaplain in Her Majesty’s forces.”.

(5) In article 8 (consent to marriage), after paragraph (2) insert—

“(3) Where either party to the marriage is under the age of 18 and the relevant part of the United Kingdom is Northern Ireland then the same consents are required as would be required under Article 22 of the Marriage (Northern Ireland) Order 2003 in respect of a marriage solemnized in Northern Ireland.

(4) The authorised person in whose presence the marriage is to be solemnized may dispense with the requirement to obtain those consents if the authorised person is satisfied that it is not reasonably practicable to obtain the consent of any person whose consent is so required.”.

### **Prescribed forms relating to marriage**

**15.**—(1) The Marriage Regulations (Northern Ireland) 2003(**15**) are amended as follows.

(2) In Schedule 1 (form of marriage notice)—

(a) in paragraph 2, after “Place of marriage” insert “including postcode”,

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(14) S.I. 2014/1108.

(15) S.R. (N.I.) 2003/468. Relevant amendments were made by S.R. (N.I.) 2005/532 and S.R. (N.I.) 2014/296.

- (b) in paragraph 12, after the boxes for “Postcode” insert—  
 “Contact telephone number  
 Contact email address”,
- (c) in the heading for Part C, after “father” insert “/parent”,
- (d) in paragraph 16, for “Is he” substitute “Are they”,
- (e) in the heading for Part D, after “mother” insert “/parent”,
- (f) in paragraph 21, for “Is she” substitute “Are they”,
- (g) in paragraph 22, in column 1, after “name” insert “, address”,
- (h) in paragraph 22, in column 2, after the entry for name insert—  
 “..... address”,
- (i) the existing Parts F, G and H become, respectively, Parts G, H and I,
- (j) the existing paragraphs 24 to 30 become paragraphs 26 to 32,
- (k) after Part E insert—  
 “F. About the celebrant (complete this part if you intend to have a humanist celebrant conduct the ceremony)

24. Name and address of humanist celebrant	.....Name
	.....Address
25. Signature of that person to indicate (s)he is willing to act as celebrant	.....Signature”

- (l) in the paragraph that becomes paragraph 28, in columns 1 and 2, after “birth” insert “/ adoption”, and
- (m) in the paragraph that becomes paragraph 32—
  - (i) in sub-paragraph (ii), for “Part F” substitute “Part G”, and
  - (ii) in sub-paragraph (v), for “Part G” substitute “Part H”.
- (3) In Schedule 2 (form of marriage schedule)—
  - (a) in paragraph 3, omit “Bridegroom” and “Bride”,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in paragraph 11, omit “Groom’s” and “Bride’s”.
- (4) In Schedule 3 (form of certificate of legal capacity to marry)—
  - (a) for “Bridegroom” substitute “Applicant”,
  - (b) for “Bride” substitute “Intended spouse”, and
  - (c) omit “Christian or”.
- (5) In Schedule 6 (form of statement by registered medical practitioner), for each of “man” and “woman” substitute “proposed spouse”.
- (6) In Schedule 7 (form of marriage notice for ceremony after ceremony abroad)—
  - (a) in the heading of Part C, after “father” insert “/parent”,
  - (b) in paragraph 16, for “Is he” substitute “Are they”,
  - (c) in the heading of Part D, after “mother” insert “/parent”,



- (d) in paragraph 21, for “Is she” substitute “Are they”, and
- (e) in paragraph 24, after “birth”, in each place it occurs, insert “/adoption”.
- (7) In Schedule 8 (form of marriage schedule for ceremony after ceremony abroad)—
  - (a) in paragraph 3, omit “Bridegroom” and “Bride”,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in paragraph 11, omit “Groom’s” and “Bride’s”.
- (8) In Schedule 9 (form of consent), in footnote (b), after “Mother” insert “, Parent”.
- (9) In Schedule 11 (form of statement by responsible authority), omit “of man” and “of woman”.
- (10) In Schedule 13 (form of certified copy of register entry)—
  - (a) in paragraph 3, omit “Bridegroom” and “Bride”,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in paragraph 11, omit “Groom’s” and “Bride’s”.
- (11) In Schedule 14 (form of certified copy of register entry)—
  - (a) in paragraph 3, omit “Bridegroom” and “Bride”,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in paragraph 11, omit “Groom’s” and “Bride’s”.
- (12) In Schedule 15 (form of extract from marriage registration records), in paragraph 3, omit “Bridegroom” and “Bride”.

## PART 3

### Civil Partnership: Opposite-sex Couples

#### **Extension of civil partnership to opposite-sex couples**

**16.**—(1) The Civil Partnership Act 2004 is amended as follows.

(2) In section 1(1) (definition of civil partnership), in the words before paragraph (a), omit “of the same sex”.

(3) In section 138(1) (conditions for eligibility to register civil partnership in Northern Ireland), omit paragraph (a) (parties must be of the same sex).

#### **Treatment of opposite-sex overseas relationships as civil partnerships**

**17.**—(1) The Civil Partnership Act 2004 is amended as follows.

(2) In section 212 (meaning of “overseas relationship”)—

(a) in subsection (1)(b) omit sub-paragraph (i) (including the “and”), and

(b) in subsection (1A)(16), after “England and Wales” insert “or to Northern Ireland”.

(3) In section 213 (“specified” overseas relationships)—

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(16) Section 212(1A) was inserted by paragraph 29(1) and (2) of Schedule 1 to [S.I. 2014/560](#) with UK extent (see article 6).

- (a) in subsection (1), for “by Schedule 20” substitute—
- “—
- (a) in the case of a relationship registered by two people who under the relevant law are of the same sex when the relationship is registered, by Part 1 of Schedule 20,
- (b) in the case of a relationship registered by two people who under the relevant law are not of the same sex when the relationship is registered, by Part 2 of Schedule 20”.
- (b) in subsection (3), after “this section” insert “amending Part 1 of Schedule 20”, and
- (c) after subsection (3) insert—
- “(3A) No order may be made under this section amending Part 2 of Schedule 20 without the consent of the Department of Finance.”.
- (4) In section 215(17) (overseas relationships treated as civil partnerships: the general rule)—
- (a) in subsection (2), for “subsection (3)” substitute “subsections (3) and (5F)”,
- (b) before subsection (6) insert—
- “(5E) In the case of a relationship that is—
- (a) an overseas relationship treated as a civil partnership for the purposes of this Act only as a result of the amendments made by the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, and
- (b) registered (under the relevant law) as having been entered into before 13 January 2020,
- subsection (5F) or (as the case may be) subsections (5G) and (5H) apply in place of subsections (3) to (5).
- (5F) The time when the two people are treated as having formed a civil partnership is the start of 13 January 2020.
- (5G) But if—
- (a) before 13 January 2020, a dissolution or annulment of the relationship was obtained outside the United Kingdom, and
- (b) the dissolution or annulment would be recognised under Chapter 3 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,
- subsection (5F) does not apply and subsections (1) and (2) have effect subject to subsection (5H).
- (5H) The overseas relationship is not to be treated as having been a civil partnership for the purposes of any provision except—
- (a) Schedules 7, 11 and 17;
- (b) such provisions as are specified (with or without modifications) in regulations under section 8 of the Northern Ireland (Executive Formation etc) Act 2019;
- (c) Chapter 3 (so far as necessary for the purposes of paragraphs (a) and (b)).”, and
- (c) in subsection (6) omit “216.”.
- (5) Omit section 216 (the same-sex requirement).

(17) Section 215, as it extends to England and Wales, was amended (and, in particular, subsections (5A) to (5D) were inserted) by [S.I. 2019/1458](#).

(6) In section 237(2)(b)(ii)(18) (regulation about recognition of dissolution etc where civil partnership not recognised under law of civil partner’s domicile), for “legal relationships between two people of the same sex” substitute “relationships of the sort that the civil partnership in question is (whether generally, between two persons of the same sex, or between two persons of the opposite sex)”.

(7) In Schedule 20—

(a) the existing text becomes Part 1,

(b) in that Part—

(i) in the words before the table, for “213 (meaning of “overseas relationship)” substitute “213(1)(a) (specified relationships between two people of the same sex)”, and

(ii) in the table, omit columns 1 and 2 of the entry for the relationship of marriage for each of Argentina, Belgium, Brazil, Canada, Denmark, Iceland, Mexico: Mexico City Federal District, Netherlands, Norway, Portugal, South Africa, Spain, Sweden, United States of America: California, United States of America: Connecticut, United States of America: District of Columbia, United States of America: Iowa, United States of America: Massachusetts, United States of America: New Hampshire, United States of America: New York and United States of America: Vermont, and

(c) after that Part insert as Part 2 the following provision—

## “PART 2

### Opposite-sex relationships

A relationship is specified for the purposes of section 213(1)(b) (specified relationships between two people who are not of the same sex) if it is registered in a country or territory given in the first column of the table and fits the description given in relation to that country or territory in the second column—

<i>Country or territory</i>	<i>Description</i>
Andorra	unió estable de parella
Argentina	unión convivencial
Aruba	geregistreerd partnerschap
Australia: Australian Capital Territory	civil partnership
Australia: New South Wales	a relationship registered under the Relationships Register Act 2010
Australia: Queensland	civil partnership
Australia: South Australia	registered relationship
Australia: Tasmania	significant relationship
Australia: Victoria	registered domestic relationship
Austria	eingetragene Partnerschaft

(18) Section 237(2)(b)(ii), as it extends to England & Wales, was amended by [S.I. 2019/1458](#).

<i>Country or territory</i>	<i>Description</i>
Belgium	the relationship referred to as cohabitation légale, wettelijke samenwoning or gesetzliches Zusammenwohnen
Bermuda	domestic partnership
Brazil	união estável
Canada: Alberta	adult interdependent partner
Canada: Manitoba	the relationship referred to as common-law relationship or as union de fait
Canada: Nova Scotia	domestic partnership
Canada: Quebec	union civile
Chile	unión civil
Colombia	unión marital de hecho
Cyprus	politiki symviosi
Ecuador	unión de hecho
Estonia	kooselulepingu
Falkland Islands	civil partnership
France	pacte civil de solidarité
Gibraltar	civil partnership
Greece	simfono simviosis
Isle of Man	civil partnership
Israel	civil union
Luxembourg	the relationship referred to as partenariat enregistré or eingetragene Partnerschaft
Malta	civil union
Mexico: Campeche	sociedad civil de Convivencia
Mexico: Coahuila	pacto civil de solidaridad
Mexico: Mexico City Federal District	sociedad de convivencia
Mexico: Michoacán	sociedad de Convivencia
Mexico: Tlaxcala	sociedad de convivencia solidaria
Netherlands	geregistreerd partnerschap
New Zealand	civil union
San Marino	unione civile
South Africa	civil partnership
Spain: Balearic Islands	pareja estable
Spain: Basque Country	pareja de hecho
Spain: Galicia	pareja de hecho

<i>Country or territory</i>	<i>Description</i>
United States of America: California	domestic partnership
United States of America: Colorado	civil union
United States of America: District of Columbia	domestic partnership
United States of America: Hawaii	civil union
United States of America: Illinois	civil union
United States of America: Maine	domestic partnership
United States of America: Nevada	domestic partnership
United States of America: New Jersey	domestic partnership
United States of America: Washington	state registered domestic partnership”

**18.** In article 4 of the Civil Partnership (Registration Abroad and Certificates) Order 2005(19) (registration abroad by registration officer), after paragraph (4A) insert—

“(4AA) If the relevant part of the United Kingdom is Northern Ireland, a country or territory is treated by paragraph (4) as having sufficient facilities only if—

- (a) in the case of proposed civil partners who are of the same sex under the law of that country or territory, the country or territory is listed in Part 1 of Schedule 20 to the Act (as it forms part of the law of Northern Ireland);
- (b) in the case of proposed civil partners who are of the opposite sex under that law, the country or territory is listed in Part 2 of that Schedule.”.

**19.—(1)** Regulation 3 of the Civil Partnership (Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Legal Separations) (England and Wales and Northern Ireland) Regulations 2005(20) is amended as follows.

(2) In the heading, for “between two people of the same sex” substitute “of the sort in question”.

(3) In paragraph (2), in the inserted subsection (1A)(c), for “legal relationships between people of the same sex” substitute “the relevant sort of relationship”.

(4) In paragraph (3), in the inserted subsection (2A)(b), for “legal relationships between people of the same sex” substitute “the relevant sort of relationship”.

(5) After paragraph (3) insert—

“(4) After subsection (3) insert—

“(3A) In this section references to “the relevant sort of relationship” are to the sort of relationship that the civil partnership in question is, and include—

- (a) in the case of a relationship between two persons who are of the same sex under the relevant law, reference to that sort of relationship whether generally or between two persons of the same sex;
- (b) in the case of a relationship between two persons who are of the opposite sex under the relevant law, reference to that sort of relationship whether generally or between two persons of the opposite sex.

(3B) In subsection (3A), “the relevant law” means the law in relation to which the question of recognition arises under subsection (1A)(c) or (as the case may be) (2A)(b).”.

(19) S.I. 2005/2761; article 4 was amended by S.I. 2012/3063, and article 4(4A) is inserted by regulation 38 of S.I. 2019/1458.

(20) S.I. 2005/3104.

**Prescribed forms relating to civil partnerships**

- 20.**—(1) The Civil Partnership Regulations (Northern Ireland) 2005(21) are amended as follows.
- (2) In Schedule 1 (form of civil partnership notice)—
- (a) in paragraph 7, for “Disollution” substitute “Dissolution”,
  - (b) in paragraph 12, after the boxes for Postcode, insert—  
“Contact telephone number  
Contact email address”,
  - (c) in the heading of Part C, after “father” insert “/parent”,
  - (d) in paragraph 16, for “Is he” substitute “Are they”,
  - (e) in the heading of Part D, after “mother” insert “/parent”,
  - (f) in paragraph 21, for “Is he” substitute “Are they”, and
  - (g) in paragraph 25, for “PREVIOUS MARRIAGE” substitute “DIVORCED OR PREVIOUS MARRIAGE ANNULLED”.
- (3) In Schedule 2 (civil partnership schedule)—
- (a) in paragraph 3 omit “Civil Partner” in both places it occurs,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in columns 2 and 3 of paragraph 11, omit “Civil Partner’s”.
- (4) In Schedule 5 (form of consent), in footnote (b), after “Mother” insert “, Parent”.
- (5) In Schedule 8 (form of certified copy of register entry)—
- (a) in paragraph 3 omit “Civil Partner” in both places it occurs,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in columns 2 and 3 of paragraph 11, omit “Civil Partner’s”.
- (6) In Schedule 9 (form of certified copy of register entry)—
- (a) in paragraph 3 omit “Civil Partner” in both places it occurs,
  - (b) in paragraph 9, after “Father’s” insert “/Parent’s”,
  - (c) in paragraph 10, after “Mother’s” insert “/Parent’s”, and
  - (d) in columns 2 and 3 of paragraph 11, omit “Civil Partner’s”.
- (7) In Schedule 10 (form of certified copy of register entry), in paragraph 3 omit “Civil Partner” in both places it occurs.

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(21) [S.R. \(N.I.\) 2005/482](#). Schedule 1 was amended by regulation 2(4) of [S.R. \(N.I.\) 2014/297](#).

## PART 4

### Amendments: Children and Families

#### Fatherhood

**21.** In section 2(1)(a) of the Family Law Act (Northern Ireland) 2001<sup>(22)</sup> (presumption, where man is married to mother of a child at the birth or at any time during the pregnancy, that man is father of the child), after “was married to” insert “, or was the civil partner of,”.

#### Registration of births

**22.**—(1) The Births and Deaths Registration (Northern Ireland) Order 1976<sup>(23)</sup> is amended as follows.

(2) In Article 2(2A)<sup>(24)</sup> (interpretation of references to marital status of parents at time of child’s birth), after “married to” insert “, or civil partners of,”.

(3) In Article 14<sup>(25)</sup> (registration of father where parents not married)—

(a) in the heading, after “not married” insert “or civil partners”, and

(b) in paragraph (1), after “not married to” insert “, or civil partners of,”.

(4) In Article 18(1)(b)<sup>(26)</sup> (re-registration of birth in certain cases)—

(a) in the words before paragraph (i), after “not married to” insert “, or civil partners of,” and

(b) in paragraph (i), after “were so married” insert “or were civil partners of each other”.

(5) In Article 19(7) (re-registration of births of legitimated persons: interpretation), after “marriage” insert “or civil partnership”.

(6) In Article 37(7)(a)(i) and (ii) and (b)(i)<sup>(27)</sup> (parents as qualified applicants for registration of change of child’s name), after “married to” insert “, or civil partners of,”.

#### Legitimacy

**23.**—(1) The Legitimacy Act (Northern Ireland) 1928<sup>(28)</sup> is amended as follows.

(2) Before section 1 insert—

##### “Legitimacy of children of civil partners

**A1.**—(1) A child is legitimate by virtue of a civil partnership between the natural parents of the child if, had the civil partnership been a marriage (and all other circumstances were the same), the child would have been legitimate at common law by virtue of the marriage.

(2) Subsection (1) applies to a child born on or after 13th January 2020.”.

(3) In section 1 (legitimation by subsequent marriage or civil partnership of parents)—

(a) in subsection (1), for “parents” substitute “mother and father”,

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<sup>(22)</sup> 2001 c.12 (N.I.).

<sup>(23)</sup> S.I. 1976/1041 (N.I. 14).

<sup>(24)</sup> Article 2(2A) was inserted by paragraph 83 of Schedule 9 to the Children (Northern Ireland) Order 1995.

<sup>(25)</sup> Article 14 was substituted by paragraph 84 of Schedule 9 to the Children (Northern Ireland) Order 1995.

<sup>(26)</sup> Article 18(1)(b) was substituted by paragraph 85 of Schedule 9 to the Children (Northern Ireland) Order 1995.

<sup>(27)</sup> Article 37(7)(a) and (b) were substituted by paragraph 88 of Schedule 9 to the Children (Northern Ireland) Order 1995; Article 37(7)(b) as so substituted was further substituted by paragraph 66(b) of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c.22).

<sup>(28)</sup> 1928 c.5 (N.I.); section 1 was amended by section 1 of the Legitimacy Act (Northern Ireland) 1961 (c.5 (N.I.)), and sections 1, 8 and 11 were amended by paragraphs 57 to 59 of Schedule 6 to the Human Fertilisation and Embryology Act 2008.

(b) after subsection (1) insert—

“(1ZA) Where—

- (a) the mother and father of an illegitimate person become civil partners of one another on or after 13th January 2020, and
- (b) the father of the illegitimate person is, at the date of the formation of the civil partnership, domiciled in Northern Ireland,

the civil partnership renders that person, if living (and whether born before, on or after 13th January 2020), legitimate from the date of the formation of the civil partnership.”, and

(c) in subsection (1A)—

- (i) in paragraph (b), for “not” substitute “neither married nor”,
- (ii) in paragraph (c), after “subsequently” insert “marry or”,
- (iii) in paragraph (d), after “the date of” insert “the marriage or”,
- (iv) in the words after paragraph (d), before “the civil partnership”, in the first place it occurs, insert “the marriage or”, and
- (v) in those words, after “the date of” insert “the marriage or”.

(4) In section 3(1) (right of legitimated person, or their spouse or issue, to take interests in property as if born legitimate), after “spouse” insert “or civil partner”.

(5) In section 5 (application of Act to illegitimate persons dying before marriage of parents)—

- (a) after “marriage”, in each place it occurs, insert “or civil partnership”,
- (b) for “parents”, in each place it occurs, substitute “mother and father”,
- (c) after “spouse”, in the first place it occurs, insert “, civil partner”
- (d) after “spouse”, in the second place it occurs, insert “or civil partner”, and
- (e) in the heading, for “of parents” substitute “, or civil partnership, of mother and father”.

(6) In section 8 (provisions as to persons legitimated by law other than that of Northern Ireland)—

- (a) in subsection (1), for “parents” substitute “mother and father”,
- (b) after subsection (1) insert—

“(1ZA) Where—

- (a) the mother and father of an illegitimate person become civil partners of one another on or after 13th January 2020,
- (b) at the time of the formation of the civil partnership, the father of the illegitimate person is domiciled in a country other than Northern Ireland, and
- (c) by the law of that other country, the illegitimate person becomes legitimated by virtue of the civil partnership,

that person, if living, is to be recognised in Northern Ireland as having been so legitimated from the date of the formation of the civil partnership.

(1ZB) Subsection (1ZA) applies even where the person’s father was not, at the time of the person’s birth, domiciled in a country in which legitimation by subsequent civil partnership was permitted by law.”,

(c) in subsection (1A)—

- (i) in paragraph (b), for “not” substitute “neither married nor”,
- (ii) in paragraph (c), after “subsequently” insert “marry or”,
- (iii) in paragraph (d), after “the time of” insert “the marriage or”,



- (iv) in paragraph (d), after “by virtue of the” insert “marriage or”,
- (v) in the words after paragraph (d), after “the date of” insert “the marriage or”, and
- (vi) in those words, after “subsequent” insert “marriage or”
- (d) in subsection (2)—
  - (i) after “spouse” insert “or civil partner”,
  - (ii) after “marriage” insert “or civil partnership”, and
  - (iii) for “parents” substitute “mother and father”.
- (7) In section 11 (interpretation), in the definition of “date of legitimation”—
  - (a) for “or where” substitute—  
“but—
    - (a) where (if the legitimation is by marriage)”,
  - (b) before “the commencement”, in the second place it occurs, insert “means”, and
  - (c) after “this Act”, in the second place it occurs, insert—  
“, and
    - (b) where (if the legitimation is by civil partnership) the date of the formation of the civil partnership is before 13th January 2020, means 13th January 2020”.

**24.—**(1) Section 2 of the Legitimacy Act (Northern Ireland) 1961<sup>(29)</sup> (legitimacy of children of certain void marriages) is amended as follows.

- (2) In the heading, after “void marriages” insert “and civil partnerships”.
- (3) In subsection (1)—
  - (a) after “void marriage” insert “or a void civil partnership”,
  - (b) after “celebration of the marriage” insert “, or the formation of the civil partnership,”, and
  - (c) after “that the marriage” insert “or civil partnership”.
- (4) In subsection (2)—
  - (a) after “where” insert—  
“—
    - (a)”,  
and
  - (b) after “death” insert—  
“, or
    - (b) if a woman is treated as the female parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, that female parent was domiciled in Northern Ireland at the time of the birth, or if she died before the birth, was so domiciled immediately before her death.”.
- (5) In subsection (2A), after “marriage” insert “or civil partnership”.
- (6) In subsection (2B)—
  - (a) after “child” insert “of a void marriage”,
  - (b) after “Children (Northern Ireland) Order 1995,” insert “or a child of a void civil partnership (whenever born),”.

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<sup>(29)</sup> 1961 c.5 (N.I.); section 2 was amended by paragraph 14 of Schedule 9 to the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)).

- (c) after “void marriage” insert “or civil partnership”,
- (d) after “celebration of the marriage” insert “, or the formation of the civil partnership,”, and
- (e) after “that the marriage” insert “or civil partnership”.

**25.**—(1) Article 155 of the Children (Northern Ireland) Order 1995<sup>(30)</sup> (parents not being married to each other to have no effect in law on relationships) is amended as follows.

- (2) In the heading, after “married to” insert “, or civil partners of,”.
- (3) In paragraph (2), after “married to”, in both places it occurs, insert “, or civil partners of,”.
- (4) In paragraph (3)(a), after “section 1” insert “or 2”.
- (5) Omit paragraphs (4A) to (4D).
- (6) Before paragraph (5) insert—
  - “(4E) Paragraph (4F) applies to a person—
    - (a) who was born before 13th January 2020,
    - (b) whose parents had formed a civil partnership before that date, and
    - (c) who does not fall within paragraph (3)(ba) or (bb).
  - (4F) A reference falling within paragraph (2)(a) or (b) does not include or (as the case may be) exclude the person by virtue of that civil partnership.”.

#### **Parental status in cases of assisted reproduction**

- 26.**—(1) The Human Fertilisation and Embryology Act 2008<sup>(31)</sup> is amended as follows.
- (2) In section 35<sup>(32)</sup> (meaning of “father” in cases where woman married at time of treatment)—
    - (a) in the heading, after “Woman married” insert “to, or civil partner of, a man”, and
    - (b) in subsection (1)—
      - (i) in paragraph (a), after “marriage” insert “with a man or a civil partnership with a man”, and
      - (ii) in paragraph (b), and in the words after that paragraph, after “marriage” insert “or civil partnership”.
  - (3) In section 38(2) (saving for presumptions about legitimacy)—
    - (a) after “common law” insert “or section A1(2) of the Legitimacy Act 1976”<sup>(33)</sup>,
    - (b) before “, that” insert “or section 2(1)(a) of the Family Law Act (Northern Ireland) 2001”<sup>(34)</sup>, and
    - (c) after “marriage” insert “or civil partnership”.
  - (4) In section 40<sup>(35)</sup> (embryo transferred after death of husband etc)—
    - (a) in the heading, for “husband etc” substitute “male spouse, civil partner or intended parent”, and
    - (b) in subsection (1)—

<sup>(30)</sup> *S.I. 1995/755 (N.I. 2)*. In Article 155, subsections (3)(ba) and (bb) and (4A) to (4D) were inserted by paragraph 75 of Schedule 6 to the Human Fertilisation and Embryology Act 2008.

<sup>(31)</sup> *2008 c.22*.

<sup>(32)</sup> Section 35 was amended (for England and Wales) by paragraph 38 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and (for Scotland) by paragraph 18(2) of Schedule 5 to *S.I. 2014/3229*.

<sup>(33)</sup> *1976 c.31*; section A1 is inserted by *S.I. 2019/1458*.

<sup>(34)</sup> *2001 c.12 (N.I.)*; section 2(1)(a) is amended by these Regulations.

<sup>(35)</sup> Section 40(1)(b) was amended (for England and Wales) by paragraph 39 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and (for Scotland) by paragraph 18(3) of Schedule 5 to *S.I. 2014/3229*.

- (i) in paragraph (b), after “marriage” insert “with a man or a civil partnership with a man”, and
  - (ii) in paragraphs (c), (d) and (e), after “marriage” insert “or civil partnership”.
- (5) In section 42(36) (woman in civil partnership at time of treatment)—
  - (a) in the heading, after “civil partnership” insert “or marriage to a woman”, and
  - (b) in subsection (1)—
    - (i) after “W was a party to a civil partnership” insert “with another woman or a marriage with another woman”, and
    - (ii) after “the other party to the civil partnership” insert “or marriage”.
- (6) In section 45(2) (saving for presumptions about legitimacy)—
  - (a) after “common law” insert “or section A1(2) of the Legitimacy Act 1976”,
  - (b) before “, that” insert “or section 2(1)(a) of the Family Law Act (Northern Ireland) 2001”, and
  - (c) after “marriage” insert “or civil partnership”.
- (7) In section 46(37) (embryo transferred after death of civil partner etc)—
  - (a) in the heading, for “civil partner or intended female parent” substitute “female spouse, civil partner or intended parent”, and
  - (b) in subsection (1)—
    - (i) in paragraph (b), after “to a civil partnership” insert “with a woman or a marriage with a woman”, and
    - (ii) in paragraphs (c), (d) and (e), and in the words following paragraph (f), after “civil partnership” insert “or marriage”.
- (8) In section 48(6)(b) (legitimacy), after “party to a” insert “marriage or”.
- (9) In section 50 (meaning of “parties to a civil partnership”), omit subsection (2) (when “civil partnership” includes one that is void).
- (10) The repeal of that subsection does not affect the status of any person born before 13th January 2020 who was treated as legitimate by virtue of that subsection (but is not so treated by virtue of section 2 of the Legitimacy Act (Northern Ireland) 1961 as amended by these Regulations).

## Parental responsibility

- 27.—(1) The Children (Northern Ireland) Order 1995 is amended as follows.
- (2) In Article 2(5) (interpretation of references to marital status of parents at time of child’s birth), after “married to” insert “, or civil partners of”.
- (3) In Article 5(1) (both parents have parental responsibility if married to each other at child’s birth), after “married to” insert “, or civil partners of”.
- (4) In Articles 5(2) and 7(1)(38) (cases where parents not married to each other at child’s birth), after “not married to” insert “, or civil partners of”.

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(36) Section 41 was amended (for England and Wales) by paragraph 40 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and (for Scotland) by paragraph 18(4) of Schedule 5 to [S.I. 2014/3229](#).

(37) Section 46 was amended (for England and Wales) by paragraph 41 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and (for Scotland) by paragraph 18(5) of Schedule 5 to [S.I. 2014/3229](#).

(38) Article 7(1) was amended, and Article 7(1A) was inserted, by section 1 of the Family Law Act (Northern Ireland) 2001 ([c.12](#)); Article 7(1) was amended, and Article 7(1ZB) was inserted, by paragraph 72 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 ([c.22](#)).

(5) In Article 7(1ZB) (meaning of “parental responsibility agreement”), for “or (1ZA)(b)” substitute “, (1ZA)(b) or (1A)(b)”.

(6) In Article 7(1A) (court may give parental responsibility to step-parent)—

(a) after “if” insert—

“—

(a)”,  
and

(b) at the end insert—

“; or

(b) the step-parent, and—

(i) the parent of the child who is the spouse or civil partner of the step-parent,  
or

(ii) if the other parent of the child also has parental responsibility for the child,  
both parents,

make an agreement providing for the step-parent to have parental responsibility  
for the child.”.

**28.**—(1) The Children (Parental Responsibility Agreement) Regulations (Northern Ireland) 1996<sup>(39)</sup> are amended as follows.

(2) In regulation 2<sup>(40)</sup> (form of parental responsibility agreement), in paragraph (a), for “unmarried father” substitute “father who is not married or a civil partner”.

(3) After regulation 2 insert—

**2A.**—(1) Where the agreement is under Article 7(1A)(b) of the Children (Northern Ireland) Order 1995 (acquisition of parental responsibility by step-parents), the agreement is to be in the form set out in Part 1 of the Schedule but with the following modifications (including in the notes).

(2) For the Declaration and Agreement substitute—

**“Declaration by and agreement of child’s parent, or parents, and step-parent**

We declare that we are [a parent of the child who has parental responsibility for the child, and the parent’s spouse or civil partner (“the step-parent”),] [the parents of the child who each have parental responsibility for the child, and the spouse or civil partner of one of the parents (“the step-parent”),] (*delete whichever does not apply*) and we agree that the step-parent is to have parental responsibility for the child (in addition to any parent of the child who has parental responsibility for the child).”.

(3) Except in the Declaration and Agreement—

(a) for references to the child’s father, substitute references to the step-parent; and

(b) for references to the child’s mother—

(i) substitute references to the parent who is the spouse, or civil partner, of the  
step-parent, or

<sup>(39)</sup> S.R. (N.I.) 1996 No. 455.

<sup>(40)</sup> Regulation 2 was substituted (and the Schedule was re-numbered as Part 1 of the Schedule, and Part 2 of the Schedule was inserted) by paragraph 12 of Schedule 1, and by Schedule 2, to the Human Fertilisation and Embryology (Consequential Amendments and Transitional and Saving Provisions) Order 2009 (S.I. 2009/1892).

- (ii) where both of the child’s parents are entering into the agreement, substitute references to the child’s parents.”.
- (4) In regulation 3—
  - (a) after paragraph (2) insert—
    - “(3) But where the agreement is under Article 7(1A)(b) of the Children (Northern Ireland) Order 1995 (acquisition of parental responsibility by step-parents)—
      - (a) if the agreement is between the step-parent and both parents, paragraph (1) has effect as if it required three (rather than two) copies, and
      - (b) paragraph (2) has effect as if it required a sealed copy to be sent to each party to the agreement.”.

### **Adoption**

**29.**—(1) The Adoption (Hague Convention) Act (Northern Ireland) 1969<sup>(41)</sup> is amended as follows.

- (2) In section 1 (convention adoption orders)—
  - (a) in subsection (4), omit “married”,
  - (b) in subsection (7), after “spouse” insert “or civil partner”, and
  - (c) after subsection (8) insert—
    - “(9) In subsection (4) “couple” has the same meaning as in the Order of 1987 (see Article 2 of that Order).”.
- (3) In section 2(a) (which applied the original Article 14(2) of the Adoption (Northern Ireland) Order 1987 with modifications), for “14(2) (adoption by married couples)” substitute “14(4) (adoption by couples)”.
- (4) In section 6(2) (person legitimated following foreign convention adoption by just one parent), after “marriage of” insert “, or formation of a civil partnership by,”.

**30.**—(1) The Adoption (Northern Ireland) Order 1987 is amended as follows.

- (2) In Article 2<sup>(42)</sup> (interpretation), after paragraph (5) insert—
  - “(6) In this Order “a couple” means—
    - (a) a married couple,
    - (b) two people who are civil partners of each other, or
    - (c) two people (whether of different sexes or the same sex) living as partners in an enduring family relationship.
  - (7) Paragraph (6)(c) does not include two people one of whom is the other’s parent, grandparent, sister, brother, aunt or uncle.
  - (8) References to relationships in paragraph (7)—
    - (a) are to relationships of the full blood or half blood or, in the case of an adopted person, such of those relationships as would exist but for adoption, and
    - (b) include the relationship of a child with the child’s adoptive, or former adoptive, parents,but do not include any other adoptive relationships.”.

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<sup>(41)</sup> 1969 c.22 (N.I.); sections 1 and 2 were substituted by paragraph 6 of Schedule 4 to the Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I. 22)).

<sup>(42)</sup> In Article 2, paragraphs (4) and (5) were inserted by paragraph 139 of Schedule 9 to S.I. 1995/755 (N.I. 2).

(3) In Article 13(3)(**43**) (adoption order not to be made in absence of opportunities to see child in home environment with adopters), in the words before paragraph (a) omit “married”.

(4) In Article 14(**44**) (requirement that there be sole applicant for adoption order except in the case of application by a married couple)—

- (a) in the heading omit “married”,
- (b) in paragraph (2), for “married couple where both the husband and the wife” substitute “couple where both of them”,
- (c) in paragraph (3)—
  - (i) omit “married”,
  - (ii) in sub-paragraph (a), for “the husband or the wife” substitute “one of the couple”, and
  - (iii) in sub-paragraph (b), for “his or her spouse” substitute “the other”, and
- (d) in paragraph (4) omit “married”.

(5) In Article 15(1)(**45**) (conditions for sole application for adoption order), after sub-paragraph (b) insert—

“, or

- (c) is a civil partner and the court is satisfied—
  - (i) the person’s civil partner cannot be found, or
  - (ii) the civil partners have separated and are living apart, and the separation is likely to be permanent, or
  - (iii) the person’s civil partner is by reason of ill-health, whether physical or mental, incapable of making an application for an adoption order, or
- (d) the court is satisfied—
  - (i) the person, and a parent of the child, are a couple, and
  - (ii) the person is not the child’s parent.”.

(6) In Article 17(2) (applications for freeing orders where mother’s spouse is not a parent of the child), after “spouse” insert “or civil partner”.

(7) In Article 20(3)(**46**) (effect of revoking a freeing order)—

- (a) in sub-paragraph (b)(ii), after “married to” insert “, or civil partners of,”, and
- (b) in sub-paragraph (c)(ii), for “7(1)” substitute “7”.

(8) In Article 40 (status conferred by adoption)—

- (a) in paragraph (1), after sub-paragraph (a) insert—
  - “(aa) where the adopters are two people who are civil partners of each other, as if the child had been born as a child of the civil partnership (whether or not the child was in fact born after the formation of the civil partnership);”,
- (b) in paragraph (1)(b), before “adopter”, in both places it occurs, insert “adopters or”,
- (c) after paragraph (5) insert—
  - “(5A) But paragraph (1)(aa) applies only as from 13th January 2020, even in the case of an adoption before that date.”, and

(43) Article 13(3) was amended by Schedule 1 to the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I. 2)) and by paragraph 1(1)(d) of Schedule 6 to the Health and Social Care (Reform) Act (Northern Ireland) 2009 (c.1 (N.I.)).

(44) Article 14 was substituted by paragraph 141 of Schedule 9 to the Children (Northern Ireland) Order 1995.

(45) Article 15(1)(a) was amended by section 203(4) of the Civil Partnership Act 2004.

(46) Article 20(3) was inserted by paragraph 146 of Schedule 9 to the Children (Northern Ireland) Order 1995.

(d) after paragraph (6) insert—

“(7) For the purposes of the application of paragraph (6) in a case within paragraph (1) (aa), the reference in paragraph (6)(b) to the commencement of this Part is to be read as a reference to 12th January 2020.”.

(9) In Article 41 (adoptive relatives)—

(a) the existing provision becomes paragraph (1) of Article 41;

(b) after that provision insert—

“(2) A reference (however expressed) to the adoptive mother and father of a child adopted by—

(a) a couple of the same sex, or

(b) a partner of the child’s parent, where the couple are of the same sex,

is to be read as a reference to the child’s adoptive parents.”.

(10) In Article 42(5) (interpretation of property dispositions: adoption when 55 or over), for “as the child of her spouse (if any)” substitute “(if she does so as one of a couple) as the child of the other one of the couple”.

(11) The amendment made by paragraph (10) applies only in relation to dispositions of property effected on or after 13th January 2020.

(12) In Article 55(1) (person legitimated following adoption by just one parent), after “marriage of” insert “, or formation of a civil partnership by,”.

**31.** In the Adoption Agencies Regulations (Northern Ireland) 1989(47), in Part 6 of the Schedule (particulars relating to the prospective adopter)—

(a) in paragraph 4, after “marriage” insert “or civil partnership”;

(b) in paragraph 5, for “married person” substitute “person who is married or a civil partner”.

**32.—(1)** The Intercountry Adoption (Hague Convention) Regulations (Northern Ireland) 2003(48) are amended as follows.

(2) In regulation 2 (interpretation)—

(a) after the definition of “contact order” insert—

““couple” has the same meaning as in the Adoption (Northern Ireland) Order 1987 (see Article 2 of that Order);”;

(b) in the definition of “prospective adopter”, omit “married”.

(3) In regulation 3 (application for determination of eligibility, and assessment of suitability, to adopt), in paragraph (1), omit “married”.

(4) In regulation 4 (eligibility requirements and requirement to notify), in paragraph (1), omit “married” in both places.

(5) In regulation 10 (procedure following receipt of the Article 16 report), in paragraph (3)(b), omit “married”.

(6) In regulation 19 (prescribed requirements for the purposes of making a Convention adoption order), in paragraph (1)—

(a) in sub-paragraph (a)—

(i) for “spouses” substitute “of the couple”;

(ii) omit “married”;

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(47) S.R. 1989/253.

(48) S.R. (N.I.) 2003 No. 16.

- (b) in paragraph (d)—
  - (i) for “spouses” substitute “couple”;
  - (ii) omit “married”.

(7) In regulation 29 (preparation of the Article 16 report for RSCA), in paragraph (7), omit “married”.

(8) In regulation 30 (prescribed requirements for the purposes of making a Convention adoption order), in paragraph (a)—

- (a) for “spouses” substitute “of the couple”;
- (b) omit “married”.

### **Fostering**

**33.** In Schedule 1 to the Foster Placement (Children) Regulations (Northern Ireland) 1996<sup>(49)</sup> (information as to prospective foster parent and other family and household members), in paragraph 1—

- (a) after “marital” insert “or civil partnership”;
- (b) after “marriage” insert “or civil partnership”.

### **Child abduction**

**34.**—(1) The Child Abduction (Northern Ireland) Order 1985<sup>(50)</sup> is amended as follows.

(2) In Article 2(2)(d)<sup>(51)</sup> (interpretation of references to children and parents), after “married to” insert “, or civil partners of,”.

(3) In Article 3(2)(b)<sup>(52)</sup> (“connected person” includes person believed to be father of a child born to unmarried parents), after “married to” insert “, or civil partners of,”.

(4) In Article 4—

- (a) in paragraph (2)(a) and (b)<sup>(53)</sup> (meaning of “parent” etc), after “married to” insert “, or civil partners of,”;
- (b) in paragraph (3)(a) (defences), after “married to” insert “, or civil partners of,”.

### **Divorce, annulment and judicial separation**

**35.**—(1) The Matrimonial Causes (Northern Ireland) Order 1978 is amended as follows.

(2) In Article 2(2), in the definition of “child”<sup>(54)</sup>, after “married to” insert “, or civil partners of,”.

(3) In Article 3 (matters of which the court must be satisfied before granting a divorce), after paragraph (6) insert—

“(7) Only conduct between the respondent and a person of the opposite sex may constitute adultery for the purposes of this Article.”.

(4) In Article 4(6) (interpretation of references to living apart), for “a husband and wife” substitute “the parties to a marriage”.

(5) In Article 14 (grounds on which a marriage is voidable), after paragraph (h) insert—

<sup>(49)</sup> S.I. 1996/467.

<sup>(50)</sup> S.I. 1985/1638 (N.I. 17).

<sup>(51)</sup> Article 2(2)(d) was inserted by paragraph 120 Schedule 9 to the Children (Northern Ireland) Order 1995.

<sup>(52)</sup> Article 3(2)(b) was substituted by paragraph 121(3) of Schedule 9 to the Children (Northern Ireland) Order 1995.

<sup>(53)</sup> Article 4(2) and (3) were substituted by paragraph 122(3) of Schedule 9 to the Children (Northern Ireland) Order 1995.

<sup>(54)</sup> In Article 2(2), the definition of “child” was amended by Schedule 9 to the Children (Northern Ireland) Order 1995.



“;

but paragraphs (a) and (b) do not apply to the marriage of a same-sex couple.”.

(6) In Article 49(55) (jurisdiction of the court), after paragraph (1) insert—

“(1A) Paragraphs (2) and (3) apply only in relation to a marriage of a man and a woman (but see Article 49A as regards jurisdiction in proceedings concerning a marriage of a same-sex couple).”.

(7) After Article 49 insert—

**“Jurisdiction of court: proceedings in relation to a marriage of a same-sex couple**

**49A.**—(1) Paragraphs (2) to (4) have effect with respect to the jurisdiction of the court to entertain any of the following proceedings in relation to a marriage of a same-sex couple—

- (a) proceedings for divorce,
- (b) proceedings for judicial separation, and
- (c) proceedings for nullity of marriage.

(2) The court has jurisdiction to entertain proceedings for divorce or judicial separation if (and only if)—

- (a) both parties to the marriage are habitually resident in Northern Ireland,
- (b) both parties to the marriage were last habitually resident in Northern Ireland and one of them continues to reside there,
- (c) the respondent is habitually resident in Northern Ireland,
- (d) the applicant is habitually resident in Northern Ireland and has resided there for at least one year immediately before the proceedings are begun,
- (e) either of the parties to the marriage is domiciled in Northern Ireland, or
- (f) the following conditions are met—
  - (i) the parties married each other under the law of Northern Ireland, and
  - (ii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

(3) The court has jurisdiction to entertain proceedings for nullity of marriage if (and only if)—

- (a) both parties to the marriage are habitually resident in Northern Ireland,
- (b) both parties to the marriage were last habitually resident in Northern Ireland and one of them continues to reside there,
- (c) the respondent is habitually resident in Northern Ireland,
- (d) the applicant is habitually resident in Northern Ireland and has resided there for at least one year immediately before the proceedings are begun,
- (e) either of the parties to the marriage—
  - (i) is domiciled in Northern Ireland, or
  - (ii) died before the proceedings are begun and either was at death domiciled in Northern Ireland or had been habitually resident in Northern Ireland throughout the period of one year ending with the date of death, or
- (f) the following conditions are met—

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(55) In Article 49, paragraphs (2) and (3) were inserted by regulation 3 of [S.I. 2001/660](#). Other non-relevant amendments have been made to Article 49.

- (i) the parties married each other under the law of Northern Ireland, and
- (ii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

(4) At any time when proceedings are pending in respect of which the court has jurisdiction by virtue of paragraph (2) or (3) (or of this paragraph), the court also has jurisdiction to entertain other proceedings, in respect of the same marriage, for divorce, judicial separation or nullity of marriage, even though that jurisdiction would not be exercisable under paragraph (2) or (3).”.

**36.** In Article 2(2) of the Domestic Proceedings (Northern Ireland) Order 1980<sup>(56)</sup>, in the definition of “child”, after “married to” insert “, or civil partners of.”.

#### **Declarations as to marital status: jurisdiction of the courts**

**37.** In Article 31 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989<sup>(57)</sup> (declarations as to marital status)—

- (a) in paragraph (2) (when court has jurisdiction), after “if (and only if)” insert “paragraph (2A) applies or”, and
- (b) after paragraph (2) insert—
  - “(2A) This paragraph applies where—
  - (a) the two people concerned are of the same sex and married each other under the law of Northern Ireland, and
  - (b) it appears to the court to be in the interests of justice to assume jurisdiction in the case.”.

#### **Property rights where parents not married to, or civil partners of, each other**

**38.**—(1) Article 157 of the Children (Northern Ireland) Order 1995 (property rights) is amended as follows.

- (2) After “not married to” insert “, or civil partners of.”.

**39.**—(1) Schedule 6 to the Children (Northern Ireland) Order 1995 (property rights where parents not married to each other) is amended as follows.

- (2) In the heading, after “not married to” insert “or civil partners of”.
- (3) In paragraph 1 (succession on intestacy), in sub-paragraph (2), after “not married to” insert “, or civil partners of.”.
- (4) In paragraph 4 (entitlement to grant of probate etc), in sub-paragraph (1)(a), after “not married to” insert “, or civil partners of.”.

#### **Representations procedure**

**40.** In regulation 10 of the Representations Procedure (Children) Regulations (Northern Ireland) 1996<sup>(58)</sup> (application to voluntary organisations and registered children’s homes), in paragraph (2) (c), after “spouse” insert “or civil partner”.

<sup>(56)</sup> S.I. 1980/563 (N.I. 5). In Article 2(2), the definition of “child” was amended by Schedule 9 to the Children (Northern Ireland) Order 1995.

<sup>(57)</sup> S.I. 1989/677 (N.I. 4).

<sup>(58)</sup> S.R. 1996/451.

## PART 5

### Amendments: Gender Recognition

#### **Amendments of the Gender Recognition Act 2004: introductory**

**41.** The Gender Recognition Act 2004(**59**) is amended in accordance with regulations [42](#) to [48](#).

#### **Alternative grounds for granting certificates in Northern Ireland**

**42.**—(1) Sections 2(3A), 3(9), 3A and 3B, and paragraph 4(3) of Schedule 1(**60**), (alternative grounds for granting gender recognition certificates) extend also to Northern Ireland.

(2) Section 3A (as it has effect in accordance with paragraph (1)) is amended as follows.

(3) In subsection (4)(a) (applicant must have been living in the acquired gender as at 10th December 2008), after “2013” insert “(but see subsection (8))”.

(4) In subsection (6) (ordinary residence in Great Britain), for “or Scotland” substitute “, Scotland or Northern Ireland”.

(5) After subsection (7) insert—

“(8) Where the applicant—

- (a) is a party to a protected marriage that is a marriage under the law of Northern Ireland, or
- (b) is a party to a protected civil partnership that is a civil partnership under the law of Northern Ireland, or
- (c) is ordinarily resident in Northern Ireland,

subsection (4)(a) has effect as if for the words after “was living in the acquired gender” there were substituted “on 13 January 2014”.

**43.**—(1) Sections 2(3C), 3(11), 3E and 3F(**61**) (alternative grounds: person party to Scottish relationship but resident in England or Wales) extend also to Northern Ireland.

(2) In the headings of sections 3E and 3F, after “Welsh” insert “and Northern Ireland”.

(3) Section 3E (as it has effect in accordance with paragraph (1)) is amended as follows.

(4) In subsection (2) (interpretation), after “England and Wales” insert “or to Northern Ireland”.

(5) In subsection (5)(a) (applicant must have been living in the acquired gender as at 16th December 2008), after “2014” insert “(but see subsection (5A))”.

(6) After subsection (5) insert—

“(5A) Where the applicant is ordinarily resident in Northern Ireland, subsection (5)(a) has effect as if for the words after “was living in the acquired gender” there was substituted “on 13 January 2014”.

(7) In subsection (7) (ordinary residence in England or Wales), after “Wales” insert “or in Northern Ireland”.

#### **Certificates to be copied to Registrar General**

**44.** In section 10 (registration), before subsection (2) insert—

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(59) [2004 c.7](#).

(60) Sections 2(3A), 3(9), 3A and 3B, and paragraph 4(3) of Schedule 1, were inserted (with England and Wales, and Scotland, extent) by Part 2 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013. Section 3B is amended by [S.I. 2019/1458](#).

(61) Sections 2(3C), 3(11), 3E and 3F were inserted (with England and Wales, and Scotland, extent) by paragraph 15(1) to (4) of Schedule 5 to [S.I. 2014/3229](#).

“(1C) Where a full gender recognition certificate is issued to a person who is a party to—

- (a) a marriage under the law of Northern Ireland, or
- (b) a civil partnership under the law of Northern Ireland,

the Secretary of State must send a copy of the certificate to the Registrar General for Northern Ireland.”.

### **Continuity of civil partnership or marriage on change of gender**

**45.**—(1) For section 11B **(62)** (change in gender of civil partners) substitute—

#### **“Change in gender of civil partner**

**11B.**—(1) This section applies in relation to a protected civil partnership if (by virtue of section 4(2)(c) or 4A) a full gender recognition certificate is issued to a party to the partnership.

(2) The continuity of the protected civil partnership is not affected by the relevant change in gender.

(3) If the protected civil partnership is a protected overseas relationship—

- (a) the continuity of the civil partnership continues by virtue of subsection (2) notwithstanding any impediment under the relevant law;
- (b) the relevant law is not affected by the continuation of the civil partnership by virtue of subsection (2).

(4) In this section—

“impediment” means anything which would affect the continuation of the overseas relationship merely by virtue of the relevant change in gender;

“relevant change in gender” means the change or changes in gender occurring by virtue of the issue of the full gender recognition certificate or certificates;

“relevant law”, in relation to the protected overseas relationship in question, has the same meaning as in Chapter 2 of Part 5 of the Civil Partnership Act 2004.”.

(2) Sections 11C and 11D**(63)** (change in gender of spouses or civil partners) extend also to Northern Ireland.

### **Foreign gender change and marriage**

**46.**—(1) Section 21 (foreign gender change and marriage) is amended as follows.

(2) Omit subsection (1A)**(64)** (subsections (2) to (5) apply to Northern Ireland only).

(3) Omit subsections (2) to (5)**(65)** (non-recognition of foreign marriage following foreign gender change).

**(62)** Section 11B was inserted (with UK extent) by Part 1 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013 and is substituted (as it extends to England & Wales) by [S.I. 2019/1458](#).

**(63)** Sections 11C and 11D (so far as extending to Scotland) were inserted by the Marriage and Civil Partnership (Scotland) Act 2014 ([asp 5](#)) and (so far as extending to England and Wales) by [S.I. 2014/3229](#).

**(64)** Section 21(1A) was inserted by Part 1 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013 and amended by [S.I. 2014/3229](#).

**(65)** Section 21(2) to (5) were amended by the Civil Partnership Act 2004 and Part 1 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013, and repealed (so far as extending to Scotland) by the Marriage and Civil Partnership (Scotland) Act 2014 ([asp 5](#)).

### **Definitions of protected relationships**

**47.**—(1) Section 25(**66**) (interpretation), as it extends to England and Wales, is amended as follows—

- (a) in the definition of “protected civil partnership”, in paragraph (a), after “England and Wales” insert “or under the law of Northern Ireland”, and
- (b) in the definition of “protected marriage”, in paragraph (a), after “England and Wales” insert “or under the law of Northern Ireland”.

(2) Section 25, as it extends to Northern Ireland, is amended as follows—

- (a) in the definition of “protected civil partnership”, for the words from “means” to the end substitute—

“means—

- (a) a civil partnership under the law of England and Wales or under the law of Northern Ireland, or
- (b) an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004,

and “protected overseas relationship” means a protected civil partnership within paragraph (b),” and

- (b) in the definition of “protected marriage”, in paragraph (a), after “England and Wales” insert “or under the law of Northern Ireland”.

(3) In section 25, as it extends to Scotland, subsection (1) is amended as follows—

- (a) in the definition of “protected civil partnership”, after “England and Wales” insert “or under the law of Northern Ireland”, and
- (b) in the definition of “protected marriage”, in paragraph (a), after “England and Wales” insert “or under the law of Northern Ireland”.

### **Regulations about registration of marriages and civil partnerships in gender-change cases**

**48.** In Part 3 of Schedule 3 (registration: Northern Ireland), after paragraph 32 insert—

#### **“Registration of marriages and civil partnerships**

**33.**—(1) The Department of Finance in Northern Ireland may by regulations make provision about—

- (a) the registration of qualifying marriages, and
  - (b) the registration of qualifying civil partnerships.
- (2) Regulations under sub-paragraph (1) may, in particular, make provision for—
- (a) the maintenance of—
    - (i) a separate register in relation to qualifying marriages, and
    - (ii) a separate register in relation to qualifying civil partnerships;
  - (b) fees to be payable in respect of things done under the regulations.

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(66) The definitions of “protected civil partnership” and “protected marriage” were inserted (with UK extent and with effect from 10.12.2014) by Part 1 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013. Section 25, as it extends to Scotland, was renumbered (with effect from 16.12.2014) as section 25(1) by the Marriage and Civil Partnership (Scotland) Act 2014 ([asp 5](#)). The definition of “protected civil partnership”, as it extends to England & Wales, is amended by [S.I. 2019/1458](#).

(3) Regulations under sub-paragraph (1) may make different provision for different cases or circumstances.

(4) In this paragraph—

“qualifying civil partnership” means a civil partnership under the law of Northern Ireland in a case where a full gender recognition certificate has been issued to one, or each, of the civil partners;

“qualifying marriage” means a marriage under the law of Northern Ireland in a case where a full gender recognition certificate has been issued to one, or each, of the spouses.”.

### **Transitional provision about applications**

**49.**—(1) Paragraph (2) applies where—

- (a) an application under section 1(1) or 4A(67) of the Gender Recognition Act 2004 (“the Act”) has been received by a Gender Recognition Panel before 13th January 2020,
- (b) the Panel has not, before that date, granted or rejected the application, and
- (c) it appears to the Panel that the outcome of the application may be different if the application were dealt with in accordance with the Act as amended by this Part.

(2) The Panel must—

- (a) inform the applicant of the difference of outcome that appears possible,
- (b) ask the applicant if the applicant wishes for the application to be dealt with in accordance with the Act as amended by this Part, and
- (c) give the applicant a reasonable opportunity to provide any further information that would be required for the application to be so dealt with.

(3) If the applicant—

- (a) expresses a wish for the application to be dealt with in accordance with the Act as amended by this Part, and
- (b) duly provides any information required under paragraph (2)(c),

the Panel must deal with the application in accordance with the Act as amended by this Part.

(4) If paragraph (3) does not apply, the Panel must continue to deal with the application in accordance with the Act as it would have effect without the amendments made by this Part.

### **Amendments relating to registration**

**50.**—(1) In Article 27 of the Marriage (Northern Ireland) Order 2003 (corrections and cancellations), after paragraph (2) insert—

“(3) Paragraph (4) applies in relation to a marriage solemnised before, on or after 13th January 2020 where, before the marriage is solemnised, a full gender recognition certificate has been issued under the Gender Recognition Act 2004 to either or each of the parties.

(4) The Registrar General, after consulting the parties, may—

- (a) modify, or direct a registrar to modify, the recorded status of either or both of the parties in the registration of the marriage, or
- (b) direct a registrar to modify the way in which the status of either or both of the parties is to be recorded when registering the marriage,

(67) Section 4A was inserted by Part 1 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013.

for the purpose of reducing the risk that the recorded status of the parties in the registration of the marriage will disclose the issue of the gender recognition certificate or either of the certificates.”.

(2) In section 147 of the Civil Partnership Act 2004 (corrections and cancellations: Northern Ireland), after subsection (2) insert—

“(3) Subsection (4) applies in relation to a civil partnership formed in Northern Ireland before, on or after 13th January 2020 where, before the civil partnership is formed, a full gender recognition certificate has been issued under the Gender Recognition Act 2004 to either or each of the parties.

(4) The Registrar General, after consulting the parties, may—

- (a) modify, or direct a registrar to modify, the recorded status of either or both of the parties in the registration of the civil partnership, or
- (b) direct a registrar to modify the way in which the status of either or both of the parties is to be recorded when registering the civil partnership,

for the purpose of reducing the risk that the recorded status of the parties in the registration of the civil partnership will disclose the issue of the gender recognition certificate or either of the certificates.”.

### **Consequential amendments**

**51.** In section 20(9) of the Marriage (Same Sex Couples) Act 2013 (amendments made by Part 2 of Schedule 5 do not extend to Northern Ireland), after “Northern Ireland” insert “(but see regulation 42(1) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019)”.

**52.** In article 3(2) of the Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions and Modifications) Order 2014(68) (provisions of the Order extending to England and Wales, and Scotland, only), after “Scotland only” insert “(but see regulation 43(1) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019)”.

## **PART 6**

### **Amendments: Pensions and Social Security: Primary Legislation**

#### **Civil Pensions Act (Northern Ireland) 1925**

**53.**—(1) The Civil Pensions Act (Northern Ireland) 1925(69) is amended as follows.

(2) In section 1(2) (persons to whom pension may be granted), for “widow” substitute “surviving spouse or civil partner”.

(3) In section 2(1) and (2) (limit on amount of pensions), for “widow” substitute “surviving spouse or civil partner”.

#### **Judicial Pensions Act (Northern Ireland) 1951**

**54.**—(1) The Judicial Pensions Act (Northern Ireland) 1951(70) is amended as follows.

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(68) S.I. 2014/3229.

(69) 1925 c.2 (N.I.) (15 & 16 Geo. 5).

(70) 1951 c.20 (N.I.).

(2) In section 7(71) (widows', widowers' and surviving civil partners' pensions), after subsection (1) insert—

“(1A) A surviving civil partner’s pension may not be granted in respect of a person’s service if—

- (a) the person retired from relevant service before 13th January 2020, and
- (b) power to grant the pension relies on the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.”.

### **County Courts Act (Northern Ireland) 1959**

**55.**—(1) The County Courts Act (Northern Ireland) 1959(72) is amended as follows.

(2) In section 123(73) (widows', widowers' and surviving civil partners' pensions), after subsection (1) insert—

“(1A) A surviving civil partner’s pension may not be granted in respect of a person’s service if—

- (a) the person retired from relevant service before 13th January 2020, and
- (b) power to grant the pension relies on the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.”.

(3) In section 124(4)(74) (no children’s pension for daughters who are married or for children who are civil partners), omit “female” in both places it occurs.

(4) The amendment made by paragraph (3) applies only where the death of the deceased occurs on or after 13th January 2020.

(5) In Schedule 2B(75) (surviving civil partners’ pensions: transitional provision), in paragraph 1, in the definition of “relevant date”, after “2005” insert “, but means 12th January 2020 in relation to a civil partnership formed between two people not of the same sex”.

### **District Judges (Magistrates’ Courts) Pensions Act (Northern Ireland) 1960**

**56.**—(1) The District Judges (Magistrates’ Courts) Pensions Act (Northern Ireland) 1960(76) is amended as follows.

(2) In the section 4A inserted by the Personal Pension Option (No. 1) Regulations (Northern Ireland) 1989(77), after “widow’s” insert “, widower’s”.

(3) In section 5(78) (widows', widowers' and surviving civil partners' pensions), after subsection (1) insert—

“(1A) A surviving civil partner’s pension may not be granted in respect of a person’s service if—

- (a) the person retired from relevant service before 13th January 2020, and
- (b) power to grant the pension relies on the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.”.

(71) Section 7 was substituted by S.I. 1991/2631 (N.I. 24) and amended by S.I. 2005/3325.

(72) 1959 c.25 (N.I.).

(73) Section 123 was substituted by S.I. 1991/2631 (N.I. 24) and amended by S.I. 2005/3325.

(74) Section 124(4) was amended by S.I. 2005/3325.

(75) Schedule 2B was inserted by article 32 of S.I. 2005/3325.

(76) 1960 c.2 (N.I.), formerly the Resident Magistrates’ Pensions Act (Northern Ireland) 1960, but renamed by S.R. (N.I.) 2008/154.

(77) S.R. (N.I.) 1989/100. The inserted section 4A was amended by S.I. 2005/3325.

(78) Section 5 was substituted by S.I. 1991/2631 (N.I. 24) and amended by S.I. 2005/3325.



(4) In section 6(4)(79) (no children’s pension for daughters who are married or for children who are civil partners), omit “female” in both places it occurs.

(5) The amendment made by paragraph (4) applies only where the death of the deceased occurs on or after 13th January 2020.

(6) In section 12(80) (power to make rules for part-surrender of pension in return for pension for wife or dependants)—

- (a) in subsections (1) and (2), for “wife”, in each place it occurs, substitute “spouse or civil partner”,
- (b) in subsection (3), after “widow’s” insert “, widower’s, surviving civil partner’s”, and
- (c) after subsection (3) insert—

“(3A) Rules under this section, or section 13, may make different provision for different purposes.”.

(7) In section 13 (further power to make rules for part-surrender of pension in return for pension for wife)—

- (a) in subsection (1)—
  - (i) after “married” insert “or formed a civil partnership”,
  - (ii) after “marriage” insert “or of the formation of the civil partnership”, and
  - (iii) for “wife” substitute “spouse or civil partner”, and
- (b) in subsection (3)—
  - (i) for “wives”, in both places it occurs, substitute “spouses and civil partners”, and
  - (ii) after “marriage” insert “or of the formation of the civil partnership”.

(8) In Part 2 of Schedule 2(81) (surviving civil partners’ pensions: transitional provision), in paragraph 5, in the definition of “relevant date”, after “2005” insert “, but means 12th January 2020 in relation to a civil partnership formed between two people not of the same sex”.

### **Lands Tribunal and Compensation Act (Northern Ireland) 1964**

**57.**—(1) The Lands Tribunal and Compensation Act (Northern Ireland) 1964(82) is amended as follows.

- (2) In section 2A(83) (election to opt out of relevant pension scheme)—
  - (a) in subsection (2), in the definition of “judicial pension scheme”—
    - (i) after “widow’s” insert “, widower’s, surviving civil partner’s”, and
    - (ii) after “widow” insert “, or widower or surviving civil partner”, and
  - (b) in subsection (9)(b), after “widow’s” insert “, or widower’s or surviving civil partner’s”.

### **Superannuation (Amendment) Act (Northern Ireland) 1966**

**58.** In paragraph 9(3) of Schedule 1 to the Superannuation (Amendment) Act (Northern Ireland) 1966(84) (power in relation to children adopted after end of marriage or relevant service), after “marriage”, in each place it occurs, substitute “or civil partnership”.

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(79) Sections 6(4) was amended by [S.I. 2005/3325](#).

(80) Sections 12 and 13 were amended by [S.I. 1991/2631 \(N.I. 24\)](#).

(81) Part 2 of Schedule 2 was inserted by article 45 of [S.I. 2005/3325](#).

(82) [1964 c.29 \(N.I.\)](#).

(83) Section 2A was inserted by [S.R. \(N.I.\) 1989/124](#).

(84) [1966 c.27 \(N.I.\)](#).

**Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969**

**59.**—(1) The Superannuation (Miscellaneous Provisions) Act (Northern Ireland) 1969<sup>(85)</sup> is amended as follows.

(2) In section 1(5) (meaning of “derivative benefit” in section 1(3)), after “widow’s” insert “, widower’s, surviving civil partner’s”.

**Social Security (Northern Ireland) Act 1975**

**60.** In Schedule 10 to the Social Security (Northern Ireland) Act 1975<sup>(86)</sup> (superannuation allowances for Social Security Commissioners)—

- (a) in paragraph 7(8)(b) (interpretation), for “widow’s” substitute “surviving spouse’s, surviving civil partner’s”, and
- (b) in paragraph 7B(3)(b) (persons who may appeal), for “widow or widower,” substitute “surviving spouse or surviving civil partner,”.

**Social Security Pensions (Northern Ireland) Order 1975**

**61.**—(1) In the Social Security Pensions (Northern Ireland) Order 1975<sup>(87)</sup>, Article 69 is amended as follows.

(2) In paragraph (5ZB)(a), after “widow’s pension” insert “other than one within sub-paragraph (b)”.

(3) In paragraph (5ZB)(b), after “widower’s pension,” insert “or in the case of a widow’s pension to which entitlement relies on the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019,”.

(4) In paragraph (5ZC)—

- (a) in sub-paragraph (b), after “this paragraph” insert “, but this is subject to sub-paragraph (c)”, and
- (b) after sub-paragraph (b) insert—
  - “(c) applies to a widow’s or widower’s or surviving civil partner’s pension, where the pension is one to which entitlement relies on the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, only in respect of amounts payable on or after 13th January 2020;”.

**Pneumoconiosis, etc., (Workers’ Compensation) (Northern Ireland) Order 1979**

**62.** For Article 5(2A) and (2B) of the Pneumoconiosis, etc., (Workers’ Compensation) (Northern Ireland) Order 1979<sup>(88)</sup> substitute—

“(2A) For the purposes of paragraph (1)(c), two persons are in a qualifying relationship if they are living together as if spouses of each other.”.

<sup>(85)</sup> 1969 c.7 (N.I.).

<sup>(86)</sup> 1975 c.15. In Schedule 10, paragraph 7B was inserted by paragraph 7(4) of the Judicial Retirement and Pensions Act 1993 (c.8).

<sup>(87)</sup> S.I. 1975/1503 (N.I. 15). In Article 69, paragraphs (5ZB) and (5ZC) were inserted by section 110 of the Pensions (No. 2) Act (Northern Ireland) 2008 (c.13 (N.I.)).

<sup>(88)</sup> S.I. 1979/925 (N.I. 9). Article 5(2A) and (2B) were inserted by section 53 of the Welfare Reform Act (Northern Ireland) 2007 (c.2 (N.I.)).

### **Social Security (Northern Ireland) Order 1989**

**63.** In paragraph 2 of Schedule 5 to the Social Security (Northern Ireland) Order 1989(**89**) (the principle of equal treatment)—

- (a) in sub-paragraph (5), after “marital” insert “, civil partnership”, and
- (b) in sub-paragraph (9)—
  - (i) in paragraphs (a) and (b), for “an unmarried” substitute “a relevant”, and
  - (ii) in paragraph (b), for the words after “some other person” substitute “, without being married to or civil partners of each other, live together as if spouses of each other”.

### **Child Support (Northern Ireland) Order 1991**

**64.**—(1) The Child Support (Northern Ireland) Order 1991(**90**) is amended as follows.

(2) In Article 27(2)(**91**) (cases of disputed parentage in which assessment may be made), in paragraph (b) of Case A1, for “was married to” substitute “is a man who was married to, or the civil partner of,”.

(3) In Article 32L(5)(**92**) (disposition is reviewable unless made for valuable consideration other than marriage), after “marriage” insert “or formation of a civil partnership”.

(4) In Part 1 of Schedule 1 (as substituted by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**93**)), for paragraph 10C(5) and (6) substitute—

“(5) In sub-paragraph (4)(a) “couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other.”.

(5) In Part 1 of Schedule 1 (as it has effect otherwise than by virtue of the substitution by that Act of 2000), in paragraph 6—

- (a) in sub-paragraph (5)(b)(**94**), for sub-paragraphs (i) to (iii) substitute—
  - “(i) is living together in the same household with another adult who is the absent parent’s spouse or civil partner, or
  - (ii) is living together in the same household with another adult as if spouses of each other.”, and
- (b) omit paragraph (5A).

### **Social Security Contributions and Benefits Act 1992**

**65.** In section 171ZL(4B) of the Social Security Contributions and Benefits Act 1992(**95**) (statutory adoption pay: meaning of “member of a couple”)—

- (a) in paragraph (a), after “Wales” insert “or Northern Ireland”, and

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(**89**) [S.I. 1989/1342 \(N.I. 13\)](#).

(**90**) [S.I. 1991/2628 \(N.I. 23\)](#).

(**91**) In Article 27(2), Case A1 was inserted by section 15 of the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 ([c.4 \(N.I.\)](#)).

(**92**) Article 32L was inserted by section 16 of the Child Maintenance Act (Northern Ireland) 2008 ([c.10 \(N.I.\)](#)).

(**93**) [2000 c.4 \(N.I.\)](#). See section 1(3) and Schedule 1. The substituted paragraph 10C(5) and (6) were subsequently further substituted by paragraph 12 of Schedule 4 to the Civil Partnership Act 2004.

(**94**) Paragraph 6(5)(b) was substituted, and paragraph 6(5A) was inserted, by paragraph 10 of Schedule 24 to the Civil Partnership Act 2004.

(**95**) [1992 c.4](#). Section 171ZL was inserted by section 4 of the Employment Act 2002 ([c.22](#)) and subsection (4B) was inserted by [S.I. 2006/2012](#) and amended by [S.I. 2011/1740](#).

- (b) omit paragraph (b).

### **Social Security Contributions and Benefits (Northern Ireland) Act 1992**

**66.**—(1) The Social Security Contributions and Benefits (Northern Ireland) Act 1992(**96**) is amended as follows.

(2) In section 37(4)(**97**) (widowed mother’s allowance for persons widowed before 9th April 2001: events on which allowance ends), for paragraphs (b) and (c) substitute—

“or

- (b) for any period during which she, and a person who is neither her spouse nor her civil partner, are living together as if spouses of each other.”.

(3) In section 38(3)(**98**) (widow’s pension for person’s widowed before 9th April 2001: events on which pension ends), for paragraphs (c) and (d) substitute—

“or

- (c) for any period during which she, and a person who is neither her spouse nor her civil partner, are living together as if spouses of each other.”.

(4) In section 39A(5)(**99**) (widowed parent’s allowance for persons whose spouse or civil partner dies on or after 9th April 2001 but before 6th April 2017: events on which allowance ends), for subparagraphs (b) and (c) substitute—

“or

- (b) for any period during which—

(i) the surviving spouse or civil partner, and

(ii) a person who is neither the spouse, nor the civil partner, of the surviving spouse or civil partner,

are living together as if spouses of each other.”.

(5) In section 48(**100**), after subsection (4) insert—

“(5) For the purposes of this section, a civil partnership is not to be treated as having terminated—

- (a) by reason of its having been—

(i) converted into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013;

(ii) changed into a marriage under the Marriage (Scotland) Act 1977;

(iii) changed into a marriage in accordance with provision made under section 10 of the Marriage and Civil Partnership (Scotland) Act 2014; or

(iv) changed into a marriage under Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014; or

(96) 1992 c.7.

(97) Section 37(4)(c) was inserted by paragraph 72 of Schedule 24, and “or” at the end of section 37(4)(a) was omitted by Schedule 30, to the Civil Partnership Act 2004.

(98) Section 38(3)(d) was inserted by paragraph 73 of Schedule 24, and “or” at the end of section 38(3)(b) was omitted by Schedule 30, to the Civil Partnership Act 2004.

(99) Section 39A(5)(c) was inserted by paragraph 74 of Schedule 24, and “or” at the end of section 39A(5)(a) was omitted by Schedule 30, to the Civil Partnership Act 2004.

(100) Section 48 was amended by paragraph 78 of Schedule 24 to the Civil Partnership Act 2004 and by paragraph 48 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 (c.5 (N.I.)).

- (b) by reason of a marriage which has been treated in Northern Ireland as a civil partnership ceasing to be so treated with effect from 13 January 2020.”.
- (6) In section 48A(**101**) (category B retirement pension for married person or civil partner)—
- (a) after subsection (2) insert—
- “(2A) And subsection (1) does not confer a right to a Category B retirement pension on a woman whose wife was born before 6 April 1950.”,
- (b) after subsection (6) insert—
- “(6A) For the purposes of subsection (5)(b), a person is not to be treated as having ceased to be in a civil partnership—
- (a) by reason of its having been—
- (i) converted into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013;
- (ii) changed into a marriage under the Marriage (Scotland) Act 1977;
- (iii) changed into a marriage in accordance with provision made under section 10 of the Marriage and Civil Partnership (Scotland) Act 2014; or
- (iv) changed into a marriage under Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014; or
- (b) by reason of a marriage which has been treated in Northern Ireland as a civil partnership ceasing to be so treated with effect from 13 January 2020.”, and
- (c) after subsection (7) insert—
- “(8) Section 51ZA contains special rules for cases involving changes in gender.”.
- (7) In section 48AA(**102**) (category B retirement pension for former spouse or civil partner)—
- (a) after subsection (2) insert—
- “(2A) And subsection (1) does not confer a right to a Category B retirement pension on a woman whose former wife was born before 6 April 1950.”, and
- (b) after subsection (8) insert—
- “(9) Section 51ZA contains special rules for cases involving changes in gender.”.
- (8) In section 48B(**103**) (category B retirement pension for surviving spouse or civil partner)—
- (a) after subsection (1ZA) insert—
- “(1ZAA) And subsection (1) does not confer a right to a Category B retirement pension on a woman who attained pensionable age before 6 April 2010 if the spouse was a woman.”, and
- (b) after subsection (10) insert—
- “(11) Section 51ZA contains special rules for cases involving changes in gender.”.
- (9) In section 51(**104**) (category B retirement pension for widower or civil partner)—
- (a) in subsection (1), for “man” substitute “person”,
- (b) in subsection (1), for “wife”, in both places it occurs, substitute “spouse”,

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(101) Section 48A was substituted by [S.I. 1995/3213 \(N.I. 22\)](#) and was further substituted by paragraph 52 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 ([c.5 \(N.I.\)](#)).

(102) Section 48AA was substituted by paragraph 52 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 ([c.5 \(N.I.\)](#)).

(103) Section 48B was substituted by [S.I. 1995/3213 \(N.I. 22\)](#) and subsections (1) to (1B) were further substituted by paragraph 53 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 ([c.5 \(N.I.\)](#)).

(104) Section 51 was substituted by paragraph 56 of Schedule 12 to the Pensions Act (Northern Ireland) 2015 ([c.5 \(N.I.\)](#)).

- (c) in subsection (2), after “on” insert—  
 “—  
 (a) a woman whose husband has died, or  
 (b)”,  
 and
- (d) in subsection (7), before the “or” at the end of paragraph (a) insert—  
 “(aa) a surviving party to a marriage of a same sex couple,”, and
- (e) after subsection (11) insert—  
 “(12) Section 51ZA contains special rules for cases involving changes in gender.”.
- (10) After section 51 insert—

**“Special provision for married person whose spouse changed gender**

**51ZA.**—(1) Section 48A(2A) does not prevent a woman from being entitled to a Category B retirement pension under section 48 in a case where—

- (a) her spouse is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and  
 (b) the marriage subsisted before the time when that certificate was issued.

(2) Section 48AA(2A) does not prevent a woman from being entitled to a Category B retirement pension under section 48AA in a case where—

- (a) her former spouse was, at the time the marriage was dissolved, a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and  
 (b) the marriage subsisted before the time when that certificate was issued.

(3) Section 48B(1ZAA) does not prevent a woman being entitled to a Category B retirement pension under section 48B in a case where—

- (a) her dead spouse was, at the time of death, a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and  
 (b) the marriage subsisted before the time when that certificate was issued,

and in such a case the reference in section 48B(1ZB)(a)(ii) to the spouse having attained pensionable age before 6 April 2010 is to be read as a reference to the spouse having been born before 6 April 1945.

(4) Section 51(1) does not confer a right to a Category B retirement pension on a woman if—

- (a) her dead spouse was, at the time of death, a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and  
 (b) the marriage subsisted before the time when that certificate was issued.”.

- (11) In section 62(105) (regulations in connection with graduated retirement benefit)—  
 (a) in subsection (1), after paragraph (ac) insert—

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(105) In section 62(1), paragraph (aa) was inserted by, and paragraphs (a) and (b) were amended by, [S.I. 1995/3213 \(N.I. 22\)](#), paragraph (ab) was inserted by paragraph 87 of Schedule 24 to the Civil Partnership Act 2004, paragraph (ac) was inserted by [S.R. \(N.I.\) 2005/471](#), paragraph (c) was inserted by, and paragraph (a) was amended by, [S.I. 2005/255 \(N.I. 1\)](#), and paragraph (c) was amended by [S.R. \(N.I.\) 2005/434](#).

- “(ad) for extending section 36 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to—
- (i) men and their late husbands, and
  - (ii) women and their late wives,
- and for that section (except subsection (5)) so to apply as it applies to women and their late husbands;
- (ae) for extending section 36 of that Act (increase of woman’s retirement pension by reference to her late husband’s graduated retirement benefit) to—
- (i) men and their late husbands, and
  - (ii) women and their late wives,
- who attained pensionable age before 6th April 2010 and for that section (except subsection (5)) so to apply as it applies to men and their late wives;”, and
- (b) after subsection (2) insert—
- “(3) In relevant gender change cases, women and their late wives are to be treated for the purposes of sections 35 and 36 of the National Insurance Act (Northern Ireland) 1966 in the same way as women and their late husbands.
- (4) For that purpose “relevant gender change case”, in relation to a woman (“the pensioner”) and her late wife, means a case where—
- (a) the late wife was, at the time of her death, a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
  - (b) the marriage of the pensioner and her late wife subsisted before the time when the certificate was issued.”.
- (12) In section 77(9)(**106**) (guardian’s allowance: more than one person entitled)—
- (a) for “a husband and wife are residing together” substitute “a man and woman are married to, or civil partners of, each other and are residing together;”, and
  - (b) for “the wife” substitute “the woman”.
- (13) Omit section 121(1A)(**107**).
- (14) In section 133(**108**) (interpretation of Part 7)—
- (a) in subsection (1), for the definition of “couple” substitute—  
““couple” means—
    - (a) two people who are married to, or civil partners of, each other and are members of the same household, or
    - (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other otherwise than in prescribed circumstances;”, and
- (b) omit subsection (1A).
- (15) In section 141A(**109**) (entitlement to child benefit after death of child or qualifying young person)—

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(**106**) Section 77(9) was amended by paragraph 30 of Schedule 1 to the Child Benefit Act 2005 (c.6).

(**107**) Section 121(1A) was inserted by paragraph 95 of Schedule 24 to the Civil Partnership Act 2004.

(**108**) In section 133, the definition of “couple” in subsection (1), and subsection (1A), were inserted by paragraph 99 of Schedule 24 to the Civil Partnership Act 2004.

(**109**) Section 141A was inserted by section 55 of the Tax Credits Act 2002 (c.21), and relevant amendments were made by paragraph 101 of Schedule 24 to the Civil Partnership Act 2004.



- (a) in subsection (2)(b), for “an unmarried couple or a cohabiting same-sex couple” substitute “a cohabiting couple”,
- (b) in subsection (5)—
- (i) in the definition of “civil partnership” omit “of the same sex”,
  - (ii) for the definition of “cohabiting same-sex couple” substitute—
 

““cohabiting couple” means two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”, and
  - (iii) omit the definition of “unmarried couple”, and
- (c) omit subsection (6).
- (16) In section 167ZL(**110**) (statutory adoption pay: entitlement)—
- (a) in subsection (4)(b) (no election for statutory adoption pay where child being adopted by couple and other member of couple has made election)—
    - (i) for “married couple or civil partnership and his spouse or civil partner” substitute “couple and the other member of the couple”, and
    - (ii) for “his spouse or civil partner”, in the second place it occurs, substitute “that other member of the couple”, and
  - (b) after subsection (4) insert—
 

“(4A) In subsection (4)(b) “couple” has the same meaning as in the Adoption (Northern Ireland) Order 1987 (see Article 2(6) to (8) of that Order).”(111).
- (17) In Schedule 3(**112**) (contribution conditions for entitlement to benefit), in paragraphs 5(1)(c) and 5A(1)(b), for “51” substitute “51ZA”.
- (18) In Schedule 5 (cases where entitlement to retirement pension is deferred)—
- (a) in paragraph 5(2)(**113**)—
    - (i) in paragraph (a), for “a widow, an” substitute—
 

“a woman—

      - (i) whose deceased spouse was a man, or
      - (ii) who falls within paragraph 7(3) below,

an”,
    - (ii) in paragraph (b), for “widower” substitute “man whose deceased spouse was a woman”, and
    - (iii) in paragraph (c), for “is a surviving civil partner, an” substitute—
 

“is—

      - (i) a woman who does not fall within paragraph 7(3) below and whose deceased spouse was a woman,
      - (ii) a man whose deceased spouse was a man, or
      - (iii) a surviving civil partner,

an”,

(110) Section 167ZL was inserted by S.I. 2002/2836 (N.I. 2), and subsection (4)(b) was amended by paragraph 103 of Schedule 24 to the Civil Partnership Act 2004.

(111) S.I. 1987/2203 (N.I. 22). Article 2(6) to (8) are inserted by these Regulations.

(112) Paragraph 5A was inserted by the Pensions Act (Northern Ireland) 2008 (c.1 (N.I.)) and paragraphs 5(1) and 5A(1)(b) were substituted by the Pensions Act (Northern Ireland) 2015 (c.5 (N.I.)).

(113) Paragraphs 5 to 6 were substituted by S.I. 1995/3213 (N.I. 22) and are prospectively repealed by the Pensions Act (Northern Ireland) 2012 (c.3 (N.I.)).



- (b) in paragraph 5A(1), for “widow” substitute—
  - “woman—
    - (a) whose deceased spouse was a man, or
    - (b) who falls within paragraph 7(3) below.”,
  - (c) in paragraph 5A(2) and (3), for “husband”, in each place it occurs, substitute “spouse”,
  - (d) in paragraph 6(1), for “widower” substitute “man whose deceased spouse was a woman”,
  - (e) in paragraph 6A(1)(114), for “is a surviving civil partner” substitute—
    - “is—
      - (a) a woman who does not fall within paragraph 7(3) below and whose deceased spouse was a woman,
      - (b) a man whose deceased spouse was a man, or
      - (c) a surviving civil partner.”,
  - (f) in paragraph 6A(2)(c), after “deceased” insert “spouse or”, and
  - (g) in paragraph 7, after sub-paragraph (2) insert—
    - “(3) For the purposes of paragraphs 5, 5A and 6A above, a woman falls within this sub-paragraph if—
      - (a) she was married to another woman who, at the time of her death, was a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
      - (b) that marriage subsisted before the time when that certificate was issued.”.
- (19) In Schedule 7(115) (industrial injuries benefits)—
  - (a) in paragraph 4(3)(a), for sub-paragraphs (ii) and (iii) substitute—
    - “or
      - (ii) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other, and”, and
    - (b) in paragraph 15(3), for the words after “beneficiary is” substitute “neither married, nor a party to a civil partnership, but is living together with another person as if they were spouses of each other.”.
  - (20) In Schedule 10 (priority as between different persons otherwise entitled to child benefit in respect of same child)—
    - (a) for paragraph 3 substitute—

**“Opposite-sex spouses or civil partners**

- 3.** Subject to paragraphs 1 and 2 above, as between a man and woman who are married to, or civil partners of, each other and are residing together, the woman shall be entitled.”, and
- (b) in paragraph 4(2)(116), for “not husband and wife” substitute “do not fall within paragraph 3”.

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(114) Paragraph 6A was inserted by [S.R. \(N.I.\) 2005/434](#), and would have been repealed by section 3(5) of the Pensions Act (Northern Ireland) [2012 \(c.3 \(N.I.\)\)](#) but section 3(5) was itself repealed, before fully coming into force, by paragraph 82 of Schedule 12 to the Pensions Act (Northern Ireland) [2015 \(c.5 \(N.I.\)\)](#).

(115) Paragraph 4(3)(a) was substituted, and paragraph 15(3) was amended, by paragraph 105 of Schedule 24 to the Civil Partnership Act 2004.

(116) Paragraph 4(2) was amended by paragraph 44 of Schedule 1 to the Child Benefit Act [2005 \(c.6\)](#).

**Social Security Administration (Northern Ireland) Act 1992**

**67.**—(1) In the Social Security Administration (Northern Ireland) Act 1992(**117**), section 110(5) and (6) (competence and compellability of spouses as witnesses) are omitted.

(2) In consequence of paragraph (1), in Schedule 5 to the Healthy Start Scheme and Day Care Food Scheme Regulations (Northern Ireland) 2006(**118**), in the entry for section 110 of the Social Security Administration (Northern Ireland) 1992—

- (a) in column 1, for “, (3)(a) and (5)” substitute “and (3)(a)”, and
- (b) in column 2, omit paragraph (d).

(3) The amendments made by paragraphs (1) and (2) apply only in relation to offences committed on or after 13th January 2020.

**Pension Schemes (Northern Ireland) Act 1993**

**68.**—(1) The Pension Schemes (Northern Ireland) Act 1993(**119**) is amended as follows.

(2) In section 4(2), in the definition of “guaranteed minimum pension”(120), after “widower’s” insert “, surviving same sex spouse’s”.

(3) In section 13(**121**) (minimum pensions for surviving spouses and civil partners)—

- (a) in subsection (2)(a), after “is a man” insert “, or a woman in a relevant gender change case,”,
- (b) in subsection (2), after paragraph (c) insert—
  - “(d) if the earner is a man who has a guaranteed minimum under that section, the weekly rate of the widower’s pension will not be less than the surviving same sex spouse’s guaranteed minimum;
  - (e) if the earner is a woman (other than in a relevant gender change case) who has a guaranteed minimum under that section, the weekly rate of the widow’s pension will not be less than the surviving same sex spouse’s guaranteed minimum.”,

(c) in subsection (4), after “surviving civil partner’s” insert “or surviving same sex spouse’s”,

(d) in subsection (4A)(c), for sub-paragraph (i) substitute—

“(i) comprises a period during which—

- (a) the widow, widower or surviving civil partner, and
- (b) another person,

are living together as if spouses of each other, nor”,

(e) in subsection (5), at the beginning insert “In the case of a woman who is the widow of a man,”,

(f) in subsection (6)—

- (i) at the beginning insert “In any other case,”, and
- (ii) after “widower’s” insert “, widow’s”,

(g) omit subsection (9), and

(h) after subsection (10) insert—

(117) 1992 c.8.

(118) S.R. (N.I.) 2006/478.

(119) 1993 c.49.

(120) A relevant amendment was made by S.R. (N.I.) 2005/433.

(121) Relevant amendments were made by the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c.4 (N.I.)), S.R. (N.I.) 2005/433 and paragraph 17 of Schedule 13 to the Pensions Act (Northern Ireland) 2015 (c.5 (N.I.)).

- “(11) This section is subject to regulations under section 34A.
- (12) In relation to an earner who is a woman, a reference in this section to a relevant gender change case is a reference to a case where—
- (a) the earner is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
  - (b) the marriage of the earner and her widow (that ends with the earner’s death) subsisted before the time when the certificate was issued.”.

(4) In section 20D(**122**) (survivor benefits)—

    - (a) in subsection (2), after “if the earner” insert “is a man married to a woman or a woman married to a woman in a relevant gender change case, and the earner”,
    - (b) in subsection (3)—
      - (i) after “if the earner” insert “is a married woman (other than in a relevant gender change case), a man married to a man, or a civil partner, and the earner”, and
      - (ii) after “widower” insert “, widow”, and
    - (c) after subsection (3) insert—

“(4) In relation to an earner who is a woman, a reference in this section to a relevant gender change case is a reference to a case where—

      - (a) the earner is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
      - (b) the marriage of the earner and her widow (that ends with the earner’s death) subsisted before the time when the certificate was issued.

(5) This section is subject to regulations under section 34A.”.

(5) For section 33(4)(**123**) (alteration of rules of contracted-out schemes: when beneficiary includes widower or surviving civil partner) substitute—

“(4) The reference in subsection (3) to a person entitled to receive benefits under a scheme includes a person who is so entitled by virtue of a qualifying relationship only in such cases as may be prescribed.

(5) For that purpose a person is entitled to receive benefits by virtue of a qualifying relationship if the person is so entitled by virtue of being—

    - (a) the widower of a female earner;
    - (b) the widower of a male earner;
    - (c) the widow of a female earner, except where it is a relevant gender change case; or
    - (d) the survivor of a civil partnership with an earner.

(6) In relation to a widow of a female earner, the reference in subsection (5)(c) to a relevant gender change case is a reference to a case where—

    - (a) the earner is a woman by virtue of a full gender recognition certificate having been issued under the Gender Recognition Act 2004, and
    - (b) the marriage of the earner and her widow (that ends with the earner’s death) subsisted before the time when the certificate was issued.

(7) This section is subject to regulations under section 34A.”.

(6) Before section 35 (and after the italic heading preceding that section) insert—

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(122) Section 20D was inserted by section 12(3) of the Pensions Act (Northern Ireland) 2008 (c.1 (N.I.)).

(123) Section 33 was substituted by S.I. 1995/3213 (N.I. 22), and section 33(4) was amended by S.R. (N.I.) 2005/433.

**“Regulations about relevant gender change cases**

**34A.**—(1) The Department may, by regulations, make provision for—

- (a) section 13,
- (b) section 20D, or
- (c) section 33,

to have its special effect in relevant gender change cases only if conditions prescribed in the regulations are met.

(2) Regulations under subsection (1) may, in particular, prescribe conditions that relate to the provision of information by—

- (a) one or both of the members of married same sex couples, or
- (b) the survivors of such couples.

(3) The Department may by regulations make further provision about cases where (because of regulations under subsection (1))—

- (a) section 13,
- (b) section 20D, or
- (c) section 33,

does not have its special effect in relevant gender change cases.

(4) Regulations under subsection (3) may, in particular, provide for the section in question to have its ordinary effect in relevant gender change cases.

(5) Regulations under subsection (1) or (3) may, in particular, modify or disapply any enactment that concerns information relating to—

- (a) the gender or sex of a person, or
- (b) the change of gender or sex of a person,

including any enactment that concerns requests for, or disclosure of, such information.

(6) In this section, in relation to section 13, 20D or 33—

- (a) “relevant gender change case” has the same meaning as in that section;
- (b) “special effect” means the effect which the section has (if regulations under subsection (1) are ignored) in relation to relevant gender change cases, so far as that effect is different from the section’s ordinary effect;
- (c) “ordinary effect” means the effect which the section has in relation to same sex married couples in cases that are not relevant gender change cases.”.

(7) In section 43(1)(**124**) (provisions about guaranteed minimum pensions), after “widower” insert “, surviving same sex spouse”.

(8) In section 80 (revaluation method), as it has effect ignoring the substitution to be made by the Pension Schemes Act (Northern Ireland) 2016(**125**), in subsection (5)(**126**), after “widower” insert “, surviving same sex spouse”.

(9) In section 95(3)(b) (time limit for implementing section 91 option where there is a risk of forfeiture of benefits of the member or widow), for “his widow” substitute “the member’s surviving spouse or civil partner”.

**(124)**In section 43(1) a relevant amendment is made by [S.R. \(N.I.\) 2005/433](#).

**(125)**[2016 c.1 \(N.I.\)](#). See paragraph 4 of Schedule 1.

**(126)**In section 80(5) a relevant amendment is made by [S.R. \(N.I.\) 2005/434](#).

(10) In paragraph 1(1E)(b)(127) of Schedule 2 (meaning of “accrued benefit”), after “widower” insert “, surviving same sex spouse”.

### **Jobseekers (Northern Ireland) Order 1995**

**69.** In Article 2 of the Jobseekers (Northern Ireland) Order 1995(128)—

(a) in paragraph (2), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other otherwise than in prescribed circumstances;”, and

(b) omit paragraph (2A).

### **Social Security (Northern Ireland) Order 1998**

**70.** In Article 68 of the Social Security (Northern Ireland) Order 1998(129) (child benefit for lone parents)—

(a) in paragraph (2)(b), for “as his spouse or civil partner” substitute “as if spouses of each other”, and

(b) omit paragraph (3).

### **State Pension Credit Act (Northern Ireland) 2002**

**71.** In section 17 of the State Pension Credit Act (Northern Ireland) 2002(130) (interpretation)—

(a) in subsection (1), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other otherwise than in prescribed circumstances;”, and

(b) omit subsection (1A).

### **Welfare Reform Act (Northern Ireland) 2007**

**72.** In paragraph 6 of Schedule 1 to the Welfare Reform Act (Northern Ireland) 2007(131)—

(a) in sub-paragraph (5), for the definition of “couple” substitute—

““couple” means—

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(127) Paragraph 1(1E) was inserted by Schedule 1 to the Pensions (No.2) Act (Northern Ireland) 2008 (c.13 (N.I.)).

(128) S.I. 1995/2705 (N.I. 15). In Article 2, the definition of “couple” in paragraph (2), and paragraph (2A), were inserted by paragraph 130 of Schedule 24 to the Civil Partnership Act 2004.

(129) S.I. 1998/1506 (N.I. 10). Article 68(2) and (3) were amended by paragraph 139 of Schedule 24 to the Civil Partnership Act 2004.

(130) 2002 c.14 (N.I.). The definition of “couple” in section 17(1), and section 17(1A), were inserted by paragraphs 150 and 151 of Schedule 24 to the Civil Partnership Act 2004.

(131) 2007 c.2 (N.I.).

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
  - (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other otherwise than in prescribed circumstances;”, and
- (b) omit sub-paragraph (6) (interpretation of definition of “couple”).

### **Pensions Act (Northern Ireland) 2015**

**73.** In paragraph 4 of Schedule 6 to the Pensions Act (Northern Ireland) 2015(**132**)—

- (a) the existing text becomes sub-paragraph (1) of paragraph 4, and
- (b) after that sub-paragraph insert—
  - “(2) For the purposes of this paragraph, a civil partnership is not to be treated as having come to an end—
    - (a) by reason of its having been—
      - (i) converted into a marriage under section 9 of the Marriage (Same Sex Couples) Act 2013;
      - (ii) changed into a marriage under the Marriage (Scotland) Act 1977;
      - (iii) changed into a marriage in accordance with provision made under section 10 of the Marriage and Civil Partnership (Scotland) Act 2014; or
      - (iv) changed into a marriage under Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014; or
    - (b) by reason of a marriage which has been treated in Northern Ireland as a civil partnership ceasing to be so treated with effect from 13 January 2020.”.

### **Welfare Reform (Northern Ireland) Order 2015**

**74.**—(1) The Welfare Reform (Northern Ireland) Order 2015(**133**) is amended as follows.

(2) In Article 45 (meaning of “couple”)—

- (a) for paragraphs (1) and (2) substitute—
  - “(1) In this Part “couple” means—
    - (a) two people who are married to, or civil partners of, each other and are members of the same household, or
    - (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other.”, and
- (b) in paragraph (3)(b)—
  - (i) for “a man and a woman” substitute “two people”, and
  - (ii) for “as husband and wife” substitute “as if spouses of each other”.

(132)2015 c.5 (N.I.).

(133)S.I. 2015/2006 (N.I. 1).

## PART 7

### Amendments: Pensions and Social Security: Secondary Legislation

#### **Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975**

75. In regulation 3 of the Social Security (Benefit) (Married Women and Widows Special Provisions) (Northern Ireland) Regulations 1975(134) (provision where woman ceases to be entitled to widowed mother's allowance otherwise than by reason of remarriage, formation of a civil partnership, or cohabitation with a man as his wife)—

- (a) in paragraph (1), in the words before sub-paragraph (a), for “a man as his wife,” substitute “another person as if spouses of each other,” and
- (b) in paragraph (7)(b), for “a man as his wife” substitute “another person as if spouses of each other”.

#### **Social Security (Credits) Regulations (Northern Ireland) 1975**

76.—(1) The Social Security (Credits) Regulations (Northern Ireland) 1975(135) are amended as follows.

(2) In regulation 8C(2), for “a person of the opposite sex as husband and wife” substitute “another person as if spouses of each other”.

(3) In paragraph 3 of the Schedule, for the words from “consisting” to the end substitute “consisting of two people who are not married to or civil partners of each other but are living together as if spouses of each other.”.

#### **Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977**

77. In paragraph 2C of Schedule 2 to the Social Security Benefit (Dependency) Regulations (Northern Ireland) 1977(136), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

#### **Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978**

78. In regulation 3 in Schedule 3 to the Social Security (Graduated Retirement Benefit) (No. 2) Regulations (Northern Ireland) 1978(137) (which sets out regulations 2 and 3 of the Social Security (Graduated Retirement Benefit) Regulations (Northern Ireland) 1978(138) as continued in force with modifications), after “former spouse” insert “or former civil partner”.

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(134) S.R. (N.I.) 1975/19. In regulation 3(1), the words before sub-paragraph (a) were amended by paragraph 1 of Schedule 3 to S.R. (N.I.) 2005/356.

(135) S.R. (N.I.) 1975/113. Regulation 8C was inserted by regulation 3(7) of S.R. (N.I.) 2001/108 and was amended by paragraph 4(4) of Schedule 3 to S.R. (N.I.) 2005/536. The Schedule was inserted by S.R. (N.I.) 2011/107.

(136) S.R. (N.I.) 1977/74. Paragraph 2C of Schedule 2 was inserted by S.R. (N.I.) 1984/382, and the definition of “couple” was inserted by paragraph 6 of Schedule 3 to S.R. (N.I.) 2005/536.

(137) S.R. (N.I.) 1978/105. In Schedule 3, the saved regulation 3 was amended by regulation 2(5) of S.R. (N.I.) 2005/541.

(138) S.R. (N.I.) 1978/78.

### **Social Security (Widow’s Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations (Northern Ireland) 1979**

**79.** In the Social Security (Widow’s Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations (Northern Ireland) 1979(**139**), in regulation 7(10) (person whose former spouse was a pre-1975 contributor)—

- (a) after “former spouse”, in each place it occurs, insert “or former civil partner”,
- (b) after “said spouse” insert “or civil partner”,
- (c) after “former spouse’s” insert “or former civil partner’s”, and
- (d) after “whichever is the earlier” insert “(or, in the case of a civil partnership, the year 1975/76)”.

### **Income Support (General) Regulations (Northern Ireland) 1987**

**80.** In regulation 2(1) of the Income Support (General) Regulations (Northern Ireland) 1987(**140**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Social Security (Claims and Payments) Regulations (Northern Ireland) 1987**

**81.** In regulation 2 of the Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**141**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Judicial Pensions (Requisite Benefits) Order (Northern Ireland) 1988**

**82.**—(1) The Judicial Pensions (Requisite Benefits) Order (Northern Ireland) 1988(**142**) is amended as follows.

(2) In article 4, for “his widow” substitute “that person’s surviving spouse or surviving civil partner”.

(3) In article 7—

- (a) in the heading, for “Widow’s” substitute “Surviving spouse’s or surviving civil partner’s”,
- (b) in paragraph (1), for “his widow” substitute “that person’s surviving spouse or surviving civil partner”, and
- (c) in paragraph (2), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.

(139) S.R. (N.I.) 1979/244. Regulation 7(10) was amended by S.R. (N.I.) 1981/375.

(140) S.R. (N.I.) 1987/459. In regulation 2(1), the definition of “couple” was substituted by paragraph 12 of Schedule 3 to S.R. (N.I.) 2005/536.

(141) S.R. (N.I.) 1987/465. In regulation 2, the definition of “couple” was inserted by paragraph 15 of Schedule 3 to S.R. (N.I.) 2005/536.

(142) S.R. (N.I.) 1988/294. Article 10 was amended by Schedule 6 to S.I. 2005/3325.



- (4) In article 9—
- (a) for the heading substitute “Guaranteed minimum pension for surviving spouse or surviving civil partner”,
  - (b) in paragraph (1)—
    - (i) for “his widow” substitute “that person’s surviving spouse or surviving civil partner”, and
    - (ii) for “her” substitute “that survivor’s”, and
  - (c) in paragraph (3)(b), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.
- (5) Omit article 10.
- (6) In article 11(3), for “widow’s” substitute “surviving spouse’s or surviving civil partner’s”.
- (7) For article 12(1) substitute—
- “(1) Where, on the date when an office-holder (“O”) ceases to hold office, O is neither married nor in a civil partnership, O may be required to undertake, in return for payment to O of a lump sum under or by virtue of whichever of the enactments mentioned in paragraph (2) is applicable to O, that O will, on the first time afterwards O enters into a relevant relationship, pay a contribution in respect of benefits that may become payable to O’s surviving spouse or surviving civil partner by virtue of articles 7 and 9; and for this purpose O enters into a relevant relationship if O marries or enters into civil partnership.”.
- (8) In article 12(3)—
- (a) for “the office-holder’s” substitute “O’s”,
  - (b) for “his” substitute “O’s prior to 6th April 1997”(143),
  - (c) in sub-paragraph (a), for each of “him” and “he” substitute “O”,
  - (d) in sub-paragraph (b)(i), for “he was a married man” substitute “O was married or in a civil partnership”, and
  - (e) in sub-paragraph (b)(ii), for “his contracted before he” substitute “O’s contracted, or a civil partnership of O’s entered into, before O”.
- (9) In article 13 —
- (a) in the heading, after “marriage” insert “or entry into a civil partnership”, and
  - (b) for the words after “Where” substitute “an office-holder (“O”) marries or enters into a civil partnership after O has ceased to hold office, and not more than six months before O’s death, any pension paid to O’s surviving spouse or surviving civil partner by virtue of this Order is to be limited to the guaranteed minimum pension due to that person.”.

### **Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992**

**83.** In regulation 1(2) of the Child Support (Maintenance Assessments and Special Cases) Regulations (Northern Ireland) 1992(144), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or

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(143) 6th April 1997 was appointed as the Principal Appointed Day for the purposes of Part 4 of the Pensions (Northern Ireland) Order 1995 by article 2 of S.R. (N.I.) 1996/91.

(144) S.R. (N.I.) 1992/341. In regulation 1(2), the definition of “couple” was substituted by paragraph 2 of Schedule 4 to S.R. (N.I.) 2005/536.

- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

#### **Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992**

**84.**—(1) In regulation 3(9) of the Child Support (Collection and Enforcement) Regulations (Northern Ireland) 1992(**145**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

(2) In regulation 8(5)(c)(ii) of those Regulations (deductibility of contributions towards certain superannuation benefits), for “widow” substitute “surviving spouse”.

#### **Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995**

**85.** In regulation 2(1) of the Social Security (Incapacity for Work) (General) Regulations (Northern Ireland) 1995(**146**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

#### **Social Security (Additional Pension) (Contributions Paid in Error) Regulations (Northern Ireland) 1996**

**86.** In regulations 2(3) and 3(2) of the Social Security (Additional Pension) (Contributions Paid in Error) Regulations (Northern Ireland) 1996(**147**), after “spouse” insert “or civil partner”.

#### **Jobseeker’s Allowance Regulations (Northern Ireland) 1996**

**87.** In regulation 1(2) of the Jobseeker’s Allowance Regulations (Northern Ireland) 1996(**148**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

(145) S.R. (N.I.) 1992/390. Regulation 3(9) was inserted by S.R. (N.I.) 2008/409.

(146) S.R. (N.I.) 1995/41. In regulation 2(1), the definition of “couple” was inserted by paragraph 22 of Schedule 3 to S.R. (N.I.) 2005/536.

(147) S.R. (N.I.) 1996/188.

(148) S.R. (N.I.) 1996/198. In regulation 1(2), the definition of “couple” was substituted by S.R. (N.I.) 2005/536.

### **Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996**

**88.**—(1) The Occupational Pension Schemes (Contracting-out) Regulations (Northern Ireland) 1996(**149**) are amended as follows.

- (2) Omit regulation 1(1A) (meaning of living together as civil partners).
- (3) In regulation 26(1)—
  - (a) in sub-paragraph (b), for paragraphs (iii) and (iv) substitute—

“or  
(iii) lives together with another person as if spouses of each other,”

and
  - (b) in sub-paragraph (c), for the words from “death” to the end substitute “death living together with another person, whom he or she is not married to or in a civil partnership with, as if they were spouses of each other.”.
- (4) For regulation 26(2) substitute—

“(2) The following provisions do not apply where the scheme member died before 5th December 2005—

  - (i) paragraph (1)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex,
  - (ii) paragraph (1)(b)(ii), and
  - (iii) paragraph (1)(b)(iii), and paragraph (1)(c), so far as they relate to the living together of two people of the same sex.”.

### **Social Security (Computation of Earnings) Regulations (Northern Ireland) 1996**

**89.** In regulation 2(1) of the Social Security (Computation of Earnings) Regulations (Northern Ireland) 1996(**150**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996**

**90.** In the Contracting-out (Transfer and Transfer Payment) Regulations (Northern Ireland) 1996(**151**), in paragraph 6 of Schedule 2, after “widower’s” insert “or surviving civil partner’s”.

### **Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996**

**91.** In regulation 1(2) of the Social Security (Child Maintenance Bonus) Regulations (Northern Ireland) 1996(**152**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or

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(149) S.R. (N.I.) 1996/493. Regulation 1(1A) was inserted, and regulation 26 substituted, by Schedule 2 to S.R. (N.I.) 2005/433.

(150) S.R. (N.I.) 1996/520. In regulation 2(1), the definition of “couple” was substituted by article 17 of S.I. 2005/2919.

(151) S.R. (N.I.) 1996/618. Paragraph 6 of Schedule 2 was substituted by S.R. (N.I.) 1997/160 and amended by S.R. (N.I.) 2016/158.

(152) S.R. (N.I.) 1996/622. In regulation 1(2), the definition of “couple” was substituted by S.R. (N.I.) 2005/536.

- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other.”.

**Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997**

**92.** In the Occupational Pension Schemes (Scheme Administration) Regulations (Northern Ireland) 1997(**153**), in regulation 7(d), for “husband or wife” substitute “spouse or civil partner”.

**Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997**

**93.**—(1) The Occupational Pension Schemes (Discharge of Liability) Regulations (Northern Ireland) 1997(**154**) are amended as follows.

- (2) Omit regulation 1(1A)(**155**).
- (3) In regulation 11(**156**)—
- (a) in paragraph (4)(b), for paragraphs (iii) to (v) substitute—
- “(iii) lives together with another person as if they were spouses of each other (and does so without being married to, or the civil partner of, that other person), or
- (v) at the time of the beneficiary’s death is living together with another person as if they were spouses of each other (and is not at that time married to, or the civil partner of, that other person).”, and
- (b) for paragraph (7) substitute—
- “(7) The following provisions do not apply where the beneficiary died before 5th December 2005—
- (a) paragraph (4)(b)(i) so far as it relates to a marriage or remarriage involving two people of the same sex;
- (b) paragraph (4)(b)(ii), and
- (c) paragraphs (iii) and (v) of paragraph (4)(b) so far as they relate to the living together of two people of the same sex.”.

**Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999**

**94.** In regulation 1(2) of the Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**157**), for the definition of “couple” substitute—

- ““couple” means—
- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

(153) S.R. (N.I.) 1997/94. Regulation 7(d) was inserted by S.R. (N.I.) 1997/162.

(154) S.R. (N.I.) 1997/159.

(155) Regulation 1(1A) was inserted by S.R. (N.I.) 2005/433.

(156) Relevant amendments were made in regulation 11 by S.R. (N.I.) 2005/433.

(157) S.R. (N.I.) 1999/162. In regulation 1(2), the definition of “couple” was inserted by regulation 7 of S.R. (N.I.) 2005/539.

### **Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000**

**95.** In regulation 1(2) of the Social Fund Winter Fuel Payment Regulations (Northern Ireland) 2000(**158**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001**

**96.** In regulation 1(2) of the Child Support (Maintenance Calculations and Special Cases) Regulations (Northern Ireland) 2001(**159**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001**

**97.** In regulation 1(2) of the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(**160**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Tax Credit (Appeals) Regulations (Northern Ireland) 2002**

**98.** In regulation 1(3) of the Tax Credits (Appeals) Regulations (Northern Ireland) 2002(**161**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

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**(158)** S.R. (N.I.) 2000/91. In regulation 1(2), the definition of “couple” was inserted by paragraph 26 of Schedule 3 to S.R. (N.I.) 2005/536.

**(159)** S.R. (N.I.) 2001/18. In regulation 1(2), the definition of “couple” was substituted by paragraph 7 of Schedule 4 to S.R. (N.I.) 2005/536.

**(160)** S.R. (N.I.) 2001/213. In regulation 1(2), the definition of “couple” was inserted by regulation 8 of S.R. (N.I.) 2005/539.

**(161)** S.R. (N.I.) 2002/403. In regulation 1(3), the definition of “couple” was inserted by paragraph 39 of Schedule 3 to S.R. (N.I.) 2005/536.

**State Pension Credit Regulations (Northern Ireland) 2003**

**99.** In regulation 1(2) of the State Pension Credit Regulations (Northern Ireland) 2003(**162**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

**Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003**

**100.** In regulation 1(2) of the Social Security (Work-focused Interviews for Partners) Regulations (Northern Ireland) 2003(**163**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

**Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004**

**101.**—(1) The Travelling Expenses and Remission of Charges Regulations (Northern Ireland) 2004(**164**) are amended as follows.

(2) In regulation 2—

- (a) in the definition of “couple”, for “means a married couple or unmarried couple as specified under” substitute “has the meaning given by”, and
- (b) in the definition of “partner” omit “married or an unmarried”.

(3) In Schedule 1, in Table A, in the paragraph 8A treated as inserted in Schedule 8 to the 1987 Regulations, omit “married or unmarried”.

**Financial Assistance Scheme Regulations 2005**

**102.** In regulation 2(1) of the Financial Assistance Scheme Regulations 2005(**165**), for the definition of “partner” substitute—

““partner” means a person who was not married to, or in a civil partnership with, the qualifying member but who was living with that member as if that person and the qualifying member were a married couple or civil partners;”.

(162) S.R. (N.I.) 2003/28. In regulation 1(2), the definition of “couple” was inserted by paragraph 30 of Schedule 3 to S.R. (N.I.) 2005/536.

(163) S.R. (N.I.) 2003/405. In regulation 1(2), the definition of “couple” was inserted by paragraph 31 of Schedule 3 to S.R. (N.I.) 2005/536.

(164) S.R. (N.I.) 2004/91.

(165) S.I. 2005/1986. In regulation 2(1), the definition of “partner” was inserted (with UK extent) by S.I. 2009/1851, and substituted (so far as extending to England and Wales) by paragraph 36 of Schedule 1 to S.I. 2014/107 and (so far as extending to Scotland) by paragraph 25 of Schedule 6 to S.I. 2014/3229, and amended (with UK extent) by S.I. 2019/1458.

### **Pension Protection Fund (Compensation) Regulations (Northern Ireland) 2005**

**103.** In regulation 1(2) of the Pension Protection Fund (Compensation) Regulations (Northern Ireland) 2005(**166**), in the definition of “relevant partner”—

- (a) for “— (a)” substitute “but”, and
- (b) for the words from “are husband and wife” to the end substitute “were spouses of each other;”.

### **Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005**

**104.** In regulation 2(1) of the Social Fund Maternity and Funeral Expenses (General) Regulations (Northern Ireland) 2005(**167**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006**

**105.** In Schedule 6 to the Naval, Military and Air Forces etc (Disablement and Death) Service Pensions Order 2006(**168**), in item 26, in the third column, after “who has not” insert “married or”.

### **Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006**

**106.**—(1) The Occupational Pension Schemes (Modification of Schemes) Regulations (Northern Ireland) 2006(**169**) are amended as follows.

(2) In regulation 3 (modifications to which subsisting rights provisions do not apply)—

- (a) omit the “or” at the end of paragraph (h),
- (b) in paragraph (i), in each of sub-paragraphs (i) and (ii), for “widow or widower” substitute “surviving opposite sex spouse”, and
- (c) after paragraph (i) insert—
  - “, or
  - (j) which provides in relation to all or part of a member’s subsisting rights that after the member’s death—
    - (i) a surviving same sex spouse is treated in the same way as a surviving opposite sex spouse, and
    - (ii) the rights of any other survivor of the member are determined as if the surviving same sex spouse were a surviving opposite sex spouse.”.

(3) In regulation 7(1) (modifications which trustees may make), for “widow or widower”, in both places it occurs, substitute “surviving opposite sex spouse”.

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(166) S.R. (N.I.) 2005/149. In regulation 1(2), the definition of “relevant partner” was inserted by S.R. (N.I.) 2005/357 and substituted by S.R. (N.I.) 2006/155.

(167) S.R. (N.I.) 2005/506.

(168) S.I. 2006/606. Item 26 in Schedule 6 was amended by S.I. 2014/107 (in relation to England and Wales), S.I. 2014/3229 (in relation to Scotland), and S.I. 2019/1458.

(169) S.R. (N.I.) 2006/149.

(4) After regulation 7 insert—

**“Modification of schemes: surviving same sex spouses**

**7ZA.** The trustees of a trust scheme may by resolution modify the scheme in relation to all or part of a member’s subsisting rights so that after the member’s death—

- (a) a surviving same sex spouse is treated in the same way as a surviving opposite sex spouse, and
- (b) the rights of any other survivor are determined as if the surviving same sex spouse were a surviving opposite sex spouse.”.

**Pension Protection Fund (General and Miscellaneous Amendments) Regulations (Northern Ireland) 2006**

**107.** In the Pension Protection Fund (General and Miscellaneous Amendments) Regulations (Northern Ireland) 2006(**170**), in the definition of “relevant partner” in regulation 1(2)—

- (a) for “— (a)” substitute “but”, and
- (b) for the words from “husband and wife” to the end substitute “spouses of each other;”.

**Housing Benefit regulations of 2006**

**108.** In regulation 2(1) of the Housing Benefit Regulations (Northern Ireland) 2006(**171**), and in regulation 2(1) of the Housing Benefit (Persons who have attained the qualifying age for state pension credit) Regulations (Northern Ireland) 2006(**172**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

**Rate Relief regulations of 2007**

**109.**—(1) In the Rate Relief (Qualifying Age) Regulations (Northern Ireland) 2007(**173**), omit regulation 52(4) and (5) (competence and compellability of spouses as witnesses).

(2) In the Rate Relief (General) Regulations (Northern Ireland) 2007(**174**), omit regulation 53(4) and (5) (competence and compellability of spouses as witnesses).

(3) The amendments made by paragraphs (1) and (2) apply only in relation to offences committed on or after 13th January 2020.

**Employment and Support Allowance Regulations (Northern Ireland) 2008**

**110.** In regulation 2(1) of the Employment and Support Allowance Regulations (Northern Ireland) 2008(**175**), for the definition of “couple” substitute—

““couple” means—

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(170) S.R. (N.I.) 2006/155.  
 (171) S.R. (N.I.) 2006/405.  
 (172) S.R. (N.I.) 2006/406.  
 (173) S.R. (N.I.) 2007/203.  
 (174) S.R. (N.I.) 2007/204.  
 (175) S.R. (N.I.) 2008/280.



- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011**

**111.** In regulation 1(2) of the Pension Protection Fund (Pension Compensation Sharing and Attachment on Divorce etc.) Regulations (Northern Ireland) 2011(**176**), in the definition of “relevant partner”, for the words from “and who was living” to the end substitute “but who was living with the transferee as if spouses of each other”.

### **State Pension Regulations (Northern Ireland) 2015**

**112.** For regulation 30(4) of the State Pension Regulations (Northern Ireland) 2015(**177**) substitute—

“(4) In this regulation “couple” means—

- (a) two people who are married to, or civil partners of, each other and are neither—
  - (i) separated under a court order, nor
  - (ii) separated in circumstances in which the separation is likely to be permanent, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other.”.

### **Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016**

**113.—**(1) The Occupational Pension Schemes (Schemes that were Contracted-out) Regulations (Northern Ireland) 2016(**178**) are amended as follows.

(2) In regulation 12(1)—

- (a) in the words before sub-paragraph (a), for “a pension to be payable to a widower or surviving civil partner” substitute “such a pension to be payable”, and
- (b) in sub-paragraphs (a) to (e), after “widower”, in each place it occurs, insert “, widow”.

(3) In regulation 13—

- (a) in the heading, after “widower’s” insert “, widow’s”,
- (b) in paragraphs (1), (3) and (3B), after “widower’s” insert “, widow’s”,
- (c) in paragraph (4)(a), after “widower” insert “, widow”,
- (d) in paragraph (4), for sub-paragraphs (b) to (d) substitute—
  - “(b) during which the surviving spouse or civil partner is under pensionable age and he or she and another person are living together as if spouses of each other; or
  - (c) after the surviving spouse or civil partner has attained pensionable age if, immediately before he or she attained that age, he or she and another person were living together as if spouses of each other.”,

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(176) S.R. (N.I.) 2011/113.

(177) S.R. (N.I.) 2015/315. Regulation 30 was substituted by S.R. (N.I.) 2016/100.

(178) S.R. (N.I.) 2016/107. Relevant amendments were made by S.R. (N.I.) 2017/57.

- (e) in paragraph (4A)(a), after “widower” insert “, widow”, and
- (f) in paragraph (4A), for sub-paragraph (b) substitute—
  - “(b) during which the surviving spouse or civil partner and another person are living together as if spouses of each other.”, and
- (g) in paragraph (5)—
  - (i) before sub-paragraph (a) insert—
    - “(za) paragraphs (4)(a)(i) and (4A)(a)(i) so far as they relate to a marriage involving two people of the same sex,”, and
    - (ii) in sub-paragraph (a) omit “(b)(ii), (c)(ii) and (d)(ii), and”,
    - (iii) in sub-paragraph (b), for “and (b)(ii).” substitute “, and”, and
    - (iv) after sub-paragraph (b) insert—
      - “(c) paragraphs (4)(b) and (c) and (4A)(b) so far as they relate to the living together of two people of the same sex.”.
- (4) In regulation 19—
  - (a) in paragraph (2)(b)(ii), after “widower’s” insert “, widow’s”,
  - (b) in paragraph (3)(b)(i), for the words after “surviving civil partner” substitute “and another person are living together as if spouses of each other, nor”,
  - (c) in paragraph (3)(c), after “for widows” insert “whose spouse was a man”,
  - (d) in paragraph (3)(d)—
    - (i) after “widowers” insert “, widows whose spouse was a woman”, and
    - (ii) after “widower’s” insert “, widow’s”, and
  - (e) in paragraph (4)—
    - (i) at the beginning insert “For the purposes of paragraph (3)(b),”, and
    - (ii) for sub-paragraph (a) (including the “and” at the end) substitute—
      - “(a) paragraph (3)(b)(i) so far as it relates to the living together of two people of the same sex;
      - (aa) paragraph (3)(b)(ii)(aa) so far as it relates to a marriage involving two people of the same sex, and”.

### **Welfare Supplementary Payment Regulations (Northern Ireland) 2016**

**114.** In the Welfare Supplementary Payment Regulations (Northern Ireland) 2016(179), in regulation 3(1), in the definition of “couple”—

- (a) in paragraph (a), for “a man and a woman who are married to” substitute “two people who are married to, or civil partners of”,
- (b) for paragraph (b) substitute—
  - “(b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other”,
- (c) omit paragraphs (c) and (d), but not the “or” at the end, and
- (d) omit the words after paragraph (e).

### **Jobseeker’s Allowance Regulations (Northern Ireland) 2016**

**115.** In the Jobseeker’s Allowance Regulations (Northern Ireland) 2016(**180**), omit regulation 3(4) (interpretation of definition of “couple” in the Jobseekers (Northern Ireland) Order 1995).

### **Employment and Support Allowance Regulations (Northern Ireland) 2016**

**116.** In regulation 2 of the Employment and Support Allowance Regulations (Northern Ireland) 2016(**181**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

### **Discretionary Support Regulations (Northern Ireland) 2016**

**117.** In the Discretionary Support Regulations (Northern Ireland) 2016(**182**), in regulation 3(1), in the definition of “couple”—

- (a) in paragraph (a), for “a man and a woman who are married to” substitute “, two people who are married to, or civil partners of,”,
- (b) for paragraph (b) substitute—
  - “(b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”,
- (c) omit paragraphs (c) and (d), but not the “or” at the end, and
- (d) omit the words after paragraph (e).

### **Rate Relief Regulations (Northern Ireland) 2017**

**118.** In regulation 2(1) of the Rate Relief Regulations (Northern Ireland) 2017(**183**), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household; or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

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(180) S.R. (N.I.) 2016/218.

(181) S.R. (N.I.) 2016/219.

(182) S.R. (N.I.) 2016/270.

(183) S.R. (N.I.) 2017/184.

## PART 8

## Public Service Pension Schemes

**Police**

**119.**—(1) The Royal Ulster Constabulary Pensions Regulations 1988(**184**) are amended as follows.

(2) In regulation A11(2)(**185**) (meaning of “disablement”) omit “or the widower of a member”.

(3) In regulation G6(**186**) (payments by women members to enhance widowers’ awards)—

(a) after paragraph (1A)(**187**) insert—

“(1B) An election under this regulation which is made by virtue of the amendments to these Regulations by the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 may secure the counting of pensionable service before 6th April 1988 irrespective of whether an election to which paragraph (1A) applies was previously made.”,

(b) in paragraph (3), after sub-paragraph (f)(**188**) insert—

“, or

(g) in the case of a woman by whom contributions are payable under regulation G2 on or before 13th January 2020 who elects to secure the counting of pensionable service after 5th April 1988 and before 17th May 1990 (not being service which is already the subject of an election to enhance her surviving spouse’s or surviving civil partner’s award), 13th January 2020, or

(h) in the case of a woman who was or is entitled to make an election under paragraph (1) to which sub-paragraphs (e) to (g) apply, who elects to secure the counting of pensionable service before 6th April 1988 (not being service which is already the subject of an election to enhance her surviving spouse’s or surviving civil partner’s award), 13th January 2020.”,

(c) in paragraph (4A)(**189**), for “or (f)” substitute “, (f), (g) or (h)”, and

(d) in paragraph (13)(a)(**190**), for “or (f)” substitute “, (f), (g) or (h)”.

(4) In regulation J1(**191**) (member with a guaranteed minimum for the purposes of the Social Security Pensions (Northern Ireland) Order 1975)—

(a) in paragraph (4)—

(i) in the words before sub-paragraph (a), omit “that entitlement shall cease if she remarries or has remarried or forms a civil partnership before attaining the age of 60 years and”, and

(ii) omit sub-paragraph (b), and the “or” preceding it,

(b) in paragraph (4A)—

(**184**) S.R. (N.I.) 1988/374.

(**185**) Regulation A11(2) was amended by Part 2 of Schedule 2 to S.R. (N.I.) 2006/268.

(**186**) Regulation G6 was inserted by regulation 6 of S.R. (N.I.) 1996/4.

(**187**) In regulation G6, paragraph (1A) was inserted by paragraph 9(b) of Schedule 1 to S.R. (N.I.) 2006/152.

(**188**) In regulation G6(3), sub-paragraphs (c) and (d) were inserted by paragraph 8(3) of Schedule 1 to S.R. (N.I.) 123 and sub-paragraphs (e) and (f) were inserted by paragraph 9(c) of Schedule 1 to S.R. (N.I.) 2006/152.

(**189**) In regulation G6, paragraph (4A) was inserted by paragraph 8(4) of Schedule 1 to S.R. (N.I.) 2006/123 and amended by paragraph 9(d) of Schedule 1 to S.R. (N.I.) 2006/152 and paragraph 24(l) of Schedule 1 to S.R. (N.I.) 2010/348.

(**190**) In regulation G6, paragraph (13) was amended by paragraph 8(7) of Schedule 1 to S.R. (N.I.) 2006/123 and paragraph 9(e) of Schedule 1 to S.R. (N.I.) 2006/152.

(**191**) In regulation J1, relevant amendments were made by regulation 4(2) of S.R. (N.I.) 1990/411 and paragraph 10 of Schedule 1 to S.R. (N.I.) 2006/152.

- (i) in the words before sub-paragraph (a), omit “that entitlement shall cease if he remarries or has remarried or forms a civil partnership before attaining the age of 65 years and”, and
- (ii) omit sub-paragraph (b), and the “or” preceding it,
- (c) in paragraph (4B)—
  - (i) in the words before sub-paragraph (a)—
    - (aa) after “leaving” insert “a surviving spouse who is the same sex as the member or”,
    - (bb) before “surviving civil partner” insert “surviving spouse or”, and
    - (cc) omit “that entitlement shall cease if he marries, remarries or has married or remarried or forms a civil partnership before attaining the age of 65 years and”, and
  - (ii) omit sub-paragraph (b), and the “or” preceding it,
- (d) in paragraph (5B), before “surviving civil partner” insert “surviving spouse or”, and
- (e) after paragraph (7) insert—

“(8) Regulations 6(1) and (2) and 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (effect of, and interpretation of existing legislation in consequence of, extension of marriage to same-sex couples) do not apply to provisions of this regulation other than the provisions substituted by regulation 119(4) of those Regulations.”.
- (5) In Schedule C (widow’s awards)—
  - (a) in paragraph 1 of Part 1, in sub-paragraph (2A)(192), for “a widower” substitute “the surviving spouse”,
  - (b) in paragraph 1 of Part 1, omit sub-paragraphs (2B) and (2C)(193),
  - (c) in paragraph 3(194) of Part 1, for “a man or a surviving civil partner of a woman” substitute “a surviving spouse or a surviving civil partner”,
  - (d) in paragraph 1 of Part 3, in sub-paragraph (1A)(195), for “a widower” substitute “the surviving spouse”,
  - (e) in paragraph 1 of Part 3, omit sub-paragraphs (1B) and (1C)(196),
  - (f) in paragraph 3 of Part 3, in sub-paragraph (4)(197), for “man or a surviving civil partner of a woman” substitute “surviving spouse or a surviving civil partner”,
  - (g) in paragraph 4(198) of Part 4, for “a widower” substitute “the surviving spouse”,
  - (h) omit paragraphs 5 and 6(199) of Part 4,

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(192) Paragraph 1(2A) of Part 1 was inserted by regulation 14 of S.R. (N.I.) 1993/327 and a relevant amendment was made by paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

(193) Paragraph 1(2B) and (2C) of Part 1 were inserted by paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

(194) Paragraph 3 of Part 1 was amended by regulation 15 of S.R. (N.I.) 1993/327 and paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

(195) Paragraph 1(1A) of Part 3 was inserted by regulation 15 of S.R. (N.I.) 1993/327 and amended by regulation 9 of S.R. (N.I.) 1996/4 and paragraph 14 of S.R. (N.I.) 2006/152.

(196) Paragraph 1(1B) and (1C) of Part 3 were inserted by paragraph 14 of S.R. (N.I.) 2006/152.

(197) Paragraph 3(4) of Part 3 was inserted by regulation 15 of S.R. (N.I.) 1993/327 and amended by paragraph 14 of S.R. (N.I.) 2006/152.

(198) Paragraph 4 of Part 4 was inserted by regulation 16 of S.R. (N.I.) 1993/327 and amended by regulation 10 of S.R. (N.I.) 1996/4 and paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

(199) Paragraphs 5 and 6 of Part 4 were inserted by paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

- (i) in paragraph 1(**200**) of Part 5—
  - (i) in sub-paragraph (a)—
    - (aa) for “a widower” substitute “the surviving spouse”, and
    - (bb) omit “, subject to paragraph 1A,”, and
  - (ii) omit sub-paragraph (b), and the “and” preceding it, and
- (j) omit paragraph 1A(**201**) of Part 5.

**120.**—(1) The Police Service of Northern Ireland and Police Service of Northern Ireland Reserve (Injury Benefit) Regulations 2006(**202**) are amended as follows.

- (2) In regulation 6(4), for “widower” substitute “surviving spouse”.
- (3) In regulation 12—
  - (a) in paragraph (1B)(a)(iii)(**203**) omit the words after “free to marry each other”,
  - (b) in paragraph (7), for “to (12)” substitute “to (10)”,
  - (c) in paragraph (9), for “paragraphs (10), (11) and (12)” substitute “paragraph (10)”,
  - (d) in paragraph (10), for “a widower” substitute “the surviving spouse”, and
  - (e) omit paragraphs (11) and (12).
- (4) The amendment made by paragraph (3)(a) applies only where the police officer dies on or after 13th January 2020.
- (5) In regulation 19(1), for sub-paragraphs (c) and (d) substitute—
 

“or

  - (c) where the police officer was a woman who was married or in a civil partnership, and where her spouse or civil partner was permanently disabled at the time the police officer died, to her surviving spouse or surviving civil partner,”.
- (6) In paragraph 2(a) of Schedule 5, for “widower” substitute “surviving spouse”.

## Local Government

**121.**—(1) In the Local Government Pension Scheme (Amendment and Transitional Provision) Regulations (Northern Ireland) 2014(**204**), regulation 17 (survivor benefits) is amended as follows.

- (2) In paragraph (5)—
  - (a) the words from “the definition of “eligible child”” to the end become sub-paragraph (a), and
  - (b) after that sub-paragraph insert—
    - “(b) subject to sub-paragraph (d), any calculation of the survivor benefit payable under the former regulations to a person who is the surviving same-sex civil partner of a member or who is the surviving spouse of a same sex marriage with a member is to be on the basis that the survivor is a widow, irrespective of the sex of the member;

(**200**) Paragraph 1 of Part 5 was amended by regulation 17 of S.R. (N.I.) 1993/327, regulation 11 of S.R. (N.I.) 1996/4 and paragraph 14 of Schedule 1 to S.R. 2006/152.

(**201**) Paragraph 1A of Part 5 was inserted by paragraph 14 of Schedule 1 to S.R. (N.I.) 2006/152.

(**202**) S.R. (N.I.) 2006/268.

(**203**) Regulation 12(1B) was inserted by S.R. (N.I.) 2012/82. Amendments have been made to regulation 12(1B) which do not affect sub-paragraph (a)(iii).

(**204**) S.R. (N.I.) 2014/189. Regulation 17 was amended by S.R. (N.I.) 2016/128 and S.R. (N.I.) 2019/206.

- (c) any calculation of the survivor pension payable under the former regulations to a person who is a surviving opposite-sex civil partner of a member is to be on the basis that the survivor is a widow or widower, depending on their sex;
  - (d) in respect of a calculation under sub-paragraph (b) where the member left under a scheme to which the 2000 Regulations or the 2002 Regulations apply and died before 1st April 2015, any reference to contracted out membership is to be read as including contracted in membership.”.
- (3) In paragraph (7)—
- (a) omit sub-paragraph (a),
  - (b) in sub-paragraph (b)—
    - (i) before “survivor” insert “male”, and
    - (ii) omit the “and” at the end, and
  - (c) after sub-paragraph (c) insert—
    - “; and
  - (d) the male survivor of a female—
    - (i) deferred member, or
    - (ii) pensioner member,where the survivor was in an opposite-sex civil partnership with the member which was formed after the member’s active membership ceased.”.
- (4) For paragraphs (8) and (9) substitute—
- “(8) Any calculation of any survivor pension payable under the former regulations is only to take account of membership accrued by that member after 5th April 1978 where—
- (a) a member enters into a same-sex civil partnership or same-sex marriage after leaving active membership and dies;
  - (b) a male deferred member or pensioner member marries and dies leaving a female survivor; or
  - (c) a male deferred member or pensioner member enters into an opposite-sex civil partnership and dies leaving a female survivor.
- (9) Despite paragraph (5)(b), for the purposes of paragraphs (6) and (8), membership includes—
- (a) relevant additional membership that would have counted as membership for the purposes of regulations 44 and 44A of the 2002 Regulations (reduction of some surviving spouses’ and civil partners’ pensions);
  - (b) membership that would have counted under regulation F3, F4 or F5 (spouse pensions in certain cases) of the 2000 Regulations by virtue of regulation F6 (post-retirement marriages) of those Regulations; and
  - (c) any membership purchased under regulation 14A of the Benefit Regulations (elections to pay additional contributions: survivor benefits).
- (10) In this regulation—
- “opposite-sex civil partnership” means a civil partnership formed between two persons who are not of the same sex;
- “same-sex civil partnership” means a civil partnership formed between two persons who are of the same sex;

“surviving opposite-sex civil partner of a member” means a person who, at the time of a member’s death, was in a civil partnership with the member and was of the opposite sex to the member;

“surviving same-sex civil partner of a member” means a person who, at the time of a member’s death, was in a civil partnership with the member and was of the same sex as the member;

“surviving spouse of a same-sex marriage with a member” means a person who, at the time of a member’s death, was married to the member and was of the same sex as the member.”.

## Civil Service

**122.**—(1) The Principal Civil Service Pension Scheme (Northern Ireland) 1981, made on 20th November 1981(**205**), is amended as follows.

(2) In Section 1 (the 2002 Section), after rule E1.A insert—

### “Marriage of a same-sex couple

**E.1B.**—(1) In this Section of the Scheme—

- (a) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (b) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (c) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (d) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this Section of the Scheme.

(5) Regulation 6(1) and (2) of those Regulations have effect subject to paragraphs (1) to (4).”.

(3) In Section 2 (the 1972 Section), in Section 4 (widows’ and dependants’ benefits), in Part 8 (civil partnership), after rule 4.79 insert—

“**4.79A.** For the purposes of rule 4.79 it does not matter whether the civil servant or the civil servant’s surviving civil partner is a man or a woman but a surviving civil partner is only entitled to pension and other benefits payable under the rules of this scheme as they apply to them as either a widow or widower (and not as both).

(205) The Scheme was most recently amended by the Principal Civil Service Pension Scheme (Amendment No.3) Scheme (Northern Ireland) 2014 made on 11th July 2014. The Scheme rules (updated October 2015) are available at: <https://www.finance-ni.gov.uk/articles/scheme-rules>.



**4.79B.** Where rule 4.79 requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

**4.79C.** For the purposes of rules 4.79, 4.79A and 4.79B it does not matter how a reference is expressed.”.

(4) In Section 2 (the 1972 Section), in Section 4 (widows’ and dependants’ benefits), after Part 8 insert—

**“Part 9: Marriage of a same-sex couple**

**4.84.** In this scheme—

- (i) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (ii) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (iii) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (iv) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

**4.85.** Where rule 4.84 requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

**4.86.** For the purposes of rules 4.84 and 4.85 it does not matter how a reference is expressed.

**4.87.** Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this scheme.

**4.88.** Regulation 6(1) and (2) of those Regulations have effect subject to rules 4.84 to 4.87.”.

(5) In Section 3 (the 2007 Section), after rule F.1 insert—

**“F.1A Marriage of a same-sex couple**

(1) In this Section—

- (a) a reference to civil partnership is to be read as including a reference to marriage of a same-sex couple,
- (b) a reference to civil partners is to be read as including a reference to a married same-sex couple,
- (c) a reference to a civil partner is to be read as including a reference to a person who is married to a person of the same sex, and
- (d) a reference to a surviving civil partner is to be read as including a reference to a survivor of a marriage of a same-sex couple.

(2) Where paragraph (1) requires a reference to be read in a particular way, any related reference (such as a reference to a civil partnership that has ended or a reference to a person whose civil partnership has ended) is to be read accordingly.

(3) For the purposes of paragraphs (1) and (2) it does not matter how a reference is expressed.

(4) Regulation 7(1) to (3) of the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 do not apply to the interpretation of this Section of the Scheme.

(5) Regulation 6(1) and (2) of those Regulations have effect subject to paragraphs (1) to (4).”.

### **Other public service pension schemes**

**123.**—(1) In this regulation “relevant scheme” means a pension scheme established by one or more instruments made under Northern Ireland legislation by a Department or other public authority and relating to service connected with any of the following public services—

- (a) firefighting, or fire and rescue services, in Northern Ireland;
- (b) health services, or personal social services, in Northern Ireland;
- (c) teaching in Northern Ireland.

(2) Regulations 6(1) and (2) and 7(1) to (3) do not apply to existing provisions of a relevant scheme.

(3) The existing provisions of a relevant scheme are to apply (despite anything to the contrary in those provisions and so far as they do not otherwise do so)—

- (a) in relation to a man who is the surviving civil partner of a female member as they apply in relation to the widower of a female member, and
- (b) in relation to—
  - (i) any other surviving civil partner of a member,
  - (ii) the widower of a male member, or
  - (iii) the widow of a female member,
 as they apply in relation to the widow of a male member, and
- (c) without taking account of any full gender recognition certificate issued under the Gender Recognition Act 2004 to a member, or a member’s spouse or civil partner, at a time during their marriage or civil partnership.

(4) Power to make or amend a relevant scheme includes power to modify the application of, or disapply, either or both of paragraphs (2) and (3) in relation to the scheme or any provision of the scheme.

(5) In this regulation “existing provisions” means provisions made before 13th January 2020.

## **PART 9**

### **Amendments: Other Primary Legislation**

#### **Criminal Justice Act (Northern Ireland) 1945**

**124.** In section 37 of the Criminal Justice Act (Northern Ireland) 1945(206) (replacement of presumption of marital coercion with a statutory defence thereof)—

- (a) for “wife”, in the second place it occurs, substitute “spouse or civil partner”;
- (b) for “husband”, in the third place it occurs, substitute “other spouse or civil partner”.

### **Age of Marriage Act (Northern Ireland) 1951**

**125.**—(1) In section 1(1) of the Age of Marriage Act (Northern Ireland) 1951(**207**) (marriage void if either party under 16), omit the proviso (defence, to certain sexual offences, where defendant has reasonable cause to believe girl against whom offence committed was defendant’s wife).

(2) The amendment made by paragraph (1) applies only in relation to offences committed on or after 13th January 2020.

### **Administration of Estates Act (Northern Ireland) 1955**

**126.**—(1) Section 7 of the Administration of Estates Act (Northern Ireland) 1955(**208**) (rights of surviving spouse or civil partner) is amended as follows.

(2) In subsection (7)(**209**)—

(a) omit “, or Article 20(2) of the Matrimonial Causes (Northern Ireland) Order 1978,”;

(b) after “2004” insert “, or of Article 20(2) of the Matrimonial Causes (Northern Ireland) Order 1978”.

(3) The amendments made by paragraph (2) apply only in relation to decrees of judicial separation granted in respect of marriages that are entered into on or after 13th January 2020.

### **King George VI Memorial Youth Council Act (Northern Ireland) 1957**

**127.**—(1) The First Schedule to the King George VI Memorial Youth Council Act (Northern Ireland) 1957(**210**) is amended as follows.

(2) In paragraph 23 (superannuation), for “wives, widows”, in both places it occurs, substitute “spouses, surviving spouses, civil partners, surviving civil partners”.

### **Land Registration Act (Northern Ireland) 1970**

**128.** In section 82(3) of the Land Registration Act (Northern Ireland) 1970(**211**), for “husband or wife” substitute “spouse or civil partner”.

### **Civil Evidence Act (Northern Ireland) 1971**

**129.**—(1) The Civil Evidence Act (Northern Ireland) 1971(**212**) is amended as follows.

(2) In section 10(3) and (4)(**213**), for “husband or wife” substitute “spouse or civil partner”.

(3) In section 14(2), in the words after the definition of “legal proceedings”—

(a) for “husband or wife” substitute “spouse or civil partner”;

(b) after “married to” insert “, or the civil partner of”.

### **Housing on Farms Act (Northern Ireland) 1972**

**130.** In section 16 of the Housing on Farms Act (Northern Ireland) 1972(**214**), in the definition of “family”, after “or marriage” insert “or civil partnership”.

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(207) 1951 c.25 (N.I.).

(208) 1955 c.24 (N.I.).

(209) Subsection (7) was amended by paragraph 5 of Schedule 4 to the Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I.15)).

(210) 1957 c.23 (N.I.).

(211) 1970 c. 18 (N.I.).

(212) 1971 c. 36.

(213) Section 10 was amended by the Civil Partnership Act 2004.

(214) 1972 c.3 (N.I.).

**Land Acquisition and Compensation (Northern Ireland) Order 1973**

**131.** In Article 47(6)(a)(ii) of the Land Acquisition and Compensation (Northern Ireland) Order 1973(215), after “spouse” insert “or civil partner”.

**Solicitors (Northern Ireland) Order 1976**

**132.** In Article 28(2)(b) of the Solicitors (Northern Ireland) Order 1976(216), for “widow” substitute “surviving spouse or civil partner”.

**Sex Discrimination (Northern Ireland) Order 1976**

**133.—**(1) The Sex Discrimination (Northern Ireland) Order 1976(217) is amended as follows.

(2) In Article 21(3), after sub-paragraph (c) insert—

“(ca) a requirement relating to not being married to, or the civil partner of, a person of the same sex;

(cb) a requirement relating to not being the civil partner of a person of the opposite sex;”.

(3) After Article 35 insert—

**“Exception for ceremonies or events to mark a marriage or civil partnership**

**35A.—**(1) An organised religion, or a person acting on behalf of or under the auspices of an organised religion, does not contravene Article 30(1) where, because of the sex of one or both of the parties to a marriage or civil partnership, the religion or person—

(a) does not provide, arrange, facilitate or participate in, or

(b) is not present at,

a ceremony or event to mark the solemnisation of the marriage or the formation of the civil partnership.

(2) Where an act done by a person—

(a) would be unlawful but for paragraph (1), and

(b) is done by the person—

(i) in the course of the person’s employment, or

(ii) as agent for another person,

the employer or other person does not contravene Article 30(1) only because of being treated by Article 42 as also doing the act.”

**Fatal Accidents (Northern Ireland) Order 1977**

**134.** In Article 5(3) of the Fatal Accidents (Northern Ireland) Order 1977(218) (disregard of certain post-death benefits accruing to widows)—

(a) for “widow”, in both places it occurs, substitute “surviving spouse”,

(b) for “her husband”, substitute “that person’s spouse”, and

(c) for “her”, in the second place it occurs, substitute “the surviving spouse’s”.

(215) S.I. 1973/1896 (N.I. 21). Article 47 was repealed for certain purposes by S.I. 1982/712 (N.I. 9), Article 23, Schedules 1 and 3.

(216) S.I. 1976/582 (N.I. 12). Article 28 was amended by S.I. 1984/703 (N.I. 3), S.I. 1989/1343 (N.I. 14).

(217) S.I. 1976/1042 (N.I. 15). Article 21 was substituted by S.R. (N.I.) 2005/426.

(218) S.I. 1977/1251 (N.I. 18); Article 5(3) is amended by the Administration of Justice Act 1982 (c.53).

### **Rates (Northern Ireland) Order 1977**

**135.**—(1) The Rates (Northern Ireland) Order 1977(**219**) is amended as follows.

(2) In Article 29A(**220**)—

(a) in paragraph (9), for the words from “if—” to the end substitute “if the two persons are married to, or civil partners of, each other, or are living together as if spouses of each other.”;

(b) omit paragraph (10).

(3) In Article 31AA(6)(a)(**221**), after “marriage” insert “or civil partnership”.

### **Rent (Northern Ireland) Order 1978**

**136.** In Schedule 4 to the Rent (Northern Ireland) Order 1978(**222**), in each of the following provisions, for “widow” substitute “surviving spouse or civil partner”—

(a) in Case 14, paragraph (a);

(b) in Case 15, paragraphs (a) and (d);

(c) in Case 16, paragraph (1)(a) and (b)(i) and (ii).

### **Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979**

**137.**—(1) Article 4 of the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979(**223**) (powers of court to make orders) is amended as follows.

(2) In paragraph (5)(a), for the words from “either” to “jointly” substitute—  
“—

(i) issue of the deceased and the surviving spouse,

(ii) children adopted by the deceased and the surviving spouse jointly,

(iii) issue of the deceased and adopted by the surviving spouse, or

(iv) adopted by the deceased and the issue of the surviving spouse”.

(3) After paragraph (5) insert—

“(6) Where—

(a) the deceased is survived by a civil partner (“the surviving civil partner”) and is also survived by children who are—

(i) issue of the deceased and the surviving civil partner,

(ii) children adopted by the deceased and the surviving civil partner jointly,

(iii) issue of the deceased and adopted by the surviving civil partner, or

(iv) adopted by the deceased and the issue of the surviving civil partner; and

(b) the surviving civil partner becomes entitled under the deceased’s will or the law relating to intestacy, or a combination of the deceased’s will and that law, to the net estate of the deceased or to an interest in the estate which amounts to a reasonable financial provision for both the surviving civil partner and the children,

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(219) S.I. 1977/2157 (N.I. 28).

(220) Article 29A was inserted by S.I. 2006/2954 (N.I. 18) and substituted by the Rates (Amendment) Act (Northern Ireland) 2009 (c. 8), section 5.

(221) Article 31AA was inserted by S.I. 2006/2954 (N.I. 18), Article 24.

(222) S.I. 1978/1050 (N.I. 20).

(223) S.I. 1979/924 (N.I. 8).

the court shall not make an order under this Article on the application of any of the children who is a minor.”

(4) The amendments made by paragraphs (2) and (3) apply only in relation to deaths occurring on or after 13th January 2020.

#### **Domestic Proceedings (Northern Ireland) Order 1980**

**138.** In Article 2(2) of the Domestic Proceedings (Northern Ireland) Order 1980(**224**), in the definition of “child”, for the words from “includes” to the end substitute “is to be construed in accordance with Article 155(1) of the Children (Northern Ireland) Order 1995(**225**)”.

#### **Judgments Enforcement (Northern Ireland) Order 1981**

**139.** In paragraph 3(c)(ii) of Schedule 1 to the Judgments Enforcement (Northern Ireland) Order 1981(**226**) (amounts deductible for purposes of a superannuation scheme are deductible in calculating “attachable earnings”), for “widows,” substitute “surviving spouses, surviving civil partners,”.

#### **Mental Health (Northern Ireland) Order 1986**

**140.**—(1) The Mental Health (Northern Ireland) Order 1986(**227**) is amended as follows.

(2) In Article 32 (definition of “nearest relative”)—

(a) in paragraph (1)(a), after “spouse” insert “or civil partner”;

(b) in paragraph (4)—

(i) in sub-paragraph (b), after “spouse” insert “or civil partner”;

(ii) in sub-paragraph (c), after “spouse” insert “, civil partner”;

(c) in each of paragraphs (5) and (6)(b)—

(i) after “married patient” insert “or a patient who has a civil partner”;

(ii) after “unless the spouse” insert “or civil partner”.

(3) In Article 33 (children and young persons in care), for “husband or wife” substitute “spouse or civil partner”.

#### **Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987**

**141.**—(1) Article 10 of the Agriculture and Fisheries (Financial Assistance) (Northern Ireland) Order 1987(**228**) (grants for individuals relinquishing occupation of uncommercial units) is amended as follows.

(2) In paragraph (2)(c), after “husband” insert “or civil partner”.

(3) In paragraph (5), after “widower” insert “or civil partner”.

(4) In paragraph (6)(a)(ii), after “spouse” insert “or civil partner”.

(224) S.I. 1980/563 (N.I. 5). Article 2(2) was amended by S.I. 1995/755 (N.I. 2); there are other amendments not relevant to this instrument.

(225) S.I. 1995/755 (N.I. 2).

(226) S.I. 1981/226 (N.I. 6).

(227) 1986/595 (N.I. 4), as amended by paragraph 67 of Schedule 29 to the Civil Partnership Act 2004.

(228) S.I. 1987/166 (N.I.1).

### **Public Order (Northern Ireland) Order 1987**

**142.** In Article 8 of the Public Order (Northern Ireland) Order 1987(**229**) (meaning of “fear” and “hatred”)—

- (a) the existing text becomes paragraph (1),
- (b) after that paragraph insert—
  - “(2) For the purposes of this Part, any discussion or criticism of marriage which concerns the sex of the parties to marriage is not to be taken of itself to be—
  - (a) threatening, abusive or insulting, or
  - (b) intended to stir up hatred or arouse fear.”, and
- (c) in the heading, at the end insert “etc.”.

### **Employment Rights (Northern Ireland) Order 1996**

**143.** In the Employment Rights (Northern Ireland) Order 1996(**230**) in each of the following provisions, for “husband” substitute “spouse”—

- (a) Article 85ZE(7)(a);
- (b) Article 85ZG(7)(a)(**231**).

### **Employment (Northern Ireland) Order 2002**

**144.** In Article 11 of the Employment (Northern Ireland) Order 2002(**232**) (power to require information) in paragraph (2)(b), for “spouse or” substitute “spouse, civil partner or other”.

### **Housing (Northern Ireland) Order 2003**

**145.**—(1) The Housing (Northern Ireland) Order 2003(**233**) is amended as follows.

(2) In Article 14(2) (cases where the beneficiary of an order for the transfer of property on the end of a marriage or civil partnership may succeed to a tenancy), after “marriage” insert “or civil partnership”.

(3) In Article 61(6) (renovation or disabled facilities grant applications: financial position of the applicant’s spouse or dependent or a person living, or intending to live, with the applicant), after “spouse” insert “or civil partner”.

(4) In Article 85(2)(a)(ii) (conditions for obtaining certain grants: disposals to spouse or former spouse to be an exempt disposal), after “spouse”, in each place it occurs, insert “or civil partner”.

### **Charities Act (Northern Ireland) 2008**

**146.**—(1) Schedule 5 to the Charities Act (Northern Ireland) 2008(**234**) (meaning of “connected persons” for purposes of section 57(2)) is amended as follows.

- (2) In paragraph 2—
  - (a) in sub-paragraph (2), for “husband or wife” substitute “spouse”.

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(229) S.I. 1987/463 (N.I. 7). Article 8 was amended by section 38 of the Anti-terrorism, Crime and Security Act 2001 (c.24) and by S.I. 2004/1991 (N.I. 15).

(230) S.I. 1996/1919 (N.I. 16)

(231) Articles 85ZE and 85ZG were inserted by section 15(2) of the Work and Families Act (Northern Ireland) 2015 (c.1 (N.I.)).

(232) S.I. 2002/2836 (N.I. 2)

(233) S.I. 2003/412 (N.I. 2). In Article 14(2), sub-paragraph (d) was inserted by paragraph 13 of Schedule 18 to the Civil Partnership Act 2004.

(234) 2008 c.12 (N.I.).

- (b) omit sub-paragraph (3).

### **Presumption of Death Act (Northern Ireland) 2009**

**147.** In section 1(2) of the Presumption of Death Act (Northern Ireland) 2009(**235**) (jurisdiction of the court to entertain proceedings for a declaration that a person is presumed to be dead), before the “or” at the end of paragraph (b) insert—

- “(ba) the applicant and the missing person—
- (i) are of the same sex and married each other under the law of Northern Ireland, or
  - (ii) registered as civil partners of each other under the law of Northern Ireland,
- and it appears to the court to be in the interests of justice to assume jurisdiction in the case;”.

### **Houses in Multiple Occupation Act (Northern Ireland) 2016**

**148.** In section 88(3)(a) of the Houses in Multiple Occupation Act (Northern Ireland) 2016(**236**) (definition of “couple” to include same sex couples who live together in a relationship equivalent to marriage), for the words after “who live together as” substitute “if spouses of each other”.

## **PART 10**

### **Amendments: Other Secondary Legislation**

#### **Extension to Northern Ireland of amendments made in consequence of the introduction of same-sex marriage in England and Wales**

- 149.** The amendments made by the following provisions extend also to Northern Ireland—
- (a) in Schedule 1 to the Marriage (Same Sex Couples) Act 2013 (Consequential Provisions) Order 2014(**237**) (consequential amendments to subordinate legislation)—
    - (i) paragraph 5 (which amends the Merchant Shipping (Maintenance of Seamen’s Dependants) Regulations 1972)(**238**);
    - (ii) paragraph 7 (which amends the Merchant Shipping (Returns of Birth and Deaths) Regulations 1979(**239**));
    - (iii) paragraph 31 (which amends the Open-Ended Investment Companies Regulations 2001(**240**));
    - (iv) paragraph 48(1), (3), (4) and (5) (which amends the Attributable Benefits Scheme as applied to the navy and marines);
    - (v) paragraph 50(1), (3), (4) and (5) (which amends the Attributable Benefits Scheme as applied to the army);
    - (vi) paragraph 52(1), (3), (4) and (5) (which amends the Attributable Benefits Scheme as applied to the air force);

(235) 2009 c.6 (N.I.).

(236) 2016 c.22 (N.I.).

(237) S.I. 2014/107.

(238) S.I. 1972/1635.

(239) S.I. 1979/1577.

(240) S.I. 2001/1228, which was extended to Northern Ireland by section 1286 of the Companies Act 2006 (c. 46).



- (b) in the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014(**241**)—
  - (i) in Schedule 1—
    - (aa) paragraph 2 (which amends the Pensions Commutation Act 1871(**242**));
    - (bb) paragraph 3 (which amends the Local Government (Emergency Provisions) Act 1916(**243**));
    - (cc) paragraph 17 (which amends the Transport Act 1978(**244**));
  - (ii) in Schedule 3, paragraph 1 (which amends the Pensions (Increase) Act 1971(**245**));
- (c) in Schedule 1 to the Marriage (Same Sex Couples) Act 2013 and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014(**246**), paragraph 2 (which amends the Service Departments Registers Order 1959(**247**));
- (d) in the Schedule to the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Provisions) Order 2014(**248**)—
  - (i) paragraph 4 (which amends the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957(**249**));
  - (ii) paragraph 10 (which amends the Forgery and Counterfeiting Act 1981(**250**)).

#### **Motor Vehicles (International Circulation) Order (Northern Ireland) 1990**

**150.** In the Motor Vehicles (International Circulation) Order (Northern Ireland) 1990(**251**) in each of the following provisions, for “wife or husband” substitute “spouse or civil partner”—

- (a) Article 3(7), in paragraph (a) of the definition of “dependant”;
- (b) Article 4(4)(a).

#### **Court fees orders of 1996**

**151.** In each of the following provisions, for “married couple or an unmarried couple (as defined respectively in section 3(5) and (6))” substitute “couple (as defined by section 3(5A)(**252**)”—

- (a) Article 9(2)(d)(i) of the Court of Judicature Fees Order (Northern Ireland) 1996(**253**);
- (b) Article 9(2)(d)(i) of the Judgment Enforcement Fees Order (Northern Ireland) 1996(**254**);
- (c) Article 10(2)(d)(i) of the Magistrates’ Courts Fees Order (Northern Ireland) 1996(**255**);

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(241) S.I. 2014/560.

(242) 1871 c. 36.

(243) 1916 c. 12.

(244) 1978 c. 55.

(245) 1971 c. 56.

(246) S.I. 2014/3061.

(247) S.I. 1959/406.

(248) S.I. 2014/3168.

(249) 1957 c. 58.

(250) 1981 c. 45.

(251) S.R. (N.I.) 1990/190

(252) The reference is to section 3(5A) of the Tax Credits Act 2002 (c. 21), which was inserted by the Civil Partnership Act 2004, Schedule 24, paragraph 144, and amended by S.I. 2019/1458.

(253) S.R. (N.I.) 1996/100 (renamed by the Constitutional Reform Act 2005 (c. 4), section 59). Article 9 was inserted by S.R. (N.I.) 2007/376 and amended by S.R. (N.I.) 2017/16 and S.R. (N.I.) 2019/180.

(254) S.R. (N.I.) 1996/101. Article 9 was inserted by S.R. (N.I.) 2007/380 and amended by S.R. (N.I.) 2017/12 and S.R. (N.I.) 2019/176.

(255) S.R. (N.I.) 1996/102. Article 10 was inserted by S.R. (N.I.) 2007/379 and amended by S.R. (N.I.) 2017/14 and S.R. (N.I.) 2019/179.

- (d) Article 8(2)(d)(i) of the County Court Fees Order (Northern Ireland) 1996(**256**);
- (e) Article 9(2)(d)(i) of the Court of Judicature (Non-Contentious Probate) Fees Order (Northern Ireland) 1996(**257**);
- (f) Article 8(2)(d)(i) of the Family Proceedings Fees Order (Northern Ireland) 1996(**258**).

#### **Individual Learning Accounts Regulations (Northern Ireland) 2000**

**152.** In regulation 4 of the Individual Learning Accounts Regulations (Northern Ireland) 2000(**259**) (meaning of “eligible person”) in each of paragraphs (3)(b), (c) and (d), after “spouse,” insert “civil partner.”.

#### **Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001**

**153.** In regulation 10 of the Northern Ireland Social Care Council (Appointments and Procedure) Regulations (Northern Ireland) 2001(**260**) (disclosure of pecuniary interest etc), in paragraph (4), in the words after paragraph (b), for “married persons living together the interest of one spouse” substitute “two people who are spouses, or civil partners, of each other and who are living together, the interest of one of them”.

#### **Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002**

**154.** In regulation 10 of the Northern Ireland Practice and Education Council for Nursing and Midwifery (Appointments and Procedure) Regulations (Northern Ireland) 2002(**261**) (disclosure of pecuniary interest etc), in paragraph (4), in the words after paragraph (b), for “married persons living together the interest of one spouse” substitute “two people who are spouses, or civil partners, of each other and who are living together, the interest of one of them”.

#### **Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003**

**155.** In regulation 3 of the Employment Equality (Sexual Orientation) Regulations (Northern Ireland) 2003(**262**), after paragraph (3) insert—

“(4) 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 B or not) is married to, or the civil partner of, a person of the same sex while the other is married to, or the civil partner of, a person of the opposite sex shall not be treated as a material difference between their respective circumstances.”.

#### **Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004**

**156.**—(1) The Housing Renewal Grants (Reduction of Grant) Regulations (Northern Ireland) 2004(**263**) are amended as follows.

(256) S.R. (N.I.) 1996/103. Article 8 was inserted by S.R. (N.I.) 2007/378 and amended by S.R. (N.I.) 2017/15 and S.R. (N.I.) 2019/177.

(257) S.R. (N.I.) 1996/104 (renamed by the Constitutional Reform Act 2005 (c. 4), section 59). Article 9 was inserted by S.R. (N.I.) 2007/377 and amended by S.R. (N.I.) 2017/11 and S.R. (N.I.) 2019/175.

(258) S.R. (N.I.) 1996/495. Article 8 was inserted by S.R. (N.I.) 2007/381 and amended by S.R. (N.I.) 2017/17 and S.R. (N.I.) 2019/178.

(259) S.R. (N.I.) 2000/379.

(260) S.R. (N.I.) 2001/313. Regulation 10 was amended by S.R. (N.I.) 2002/349.

(261) S.R. (N.I.) 2002/386.

(262) S.R. (N.I.) 2003/497. Regulation 3 was amended by S.R. (N.I.) 2005/520.

(263) S.R. (N.I.) 2004/8.

(2) In regulation 2(1)(**264**) (“couple” to include same sex civil partners and same sex persons living together as civil partners), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or are civil partners of, each other and are members of the same household, or
- (b) two people who are neither married to, nor are civil partners of, each other but are living together as if spouses of each other.”.

(3) In paragraph 51 of Schedule 3 (sum specified in Personal Injuries (Civilians) Scheme 1983 to be disregarded by persons in receipt of a pension under that scheme when calculating income for grant application), for the words “and widowers” substitute “, widowers and civil partners”.

(4) In paragraph 52 of Schedule 3 (disregard of payments to widow or widower under any of the Dispensing Instruments), after “widower” insert “, or a surviving civil partner,”.

(5) In paragraph 34 of Schedule 4 (disregard of arrears of payments that would have been disregarded under paragraph 40 of Schedule 3), for “special war widows” substitute “any”.

#### **Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004**

**157.**—(1) Regulation 10 of the Regulation and Improvement Authority (Appointments and Procedure) Regulations (Northern Ireland) 2004(**265**) (disclosure of pecuniary interest and exclusion of chairman and members in proceedings on account of pecuniary interest) is amended as follows.

- (2) In paragraph (4), in the words after sub-paragraph (b)—
  - (a) after “persons” insert “or civil partners”;
  - (b) after “spouse” insert “or civil partner”.

#### **Foyle Area (Control of Drift and Draft Net Fishing) Regulations 2004**

**158.**—(1) The Foyle Area (Control of Drift and Draft Net Fishing) Regulations 2004(**266**) are amended as follows.

- (2) In each of the following provisions, after “spouse” insert “or civil partner”—
  - (a) regulation 2, in the definition of “single parent”;
  - (b) regulation 4(3)(b);
  - (c) regulation 4(5);
  - (d) regulation 4(6) (in both places “spouse” occurs);
  - (e) regulation 4(9)(b);
  - (f) regulation 4(11)(b).
- (3) In regulation 5(2), for “or spouse” substitute “, spouse or civil partner”.
- (4) In regulation 6A(**267**), after “spouse” insert “, civil partner”.

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(**264**) The definition of “couple” was inserted by paragraph 19(1)(b) of Schedule 1 to S.R. (N.I.) 2005/520.

(**265**) S.R. (N.I.) 2004/37.

(**266**) S.R. (N.I.) 2004/255; amended by S.R. (N.I.) 2007/275.

(**267**) Inserted by S.R. (N.I.) 2007/275.

**Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005**

**159.**—(1) Regulation 2 of the Regulation and Improvement Authority (Registration) Regulations (Northern Ireland) 2005(**268**) (interpretation) is amended as follows.

- (2) In paragraph (1), in the definition of “relative”—
- (a) in paragraph (a), after “spouse” insert “or civil partner”;
  - (b) in paragraph (b), for “his or his spouse” substitute “the person or the person’s spouse or civil partner”;
  - (c) in the words after paragraph (c)—
    - (i) after ““spouse”” insert “or “civil partner””;
    - (ii) after “spouse” insert “or civil partner”.

**Nursing Homes Regulations (Northern Ireland) 2005**

**160.** In regulation 2 of the Nursing Homes Regulations (Northern Ireland) 2005(**269**) (interpretation), in paragraph (1), in the definition of relative—

- (a) in each of paragraphs (a), (b) and (c), after “spouse” insert “or civil partner”;
- (b) for the words from “references” to the end substitute “references to “spouse or civil partner”, in relation to any person, include a former spouse or former civil partner and a person who is living with the person as if they were spouses of each other;”.

**Residential Care Homes Regulations (Northern Ireland) 2005**

**161.** In regulation 2 of the Residential Care Homes Regulations (Northern Ireland) 2005(**270**) (interpretation), in paragraph (1), in the definition of relative—

- (a) in each of paragraphs (a) and (c), after “spouse” insert “or civil partner”;
- (b) for the words from “references” to the end substitute “references to “spouse or civil partner”, in relation to any person, include a former spouse or former civil partner and a person who is living with the person as if they were spouses of each other;”.

**Probation Board for Northern Ireland Victim Information Scheme 2005**

**162.** In Article 3(4)(a) of the Probation Board for Northern Ireland Victim Information Scheme 2005(**271**), after “spouse” insert “or civil partner”.

**Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006**

**163.**—(1) Regulation 16 of the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006(**272**) is amended as follows.

(2) In paragraph (5) (circumstances in which a restriction is permitted under regulation 16(3) or (4)), after sub-paragraph (b) insert—

“; or

- (c) in connection with a ceremony or event to mark the solemnisation of a marriage or the formation of a civil partnership.”.

(268) S.R. (N.I.) 2005/99.

(269) S.R. (N.I.) 2005/160.

(270) S.R. (N.I.) 2005/161.

(271) S.R. (N.I.) 2005/432.

(272) S.R. (N.I.) 2006/439.

(3) After paragraph (5) insert—

“(5A) Where an act done by a person—

(a) would be unlawful but for paragraph (5)(c), and

(b) is done by the person—

(i) in the course of the person’s employment, or

(ii) as agent for another person,

the employer or other person does not do anything unlawful under these Regulations only because of being treated by regulation 23 as also doing the act.”.

(4) In paragraph (8), after “This regulation” insert “, so far as it relates to a restriction imposed as mentioned in paragraph (5)(a) or (b),”.

### **Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009**

**164.**—(1) Regulation 9 of the Regional Business Services Organisation (Membership and Procedure) Regulations (Northern Ireland) 2009(**273**) (disclosure of pecuniary interest and exclusion of Chair and members of the RBSO in proceedings on account of pecuniary interest) is amended as follows.

(2) In paragraph (4), in the words after sub-paragraph (b)—

(a) after “persons” insert “or civil partners”;

(b) after “spouse” insert “or civil partner”.

### **Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009**

**165.** In regulation 9 of the Patient and Client Council (Membership and Procedure) Regulations (Northern Ireland) 2009(**274**) (disclosure of pecuniary interest etc), in paragraph (4), in the words after paragraph (b), for “married persons living together the interest of one spouse” substitute “two people who are spouses, or civil partners, of each other and who are living together, the interest of one of them”.

### **Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011**

**166.** In the Assembly Members (Independent Financial Review and Standards) Act (Northern Ireland) 2011(**275**), in each of the following provisions, in the definition of “cohabitant”, for the words from “of—” to the end substitute “of two people who are living together as if spouses of each other”—

(a) paragraph 3 of Schedule 1;

(b) paragraph 3 of Schedule 3.

### **General Register Office (Fees) Order (Northern Ireland) 2016**

**167.** In the Schedule to the General Register Office (Fees) Order (Northern Ireland) 2016(**276**), in the footnotes relating to basic marriage searches and enhanced marriage searches—

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(273) S.R. (N.I.) 2009/97.

(274) S.R. (N.I.) 2009/98.

(275) 2011 c. 17 (N.I.).

(276) S.R. (N.I.) 2016/205.

- (a) for “bride and groom”, in each place it occurs, substitute “the spouses”, and
- (b) for “either bride or groom” substitute “one of the spouses”.

### **Rate Relief Regulations (Northern Ireland) 2017**

**168.** In regulation 2(1) of the Rate Relief Regulations (Northern Ireland) 2017(277), for the definition of “couple” substitute—

““couple” means—

- (a) two people who are married to, or civil partners of, each other and are members of the same household, or
- (b) two people who are not married to, or civil partners of, each other but are living together as if spouses of each other;”.

## **PART 11**

### **Transitional Provision: Opposite-sex Civil Partnerships: Overseas Relationships**

#### **Interpretation of Part**

**169.** In this Part—

“CPA 2004” means the Civil Partnership Act 2004;

“relevant pre-commencement relationship” means a relationship that is—

- (a) an overseas relationship treated as a civil partnership for the purposes of CPA 2004 as a result of the amendments made by these Regulations, and
- (b) registered (under the relevant law within the meaning of Chapter 2 of Part 5 of CPA 2004) as having been entered into before 13th January 2020.

#### **Overseas relationship dissolved etc before 13th January 2020: treatment as civil partnership**

**170.** The following provisions are specified for the purposes of section 215(5H)(b) of CPA 2004(278)—

- (a) the Fatal Accidents (Northern Ireland) Order 1977(279);
- (b) the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979(280);
- (c) in the case of a marriage solemnised on or after 13th January 2020, Article 18 (prohibited degrees of relationship) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(281);
- (d) in the case of a bankruptcy where the bankruptcy order was made on or after 13th January 2020, the following provisions of the Insolvency (Northern Ireland) Order 1989(282)—
  - (i) Article 256A (bankrupt’s home ceasing to form part of estate),

(277) S.R. (N.I.) 2017/184. Regulation 2(1) was amended by S.R. (N.I.) 2018/109.

(278) Section 215(5H) is inserted by these Regulations.

(279) S.I. 1977/1251 (N.I. 18).

(280) S.I. 1979/924 (N.I. 8).

(281) S.I. 1984/1984 (N.I. 14). Article 18 was amended by S.I. 1993/1576 (N.I. 6), the Civil Partnership Act 2004, and S.I. 2006/1945 (N.I. 14).

(282) S.I. 1989/2405 (N.I. 19). Articles 256A and 286A were inserted by Article 17, and amended by Article 18, of S.I. 2005/1455 (N.I. 10). Articles 286, 305 and 337 were amended by the Civil Partnership Act 2004 and (in the case of Article 286) by S.I. 2005/1455 (N.I. 10).

- (ii) Article 286 (charge on bankrupt’s home),
- (iii) Article 286A (low value home: application for sale, possession or charge),
- (iv) Article 305 (saving for bankrupt’s home), and
- (v) Article 337 (inquiry into bankrupt’s dealings and property);
- (e) Schedule 1 to the Children (Northern Ireland) Order 1995(283) (financial provision for children);
- (f) the following provisions of the Family Homes and Domestic Violence (Northern Ireland) Order 1998(284)—
  - (i) Article 11 (occupation orders where applicant has estate etc or has home rights),
  - (ii) Article 13 (one former spouse or former civil partner with no existing right to occupy),
  - (iii) Article 15 (neither spouse or civil partner entitled to occupy), and
  - (iv) Schedule 2 (transfer of certain tenancies on divorce etc or on separation of cohabitants);
- (g) in the case of a notice of marriage given on or after 13th January 2020, marriage notices prescribed by the Marriage Regulations (Northern Ireland) 2003(285) under Article 3 (notice of intention to marry) of the Marriage (Northern Ireland) Order 2003(286);
- (h) in the case of a marriage solemnised on or after 13th January 2020, Article 5(287) (power to require evidence) of the Marriage (Northern Ireland) Order 2003; and
- (i) the following provisions of CPA 2004—
  - (i) section 141 (power to require evidence of name etc),
  - (ii) section 193 (applications under section 191 by former civil partners), and
  - (iii) Schedule 12 (prohibited degrees of relationship).

### **Overseas relationships: transitional modifications of CPA 2004: dissolution, finances etc**

171.—(1) Section 165 of CPA 2004 (time bar on applications for dissolution orders) applies in relation to a relevant pre-commencement relationship as if for “formation of the civil partnership” there were substituted “registration of the overseas relationship”.

(2) Paragraph 16(2)(d) of Schedule 15 to CPA 2004 (including as it applies by virtue of paragraph 10(3)(a) of Schedule 17 of CPA 2004) applies to an application made under Part 1 of Schedule 15, or Part 1 of Schedule 17, to CPA 2004 in relation to a relevant pre-commencement relationship as if for “the duration of the civil partnership” there were substituted “the duration of the overseas relationship by virtue of which they are treated as having formed a civil partnership”.

(3) Paragraph 5(2)(d) of Schedule 16 to CPA 2004 applies to an application made under Part 1 of that Schedule in relation to a relevant pre-commencement relationship as if for “duration of the civil partnership” there were substituted “duration of the overseas relationship by virtue of which they are treated as having formed a civil partnership”.

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(283) S.I. 1995/755 (N.I. 2).

(284) S.I. 1998/1071 (N.I. 6). Articles 11, 13 and 15 and Schedule 2 were amended by Schedule 19 to the Civil Partnership Act 2004 and (in the case of Schedule 2) further relevant amendments were made by S.I. 2005/1452 (N.I. 7).

(285) S.R. (N.I.) 2003/468. Relevant amendments are made by these Regulations.

(286) S.I. 2003/413 (N.I. 3).

(287) Article 5 was amended by the Civil Partnership Act 2004.



### **Pre-13th January 2020 will is not revoked by recognition of existing overseas relationship**

172. Where a person—

- (a) is treated as a civil partner by virtue of a relevant pre-commencement relationship, and
- (b) has, before 13th January 2020, made a will,

Article 13A of the Wills and Administration Proceedings (Northern Ireland) Order 1994(288) is not to apply to that will.

### **Requirements for existing overseas relationship to be recognised as civil partnership**

173.—(1) Paragraph (2) applies in relation to a relationship that would, disregarding—

- (a) this regulation, and
- (b) section 212(1)(b)(ii) of CPA 2004 as it applies without this regulation,

be a relevant pre-commencement relationship.

(2) Section 212(1)(b) of CPA 2004 has effect as if, for sub-paragraph (ii), there were substituted—

“(ii) neither of whom was, when the relationship was registered—

- (aa) lawfully married,
- (bb) a civil partner, or
- (cc) in another relationship registered as mentioned above, which continues to subsist at the start of 13 January 2020 and is at that time an overseas relationship treated as a civil partnership for the purposes of this Act,

(iii) neither of whom is, immediately before 13 January 2020, lawfully married or a civil partner.”.

### **Disapplication and modification of earlier transitional provision**

174.—(1) Articles 3 and 4 of the Civil Partnership (Treatment of Overseas Relationships) Order (Northern Ireland) 2005(289) do not apply in relation to a relevant pre-commencement relationship.

(2) Article 5 of that Order does not apply in relation to a relationship within regulation 173(1).

19th December 2019

*Julian Smith*  
Secretary of State  
Northern Ireland Office

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(288) S.I. 1985/1899 (N.I. 13). Article 13A was inserted by paragraph 5 of Schedule 14 to the Civil Partnership Act 2004.  
(289) S.R. (N.I.) 2005/531.



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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations enable civil same-sex marriage and opposite-sex civil partnerships in Northern Ireland/under Northern Ireland law.

Part 2 removes the current legal impediments to same-sex marriage in Northern Ireland. It allows consular and armed forces marriages overseas to be formed under Northern Ireland law. It provides that same-sex marriages formed elsewhere in the UK or overseas, previously treated as civil partnerships, are now recognised as marriages in Northern Ireland. It also makes overall provision that the effect of the introduction of same-sex marriage in Northern Ireland is recognised throughout Northern Ireland law.

Part 3 amends the eligibility criteria for registering as civil partners in Northern Ireland by removing the current same-sex requirement. It permits certain opposite-sex relationships formed in other countries, which are not marriages, to be treated as civil partnerships in Northern Ireland.

Part 4 amends legislation relating to children and parenthood to provide opposite-sex parents in a civil partnership with generally the same rights as opposite-sex married parents in a number of areas relating to parenthood.

Part 5 amends the Gender Recognition Act 2004 (c.7), which enables individuals to apply for a gender recognition certificate to change their legal gender. The changes allow applicants to obtain a full gender recognition certificate without the need first to divorce or dissolve their civil partnership, provided their spouse or civil partner consents.

Parts 6 and 7 make consequential changes to pensions and social security legislation, both primary and secondary, in Northern Ireland, particularly in relation to survivor benefits. Part 8 makes amendments in relation to public sector pension schemes.

Parts 9 and 10 make other consequential changes to primary and secondary legislation to reflect that married couples may now be of the same sex and civil partners may now be of the opposite sex.

Part 11 makes transitional arrangements relating to opposite-sex civil partnerships and overseas relationships.

A full impact assessment of the effect that this instrument will have on the costs of business, the voluntary sector and the public sector is available from the Same-Sex Marriage/Opposite-Sex Civil Partnerships Delivery team, Northern Ireland Office, 1 Horse Guards Road, London SW1A 2HQ.