
EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which applies to Wales, makes amendments to various provisions of subordinate legislation. The amendments are consequential upon the Civil Partnership Act 2004 (c. 33) (“the Act”). The Act, which comes into force on the same date as this Order, enables same-sex couples to form a civil partnership by registering as civil partners of each other (and certain overseas relationships registered abroad may be treated as civil partnerships). The Act makes provision for civil partners to be treated in the same way as spouses in relation to benefits and obligations.

The Schedule makes amendments to miscellaneous subordinate legislation.

Paragraph 1 amends the Welsh Development Agency (Compensation) Regulations 1976 (S.I. 1976/2107). Regulations 22, 23, 24, 28 and 31 (which concern payments of retirement compensation to pensionable officers and payments to the widows and dependants of such officers) are amended to include reference to surviving civil partners.

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

Paragraph 3 amends the State Awards (State Bursaries for Adult Education) (Wales) Regulations 1979 (S.I. 1979/333), to include reference to a civil partner as an alternative to the term “spouse” where the term occurs in these Regulations.

Paragraph 4 amends the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988 (S.I. 1988/551). In regulation 2(1) the definition of “partner” is amended to include reference to a civil partner.

Paragraph 5 amends the National Health Service (Charges to Overseas Visitors) Regulations 1989 (S.I. 1989/306) to include reference to a civil partner as an alternative to the term “spouse” where the term occurs in these Regulations.

Paragraph 6 amends the Representation of the People (Welsh Forms) Order 1989 (S.I. 1989/429). Form 2 in Schedule 1 is a proxy paper for use where an elector appoints someone else to vote on their behalf in parliamentary elections in Wales. Note 4 to Form 2 (which provides that the person voting as proxy may not vote as proxy for more than two electors of whom that person is not a relative of one of the categories specified there) is amended to include reference to a civil partner.

Paragraph 7 amends the Valuation and Community Charge Tribunals Regulations 1989 (S.I. 1989/439) to include reference to a civil partner as an alternative to the term “spouse” where the term occurs in these Regulations.

Paragraph 8 amends the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992 (S.I. 1992/552). Regulation 3(1) of these regulations sets out various classes of person for the purposes of Schedule 1 to the Local Government Finance Act 1992 (c. 14) (which provides that prescribed classes of person shall be disregarded for the purposes of council tax discount). In regulation 3(1), sub-paragraph (a) of Class E is amended to include reference to a civil partner.

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Paragraph 4(1) of the Schedule is amended to include reference to couples who live together as if they were civil partners.

Paragraph 9 amends the Council Tax (Exempt Dwellings) Order 1992 (S.I. 1992/558). Article 2(5) (which is an interpretation provision) is amended to include reference to a civil partner, civil partnership, and to couples living together as if they were civil partners. In article 3, Class N is amended to include reference to a civil partner.

Paragraph 10 amends the Council Tax (Administration and Enforcement) Regulations 1992 (S.I. 1992/613). In regulation 32 (which concerns the interpretation and application of Part VI of those Regulations), the definition of “net earnings” in paragraph (1) is amended to include reference to widowers or surviving civil partners. This means that the definition of net earnings is amended to exclude payments such as annuities to certain persons including a surviving civil partner. Regulation 58(1)(b) (which concerns outstanding liabilities on death), is amended to include reference to a civil partner. This means that a billing authority may recover outstanding council tax liabilities on the death of the council tax payer (when jointly and severally liable for council tax as a civil partner) from his executor or administrator. In this context, the reference to a civil partner includes a person who is living with another person of the same sex as if they were civil partners, by virtue of the reference in regulation 58 to section 9 of the Local Government Finance Act 1992 (c. 14). Section 9 was amended by paragraph 140 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) to include a reference to persons living together as if they were civil partners. The amendments to regulation 58 reflect provision that already exists for spouses.

Paragraph 11 amends the Valuation Tribunals (Wales) Regulations 1995 (S.I. 1995/3056). Paragraphs 7(1)(f), 23(2) and 42(3) are amended to include reference to civil partners. Paragraph 7(1)(f) provides that a person is disqualified from being appointed a member of a tribunal, or continuing as a member, if their spouse or civil partner becomes an employee of that tribunal. Paragraph 23(2) provides that a person is disqualified from participating in the hearing or determination of, or acting as clerk or officer of a tribunal in relation to an appeal, if the appellant is their spouse or civil partner, or if that person supports the appellant financially. Paragraph 42(3) (which provides that a person shall be disqualified from participating as a member in the hearing or determination of, or acting as clerk or officer of a tribunal in relation to an appeal in certain circumstances) is amended to include reference to a civil partner.

Paragraph 12 amends the Housing Renewal Grants Regulations 1996 (S.I. 1996/2890). In regulation 2(1) the definitions of “close relative”, “family”, “member of a couple”, “partner”, and “unmarried couple” are amended to include reference to civil partnership. Paragraph 10A(1)(b) in Schedule 1 (which sets out the condition that must be satisfied for someone to be eligible for bereavement premium) is amended to include reference to the death of a civil partner who died on or after 9 April 2001. Paragraph 65 in Schedule 4 (which provides that certain payments made to compensate for the fact that the relevant person, or others connected with that person was a slave labourer, a forced slave labourer, had suffered property loss or personal injury or was a parent of a child who had died) is amended to include reference to a civil partner and a deceased civil partner.

Paragraph 13 amends the Council Tax (Prescribed Classes of Dwellings) Regulations 1998 (S.I. 1998/105). In the Schedule, paragraphs 1(1) and 2(1), (2), and (3) (which provide that a dwelling is job-related in certain circumstances) are amended to include reference to a civil partner. Paragraph 3 is amended to refer to couples living together as if they were civil partners.

Paragraph 14 amends the Education (School Government) (Wales) Regulations 1999 (S.I. 1999/2242). Schedule 7 to those Regulations sets out restrictions on persons taking part in proceedings of the governing body or its committees. Paragraph 1 (the interpretation provision) is amended to include a new sub-paragraph (d) referring to persons living together as if they were civil partners. Paragraph 2(4) of that Schedule (which provides that a person shall be treated as having a direct or indirect pecuniary interest in a contract, proposed contract or other matter if a relative living with him, to his knowledge has, or would be treated as having, such an interest, direct or indirect) is amended to include reference to a civil partner.

Paragraph 15 amends the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000 (S.I. [2000/1410](#)). Sub-paragraph (c)(iii) within the definition of “eligible child” is amended to include reference to an adopted child of a civil partner.

Paragraph 16 amends the Home Energy Efficiency Schemes (Wales) Regulations 2000 (S.I. [2000/2959 \(W. 190\)](#)). In regulation 5 (which provides who may apply for a grant), regulations 5(1)(a), 5(1)(b), 5(2)(a), 5(2)(b), 5(2)(d), and 5(6) are amended to include reference to a civil partner.

Paragraph 17 amends the Standards Committees (Wales) Regulations 2001 (S.I. [2001/2283 \(W.172\)](#)). In regulation 2, sub-paragraph (c) in the definition of “independent member” and sub-paragraph (b) in the definition of “lay panel member” are amended to include reference to a civil partner.

Paragraph 18 amends the Care Homes (Wales) Regulations 2002 (S.I. [2002/324 \(W.37\)](#)). The definition of “relative” in regulation 2(1) is amended to include reference to a civil partner.

Paragraph 19 amends the Private and Voluntary Health Care (Wales) Regulations 2002 (S.I. [2002/325 \(W.38\)](#)). In Part II of Schedule 3, paragraph 1 (which specifies details that must be included in registers of patients) is amended to include reference to civil partnership status.

Paragraph 20 amends the [Registration of Social Care and Independent Health Care \(Wales\) Regulations 2002 \(S.I. 919 \(W.107\)\)](#). The definition of “relative” in regulation 2(1) is amended to include reference to a civil partner.

Paragraph 21 amends the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003 (S.I. [2003/149 \(W.19\)](#)). Regulation 15(5) (which provides that a member of a local health board shall be treated as having an indirect pecuniary interest in a contract, proposed contract or other matter if that member or any nominee of that member falls into either of the categories set out in sub-paragraphs (a) and (b)) is amended to include reference to a civil partner.

Paragraph 22 amends the Fostering Services (Wales) Regulations 2003 (S.I. [2003/237 \(W. 35\)](#)). Regulation 24(9)(e) provides that a person must not be appointed as an independent member of a fostering panel if, in the case of a fostering agency, the person is related to an employee of the registered provider, or to any person concerned in the management of the fostering agency. Regulation 24(10) (which defines the expression “related” for the purpose of Regulation 24(9)), is amended to include reference to a civil partner. In Schedule 3 (which sets out the information that a fostering service provider must obtain to comply with its obligation under regulation 27(2)(a)), paragraph 2 is amended to include reference to civil partnership.

Paragraph 23 amends the Residential Family Centres (Wales) Regulations 2003 (S.I. [2003/781 \(W.92\)](#)). In Schedule 4, paragraph 2(a) (which specifies details that must be included in registers of residents) is amended to include reference to civil partnership status.

Paragraph 24 amends the [Domiciliary Care Agencies \(Wales\) Regulations 2004 \(S.I. 219 \(W.23\)\)](#). In regulation 2(1), the definition of “relative” is amended to include reference to a civil partner.

Paragraph 25 amends the RTM Companies (Memorandum and Articles of Association) (Wales) Regulations 2004 (S.I. [2004/675 \(W. 64\)](#)). Regulation 2(1) provides that the memorandum of association of an RTM (“Right to Manage”) company, shall take the form and include the provisions set out in Part 1 of Schedule 1 to these Regulations. In Part 1 of that Schedule, paragraph 4 sets out the various powers that the company shall have in furtherance of its objects. Paragraph 4(u) (which provides that the company may give or award pensions, awards, annuities, gratuities, and superannuation or other allowances or benefits or charitable aid and generally provide advantages, facilities and services to current and former directors and current and former employees and their respective relatives and dependants) is amended to include reference to civil partners and surviving civil partners.

Paragraph 26 amends the Leasehold Valuation Tribunals (Fees) (Wales) Regulations 2004 (S.I. [2004/683 \(W.71\)](#)). In regulation 8 (which provides for fees to be waived or reduced in certain cases,

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having regard to the circumstances of the applicant and the applicant's partner) the definition of "partner" in paragraph 4 is amended to include reference to a civil partner.

Paragraph 27 amends the Service Charges (Consultation Requirements) (Wales) Regulations 2004 (S.I. [2004/684 \(W.72\)](#)). In regulation 2(1), the definition of "close relative" is amended to include reference to a civil partner.

Paragraph 28 amends the Local Authorities (Conduct of Referendums) (Wales) Regulations 2004 (S.I. [2004/870 \(W. 85\)](#)). The provisions in Schedule 3 to these regulations apply, with modifications, certain Acts and statutory instruments. In Table 1 of that Schedule (which applies provisions of the Representation of the People Act 1983 (c. 2)) the entry relating to section 61(4) of that Act, is amended to include reference to a civil partner. In Table 3 of that Schedule (which applies provisions in Schedule 2 to the Local Elections (Principal Areas) Rules 1986, the entry relating to Rule 29 of those rules (questions to be put to voters) is amended to include reference to a civil partner.

Paragraph 29 amends the Community Care, Services for Carers and Children's Services (Direct Payments) (Wales) Regulations 2004 (S.I. [2004/1748 \(W.185\)](#)). These Regulations provide for payments to be made direct to certain types of claimant in order for them to pay for specified types of services. Regulation 7(1) provides, in effect, that where the service provider is a person mentioned in regulation 7(2), the direct payment will be subject to one or other of the conditions set out in paragraphs (a) and (b) respectively of Regulation 7(1). In regulation 7(2), paragraphs (a), (b), (d) and (e) are amended to include reference to a civil partner.

Paragraph 30 amends the Adult Placement Schemes (Wales) Regulations 2004 (S.I. [2004/1756 \(W.188\)](#)). The definition of "relative" in regulation 2(1) is amended to include reference to a civil partner and a former civil partner.

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