WELSH STATUTORY INSTRUMENTS

2005 No. 3302 (W.256)

CIVIL PARTNERSHIP, WALES

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

Made - - - - 29 November 2005

Coming into force - - 5 December 2005

The National Assembly for Wales, in exercise of the powers conferred upon it by section 259 of the Civil Partnership Act 2004(**1**) hereby makes the following Order:

Title, commencement and application

1.—(1) The title of this Order is the Civil Partnership Act 2004 (Consequential Amendments to Subordinate Legislation) (Wales) Order 2005.

(2) This Order comes into force on 5 December 2005 and applies in relation to Wales.

Amendments to subordinate legislation

2. The Schedule (which contains amendments to subordinate legislation) has effect.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**).

D. Elis-Thomas

29 November 2005 The Presiding Officer of the National Assembly

(**1**) 2004 c. 33.
(**2**) 1998 c. 38.

SCHEDULE

AMENDMENTS TO STATUTORY INSTRUMENTS

Welsh Development Agency (Compensation) Regulations 1976

1. In the Welsh Development Agency (Compensation) Regulations 1976((**3**), in regulations 22, 23, 24, 28 and 31, insert ", surviving civil partner," after "widow" in each place.

Local Authorities' Cemeteries Order 1977

2. In the Local Authorities' Cemeteries Order 1977(**4**), in Schedule 3, in paragraph 17, for "husband or wife" substitute "spouse or a civil partner".

State Awards (State Bursaries for Adult Education)(Wales) Regulations 1979

3. In the State Awards (State Bursaries for Adult Education)(Wales) Regulations 1979(**5**), in Schedule 2—

(a) in paragraphs 1(2)(a) and (b) after "his spouse" insert " or civil partner or;"; and

(b) in paragraph 4(1)(b) after "the spouse," insert "civil partner,".

National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988

4. In the National Health Service (Travelling Expenses and Remission of Charges) Regulations 1988(**6**), in regulation 2(1)—

(a) in the definition of "partner", in sub-paragraph (a) after "unmarried couple" insert "or of a civil partnership"; and

(b) after "that couple" insert "or civil partnership (as the case may be)".

National Health Service (Charges to Overseas Visitors) Regulations 1989

5. In the National Health Service (Charges to Overseas Visitors) Regulations 1989(**7**), in regulations 4(4), 4A(2), 5(b) and (e) after "spouse" insert ", civil partner, " in each place.

Valuation and Community Charge Tribunals Regulations 1989

6. In the Valuation and Community Charge Tribunals Regulations 1989(**8**), in regulations 9(1)(f), 23(2) and 42(3) after "spouse" insert "or civil partner" in each place.

Council Tax (Additional Provisions for Discount Disregards) Regulations 1992

7. In the Council Tax (Additional Provisions for Discount Disregards) Regulations 1992(**9**)—

(a) in regulation 3(1), in the paragraph concerning Class E, after "spouse" insert ", civil partner"; and

(**3**) S.I 1976/2107.
(**4**) S.I. 1977/ 204.
(**5**) S.I. 1979 / 333, to which there are amendments not relevant to this Order.
(**6**) S.I. 1988/551, amended by, S.I 1996/410, S.I 2003/975 (W.134), S.I 2003/2561 (W. 250); there are other amending instruments but none is relevant.
(**7**) S.I. 1989 / 306, amended by S.I. 2004/1433 (W. 146).
(**8**) S.I. 1989/439 amended by S.I. 1993/439, there are other amending instruments but none is relevant.
(**9**) S.I. 1992/552, amended by S.I 1995/657; there are other amendments but none is relevant.

(b) at the end of paragraph (a) of sub-paragraph (1) of paragraph 4 of the Schedule, delete the word "or" and, after that paragraph, insert—

"(aa) that person is the civil partner of the other or they live together as if they were civil partners; or".

Council Tax (Exempt Dwellings) Order 1992

8. In the Council Tax (Exempt Dwellings) Order 1992(**10**)—

(a) in Article 2(5)—

(i) in sub-paragraph (a) after "spouse" insert "or civil partner";

(ii) in sub-paragraph (i) after "marriage" insert "or civil partnership";

(iii) in sub-paragraph (ii)—

(aa) after "marriage", insert "and a relationship between two persons of the same sex living together as if they were civil partners is to be treated as a relationship by civil partnership;" and

(bb) at the end, delete the word "and";

(iv) after sub-paragraph (iii), insert—

"and

(v) the child of the civil partner of a person (here "A") shall be treated as A's child.";

(b) in article 3, in the paragraph concerning Class N, in sub-paragraph (2)(a)(ii)—

(i) after "spouse" insert ", civil partner,"; and

(ii) for "either", substitute "each".

Council Tax (Administration and Enforcement) Regulations 1992

9. In the Council Tax (Administration and Enforcement) Regulations 1992(**11**)—

(a) in Regulation 32(1), in the definition of "net earnings", in sub-paragraph (c)(ii) after "widows" insert "widowers, surviving civil partners"; and

(b) in Regulation 58(1)(b) after "spouse" insert "or civil partner".

Valuation Tribunals (Wales) Regulations 1995

10. In the Valuation Tribunals (Wales) Regulations 1995(**12**), in regulations 7(1)(f), 23(2) and 42(3), after "spouse" insert "or civil partner".

Housing Renewal Grants Regulations 1996

11. In the Housing Renewal Grants Regulations 1996(**13**)—

(a) in Regulation 2(1)—

(i) in the definition of "close relative" after "spouse" insert "or civil partner";

(ii) in the definition of "family"—

(**10**) S.I. 1992/558, amended by S.I 1993/150 and S.I. 1997/656; there are other amending instruments but none is relevant.
(**11**) S.I. 1992/613, to which there are amendments not relevant to this Order.
(**12**) S.I. 1995/3056, amended by S.I. 2004/1312 (W. 138).
(**13**) S.I. 1996 /2890, amended by S.I. 1997/977, 1998/808, 1999/1523, 2000/973 (W. 43), 2001/2073 (W.145), 2002/2798 (W.266), and 2004/253 (W. 28), there are other amending instruments but none is relevant.

(aa) in paragraphs (a) and (b) after "married or unmarried couple", insert "or both members of a civil partnership" in each place;

(bb) in paragraph (c) after "married or unmarried couple", insert "or of a civil partnership";

(iii) in the definition of "member of a couple" after "unmarried couple" insert "or of a civil partnership";

(iv) in the definition of "partner", in paragraph (a), after "married or unmarried couple" insert "or of a civil partnership";

(v) in the definition of "unmarried couple" after "Schedule 3" omit the rest of the definition and substitute the following—

"(a) a man and woman who are not married to each other but are living together as husband and wife; or

(b) two persons of the same sex who are not civil partners but are living together as if they were civil partners;"

(b) in Schedule 1, in paragraph 10A(1)(b), after "spouse" insert "or civil partner"; and

(c) in Schedule 4, in paragraph 65 after "deceased spouse" insert "or deceased civil partner" in each place.

Council Tax (Prescribed Classes of Dwellings) Regulations 1998

12. In the Council Tax (Prescribed Classes of Dwellings) Regulations 1998(**14**), in the Schedule —

(a) in paragraph 1(1) for "or for his spouse by reason of the spouse's employment" substitute "or for his spouse or civil partner by reason of their employment"; and

(b) in paragraphs 2(1), (2) and (3) after "spouse" insert "or civil partner";

(c) in paragraph 3, add at the end—

"; and references to the civil partner of a person are to be taken to include references to a person of the same sex who is living with the other as if they were that person's civil partner".

Education (School Government) (Wales) Regulations 1999

13. In the Education (School Government) (Wales) Regulations 1999(**15**), in Schedule 7—

(a) in paragraph 1 insert the following new sub-paragraph after sub-paragraph 1(c)—

"(d) to a person's civil partner includes someone living with that person as if he or she were that person's civil partner"; and

(b) in paragraph 2(4), after "spouse" insert "or civil partner".

Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000

14. In the Local Government (Early Termination of Employment) (Discretionary Compensation) (England and Wales) Regulations 2000(**16**), in Schedule 1, in paragraph 1, in the definition of "eligible child", in sub-paragraph (c)(ii), after "married" insert "or entered into civil partnership with".

(**14**) S.I. 1998/105, to which there are amendments not relevant to this Order.
(**15**) S.I. 1999/2242, amended by S.I. 2001/2263 (W.164). There are other amending instruments but none is relevant to this Order.
(**16**) S.I. 2000/ 1410, to which there are amendments not relevant to this Order.

Home Energy Efficiency Schemes (Wales) Regulations 2000

15. In the Home Energy Efficiency Schemes (Wales) Regulations 2000(**17**), in regulations 5(1)(a), 5(1)(b), 5(2)(a), 5(2)(b), 5(2)(d), and 5(6) after "spouse" insert "or civil partner".

Standards Committees (Wales) Regulations 2001

16. In the Standards Committees (Wales) Regulations 2001(**18**), in regulation 2, in the definition of "independent member", in paragraph (c) after "spouse" insert "or civil partner".

Care Homes (Wales) Regulations 2002

17. In the Care Homes (Wales) Regulations 2002(**19**)—

(a) in regulation 2(1), in the definition of "relative"—

(i) in paragraphs (a), (b), (c), and (d), after "spouse" insert "or civil partner";

(ii) after "his child," delete "and";

(iii) after "wife" insert ", and references to a "civil partner" include a former civil partner." ; and

(b) In Schedule 3, in paragraph 3(a) after "marital status" insert "or civil partnership status".

Private and Voluntary Health Care (Wales) Regulations 2002

18. In the Private and Voluntary Health Care (Wales) Regulations 2002(**20**), in Schedule 3, in Part II, in paragraph 1(a) after "marital status," insert "or civil partnership status".

Registration of Social Care and Independent Health Care (Wales) Regulations 2002

19. In the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**21**), in regulation 2(1), in the definition of "relative"—

(a) in sub-paragraphs (a), (b), and (c), after "spouse" insert "or civil partner";

(b) after "the person's child," delete "and"; and

(c) after "wife" insert ", and references to a "civil partner" include a former civil partner."

Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003

20. In the Local Health Boards (Constitution, Membership and Procedures) (Wales) Regulations 2003(**22**), in regulation 15(5), after " (whether of different sexes or not), " insert "or as civil partners".

Fostering Services (Wales) Regulations 2003

21. In the Fostering Services (Wales) Regulations 2003(**23**) in regulation 24(10)—

(a) in paragraph (a) after "married to" insert "or the civil partner of";

(b) in paragraph (c) after "married" insert "or with whom Person B has registered a civil partnership";

(**17**) S.I. 2000 /2959 (W. 190).
(**18**) S.I. 2001/2283 (W.172)
(**19**) S.I. 2002/ 324 (W. 37), amended by S.I. 2002/2935 (W. 277); there are other amending instruments but none is relevant.
(**20**) S.I. 2002/ 325 (W. 38), to which there are amendments not relevant to this Order.
(**21**) S.I. 2002/ 919 (W. 107), to which there are amendments not relevant to this order.
(**22**) S.I. 2003/ 149 (W. 19), to which there are amendments not relevant to this Order.
(**23**) S.I. 2003/ 237 (W. 35).