STATUTORY RULES OF NORTHERN IRELAND

2005 No. 539

HOUSING; RATES; SOCIAL SECURITY

CIVIL PARTNERSHIP

The Social Security (Civil Partnership) (Consequential Amendments) Regulations (Northern Ireland) 2005

Made - - - -	*1st December 2005*
Coming into operation	*5th December 2005*

The Department for Social Development, in exercise of the powers conferred by sections 48(1), 113(1)(b), 122(1)(a) and (d), 130, 131, 132 and 171(1), (3) to (5) of, and paragraphs 2(2), 3B(5)(b)(iii) and 7B(5)(b)(iii) of Schedule 5 to, the Social Security Contributions and Benefits (Northern Ireland) Act 1992(**1**), sections 5(1)(a) and (b) and 165(1), (4) and (5) of the Social Security Administration (Northern Ireland) Act 1992(**2**) and Articles 10(4), 11(6) and 74(1), (3) and (5) of the Social Security (Northern Ireland) Order 1998(**3**), and now vested in it(**4**), and paragraphs 10(1) and 20(1) and (3) of Schedule 7 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000(**5**), and of all other powers enabling it in that behalf, with the consent of the Department of Finance and Personnel(**6**), in so far as regulation 5 is concerned, and after agreement by the Social Security Advisory Committee that proposals in respect of regulations 5 and 8 should not be referred to it(**7**), hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Social Security (Civil Partnership) (Consequential Amendments) Regulations (Northern Ireland) 2005 and shall come into operation on 5th December

(**1**) 1992 c. 7; section 48(1) is amended by paragraph 78(2) of Schedule 24 to the Civil Partnership Act 2004 (c. 33) and section 113(1) is amended by paragraph 92 of that Schedule. Section 171(1) was amended by paragraph 5 of Schedule 4 to the Tax Credits Act 2002 (c. 21). Paragraphs 3B and 7B were inserted by paragraphs 7 and 10 respectively of Schedule 9 to the Pensions (Northern Ireland) Order 2005 (S.I.2005/255 (N.I. 1))

(**2**) 1992 c. 8; section 165(1) was amended by paragraph 49(2) of Schedule 3 to the Social Security Contributions (Transfer of Functions, etc.) (Northern Ireland) Order 1999 (S.I. 1999/671)

(**3**) S.I. 1998/1506 (N.I. 10); Article 74(1) was amended by paragraph 17(2) of Schedule 4 to the Tax Credits Act 2002

(**4**) *See* Article 8(b) of S.R. 1999 No. 481

(**5**) 2000 c. 4 (N.I.)

(**6**) *See* section 171(6A) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 as inserted by Article 3(3) of the Social Security (Amendment) (Northern Ireland) Order 1993 (S.I. 1993/1579 (N.I. 8)); *see also* Article 6(b) of S.R. 1999 No. 481

(**7**) *See* section 150(1)(b) of the Social Security Administration (Northern Ireland) Act 1992

2005 (immediately after the Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order (Northern Ireland) 2005(**8**) comes into operation).

(2) The Interpretation Act (Northern Ireland) 1954(**9**) shall apply to these Regulations as it applies to an Act of the Assembly.

Amendment of the Social Security (Widow's Benefit and Retirement Pensions) Regulations

2.—(1) The Social Security (Widow's Benefit and Retirement Pensions) Regulations (Northern Ireland) 1979(**10**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 1(2) (interpretation) after the definition of "bereavement allowance"(**11**) there shall be inserted the following definition—

> ""civil partner" in relation to any person who has been in a civil partnership more than once means the last civil partner;".

(3) In regulation 4(1)(d)(ii)(**12**) (days to be treated as days of increment) after "neither married to," there shall be inserted "or in a civil partnership with,".

Amendment of the Social Security (General Benefit) Regulations

3. In regulation 2(1), (2) and (3) of the Social Security (General Benefit) Regulations (Northern Ireland) 1984(**13**) (exceptions from disqualification for imprisonment etc.) for "wife or husband" there shall be substituted "spouse or civil partner".

Amendment of the Income Support (General) Regulations

4.—(1) The Income Support (General) Regulations (Northern Ireland) 1987(**14**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 42(4)(a)(i)(**15**) (notional income) for "widow or widower" there shall be substituted "surviving spouse or surviving civil partner".

(3) In regulation 51(3)(a)(i)(**16**) (notional capital) for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Amendment of the Housing Benefit (General) Regulations

5. In regulation 18(1)(c) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**17**) (patients) for "a married or unmarried couple" there shall be substituted "a couple".

(**8**) S.R. 2005 No. 536
(**9**) 1954 c. 33 (N.I.)
(**10**) S.R. 1979 No. 243; relevant amending Regulations are S.R. 2001 No. 108 and S.R. 2005 No. 120
(**11**) The definition of "bereavement allowance" was inserted by regulation 8(2)(b) of S.R. 2001 No. 108
(**12**) Sub-paragraph (d) was inserted by regulation 4(4)(b)(ii) of S.R. 2005 No. 120
(**13**) S.R. 1984 No. 92; regulation 2(2) was amended by regulation 11 of, and Schedule 2 to, S.R. 1984 No. 317, regulation 7(2)(a) of S.R. 1986 No. 340, regulation 7(3) of S.R 1992 No. 6, regulation 16 of S.R. 1995 No. 150, regulation 2(a) of S.R. 1996 No. 57, regulation 9(3) of S.R. 2001 No. 108 and regulation 6(3) of S.R. 2005 No. 299
(**14**) S.R. 1987 No. 459; relevant amending Regulations are S.R. 1988 No. 318, S.R. 1995 Nos. 410 and 481, S.R. 1997 No. 22, S.R. 1998 No. 326, S.R. 2002 No. 128, S.R. 2003 No. 195 and S.R. 2005 No. 98
(**15**) Paragraph (4) was substituted by regulation 9(a) of S.R. 1988 No. 318 and amended by regulation 2(2)(a) of S.R. 1998 No. 326; sub-paragraph (a)(i) was amended by regulation 5(2) of S.R. 1995 No. 410, regulation 2(1)(a) and (2) of S.R. 1995 No. 481, regulation 2(3) of S.R. 2002 No. 128, paragraph 10(e)(i) and (ii) of Schedule 1 to S.R. 2003 No. 195 and regulation 2(6) of S.R. 2005 No. 98
(**16**) Paragraph (3) was substituted by regulation 11(a) of S.R. 1988 No. 318 and amended by regulation 3(2)(a) of S.R. 1998 No. 326; sub-paragraph (a)(i) was amended by regulation 9 of S.R. 1997 No. 22, regulation 2(4) of S.R. 2002 No. 128, paragraph 13(a)(i) and (ii) of Schedule 1 to S.R. 2003 No. 195 and regulation 2(6) of S.R. 2005 No. 98
(**17**) S.R. 1987 No. 461; regulation 18(1) was amended by regulation 7(c) of S.R. 1996 No. 448 and regulation 4(3) of S.R. 2003 No. 261 and sub-paragraph (c) was amended by Article 19(3)(b) and (c) of S.R. 2005 No. 82

Amendment of the Social Security (Claims and Payments) Regulations

6.—(1) The Social Security (Claims and Payments) Regulations (Northern Ireland) 1987(**18**) shall be amended in accordance with paragraphs (2) and (3).

(2) In regulation 6(22)(**19**) (date of claim) in the definition of "family", for "a married or unmarried couple" there shall be substituted "a couple".

(3) In regulation 19(3B)(**20**) (time for claiming benefit) after "spouse" there shall be inserted "or civil partner".

Amendment of the Social Security and Child Support (Decisions and Appeals) Regulations

7.—(1) The Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999(**21**) shall be amended in accordance with paragraphs (2) to (4).

(2) In regulation 1(2) (interpretation)—

(a) after the definition of "clerk to the appeal tribunal" there shall be inserted the following definition—

> ""couple" means—
>
> (a) a man and woman who are married to each other and are members of the same household;
>
> (b) a man and woman who are not married to each other but are living together as husband and wife;
>
> (c) two people of the same sex who are civil partners of each other and are members of the same household; or
>
> (d) two people of the same sex who are not civil partners of each other but are living together as if they were civil partners,
>
> and for the purposes of paragraph (d), two people of the same sex are to be regarded as living together as if they were civil partners if, but only if, they would be regarded as living together as husband and wife were they instead two people of the opposite sex;; and"; and

(b) in the definition of "partner"(**22**) for "a married couple or an unmarried couple" there shall be substituted "a couple".

(3) In regulation 5(2)(**23**) (date from which a decision revised under Article 10 takes effect), after "spouse" (in each place where it occurs) there shall be inserted "or civil partner".

(4) In Schedule 2A(**24**) (date from which superseding decision takes effect where a claimant is in receipt of income support or jobseeker's allowance) in paragraph 8(e)(**25**) for "a married or an unmarried couple" there shall be substituted "a couple".

(**18**) S.R. 1987 No. 465; relevant amending Regulations are S.R. 1997 No. 156, S.R. 2000 No. 215, S.R. 2002 No. 67 and S.R. 2005 Nos. 46 and 139
(**19**) Paragraph (22) was substituted by regulation 3(2)(a) of S.R. 2000 No. 215; the definition of "family" was added by regulation 2(2)(f)(iii) of S.R. 2002 No. 67 and amended by regulation 5(4)(c)(ii) of S.R. 2005 No. 46
(**20**) Regulation 19 was substituted by regulation 3(7) of S.R. 1997 No. 156 and paragraph (3B) was inserted by regulation 2(2)(c) of S.R. 2005 No. 139
(**21**) S.R. 1999 No. 162; relevant amending Regulations are S.R. 2000 No. 215, S.R. 2001 No. 120, S.R. 2002 No. 189 and S.R. 2004 No. 378
(**22**) The definition of "partner" was inserted by regulation 2(2)(b) of S.R. 2002 No. 189
(**23**) Paragraph (2) was added by regulation 3 of S.R. 2004 No. 378
(**24**) Schedule 2A was inserted by regulation 6(22) of, and Schedule 1 to, S.R. 2000 No. 215
(**25**) Sub-paragraph (e) was inserted by regulation 4(c)(ii) of S.R. 2001 No. 120