STATUTORY RULES OF NORTHERN IRELAND

2005 No. 536

CIVIL PARTNERSHIP

The Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order (Northern Ireland) 2005

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

The Department for Social Development, in exercise of the powers conferred on it by sections 254(3) and (5), 258 and 259 of the Civil Partnership Act 2004(**1**), and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as the Civil Partnership (Pensions, Social Security and Child Support) (Consequential, etc. Provisions) Order (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

Amendment of legislation

2.—(1) Schedule 1, which contains amendments of legislation relating to pension sharing on divorce etc., shall have effect.

(2) Schedule 2, which contains amendments of legislation relating to occupational pension and personal pension schemes, shall have effect.

(3) Schedule 3, which contains amendments of legislation relating to social security, shall have effect.

(4) Schedule 4, which contains amendments of legislation relating to child support, shall have effect.

(5) Schedule 5, which contains transitory provisions relating to child support, shall have effect.

(**1**) 2004 c. 33; subsection (3) of section 254 applies in accordance with subsection (2), and subsection (5) applies section 171(3), (5) and (6) of the Social Security Contributions and Benefits (Northern Ireland) Act 1992 (c. 7) to the exercise of the power under section 259

Transitional provision relating to housing benefit

3.—(1) Paragraph (2) applies in the case of a claimant who is a member of a couple who live together as if they were civil partners on or after 5th December 2005, in respect of whom there is an award of housing benefit on 5th December 2005.

(2) In such a case, subject to paragraphs (3) and (4)—

(a) the provisions of regulation 8(2)(**2**) and (10)(**3**) of the Decisions and Appeals Regulations (date from which a decision superseding an earlier decision takes effect) shall not apply; and

(b) a superseding decision made in consequence of the amendments made by paragraph 13 or 14 of Schedule 3 shall take effect—

(i) from the date that the claimant reports to the relevant authority that the couple live together as if they were civil partners,

(ii) from the date on which the relevant authority otherwise becomes aware that the couple are living together as if they were civil partners, or

(iii) where there exists an award of a relevant benefit on 5th December 2005, from the date the superseding decision is made in relation to the relevant benefit that is consequential on the amendments made by paragraph 12, 23 or 30 of Schedule 3,

whichever is the earliest date.

(3) The relevant authority may, where the provisions of paragraph (2)(b)(i) or (ii) apply, determine such earlier effective date for the superseding decision as it considers appropriate if it is satisfied that the claimant could reasonably have been expected to report that he is a member of a couple who live together as if they were civil partners earlier than the date which would otherwise apply under that paragraph.

(4) The provisions of regulation 8(2) and (10) of the Decisions and Appeals Regulations shall apply in a case falling within paragraph (1) where the application of those provisions is advantageous to the claimant.

(5) In this Article—

"couple" has the same meaning as in regulation 2(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987(**4**);

"the Decisions and Appeals Regulations" means the Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001(**5**);

"relevant authority"(**6**) has the same meaning as in regulation 2(1) of the Housing Benefit (General) Regulations (Northern Ireland) 1987;

"relevant benefit" means income support, income-based jobseeker's allowance or a guarantee credit awarded under section 2(1) of the State Pension Credit Act (Northern Ireland) 2002(**7**).

(**2**) Paragraph (2) was amended by regulation 19(2)(a) of S.R. 2003 No. 197
(**3**) Paragraph (10) was added by regulation 4(3) of S.R. 2003 No. 224
(**4**) S.R. 1987 No. 461; the definition of "couple" is substituted by paragraph 13(2)(b) of Schedule 3 to this Order
(**5**) S.R. 2001 No. 213
(**6**) The definition of "relevant authority" was inserted by regulation 2(a) of S.R. 2001 No. 215
(**7**) 2002 c. 14 (N.I.)

Sealed with the Official Seal of the Department for Social Development on 1st December 2005.

John O'Neill
A senior officer of the
Department for Social Development

SCHEDULE 1

Article 2(1)

Amendment of legislation relating to pension sharing on divorce

Pensions on Divorce etc. (Provision of Information) Regulations

1.—(1) The Pensions on Divorce etc. (Provision of Information) Regulations (Northern Ireland) 2000(**8**) shall be amended in accordance with sub-paragraphs (2) to (5).

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

(a) in the definition of "notice of discharge of liability", after "former spouse" there shall be inserted "or former civil partner";

(b) in the definition of "notice of implementation", after "former spouse" there shall be inserted "or former civil partner".

(3) In regulation 2 (basic information about pensions on divorce)—

(a) in the heading, at the end there shall be added "or dissolution of a civil partnership";

(b) in paragraph (1), after "spouse" (in each place where it occurs) there shall be inserted "or civil partner";

(c) in paragraph (6)—

(i) in sub-paragraph (b), after "spouse" there shall be inserted "or civil partner", and

(ii) after "his spouse," there shall be inserted "civil partner,".

(4) In regulation 3 (information about pensions on divorce: valuation of pension benefits)—

(a) in the heading, after "on divorce" there shall be inserted "and dissolution of a civil partnership";

(b) in paragraph (1), for "Article 21(1)(a)(i) or (ii)" there shall be substituted "Article 21(1)(a)(i), (ia)(**9**) or (ii)".

(5) In regulation 10(5)(a) (provision of information after receipt of an earmarking order), after "divorce" there shall be inserted "or dissolution of a civil partnership".

Pensions on Divorce etc. (Charging) Regulations

2.—(1) The Pensions on Divorce etc. (Charging) Regulations (Northern Ireland) 2000(**10**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2 (general requirements as to charges)—

(a) in paragraph (1)(a)(i), after "divorce" there shall be inserted "or dissolution of a civil partnership";

(b) in paragraph (2), for "his spouse" (in each place where it occurs) there shall be substituted "the member's spouse or civil partner";

(c) in paragraph (8)(**11**)—

(i) for "his spouse" (where it first occurs), there shall be substituted "the member's spouse or civil partner", and

(ii) in sub-paragraph (a), for "his spouse" there shall be substituted "the member's spouse, civil partner".

(**8**) S.R. 2000 No. 142; to which there are amendments not relevant to this Order
(**9**) Sub-paragraph (a)(ia) is inserted by paragraph 108(2) of Schedule 29 to the Civil Partnership Act 2004
(**10**) S.R. 2000 No. 143; relevant amending Regulations are S.R. 2000 No. 335
(**11**) Paragraph (8) was substituted by regulation 9(3) of S.R. 2000 No. 335

(3) In regulation 6(2)(b) (additional amounts recoverable in respect of pension sharing activity), for "his spouse" there shall be substituted "the member's spouse or civil partner".

Pension Sharing (Valuation) Regulations

3. In regulation 2(1)(b) of the Pension Sharing (Valuation) Regulations (Northern Ireland) 2000(**12**) (rights under a pension arrangement which are not shareable), after "by virtue of being the widow, widower" there shall be inserted ", surviving civil partner".

Pension Sharing (Implementation and Discharge of Liability) Regulations

4. In regulation 15(2)(b) of the Pension Sharing (Implementation and Discharge of Liability) Regulations (Northern Ireland) 2000(**13**) (disqualification as a destination for pension credit – annuity contracts and insurance policies), for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Pension Sharing (Pension Credit Benefit) Regulations

5. In regulation 15(2)(a) of the Pension Sharing (Pension Credit Benefit) Regulations (Northern Ireland) 2000(**14**) (further conditions on which liability may be discharged), for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Pension Sharing (Safeguarded Rights) Regulations

6.—(1) The Pension Sharing (Safeguarded Rights) Regulations (Northern Ireland) 2000(**15**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 6 (ways of giving effect to safeguarded rights – money purchase schemes)—

(a) in paragraph (2)—

(i) in sub-paragraph (a), for "widow or widower" there shall be substituted "widow, widower or surviving civil partner", and

(ii) in sub-paragraph (b), after "widower," there shall be inserted "surviving civil partner,";

(b) in paragraph (9)(a), for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

(3) In regulation 9(8)(a) (ways of giving effect to safeguarded rights – salary related schemes), for "widow or widower" there shall be substituted "widow, widower or surviving civil partner".

Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations

7.—(1) The Sharing of State Scheme Rights (Provision of Information and Valuation) Regulations (Northern Ireland) 2000(**16**) shall be amended in accordance with sub-paragraphs (2) and (3).

(2) In regulation 2 (basic information about the sharing of state scheme rights for the purposes of divorce, etc.)—

(a) in the heading, after "divorce" there shall be inserted "or dissolution of a civil partnership";

(**12**) S.R. 2000 No. 144
(**13**) S.R. 2000 No. 145
(**14**) S.R. 2000 No. 146
(**15**) S.R. 2000 No. 147
(**16**) S.R. 2000 No. 362