STATUTORY RULES OF NORTHERN IRELAND

2005 No. 531

CIVIL PARTNERSHIP

The Civil Partnership (Treatment of Overseas Relationships) Order (Northern Ireland) 2005

Made - - - -	*30th November 2005*
Coming into operation	*5th December 2005*

The Department of Finance and Personnel, in exercise of the powers conferred on it by sections 215(5) and 259(1) and (2) of the Civil Partnership Act 2004(**1**) and of all other powers enabling it in that behalf, hereby makes the following Order:

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Civil Partnership (Treatment of Overseas Relationships) Order (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

(2) In this Order—

"the Act of 2004" means the Civil Partnership Act 2004; and

"recognised overseas relationship" means an overseas relationship which is treated as a civil partnership pursuant to chapter 2 of Part 5 of the Act of 2004.

(3) The Interpretation Act (Northern Ireland) 1954(**2**) shall apply to this Order as it applies to an Act of the Assembly.

Overseas relationships dissolved etc. before commencement treated as civil partnerships

2. The following provisions are specified for the purpose of section 215(5)(b) of the Act of 2004—

(a) the Fatal Accidents (Northern Ireland) Order 1977(**3**);

(b) the Inheritance (Provision for Family and Dependants) (Northern Ireland) Order 1979(**4**);

(**1**) 2004 c. 33.
(**2**) 1954 c. 33 (N.I.).
(**3**) S.I. 1977/1251 (N.I. 18), as amended by section 68 of and Schedule 6 to the Administration of Justice Act 1982 (c. 53), The Damages for Bereavement (Variation of Sum) (Northern Ireland) Order 2002 (S.I. 2002/645) and section 207 of the Civil Partnership Act 2004 (c. 33).
(**4**) S.I. 1979/924 (N.I. 8), as amended by the Matrimonial and Family Proceedings (Northern Ireland) Order 1989 (S.I. 1989/677 (N.I. 4)), the Succession (Northern Ireland) Order 1996 (S.I. 1996/3163 (N.I. 26)) and section 195 of and Schedule 14 to the Civil Partnership Act 2004 (c. 33).

(c) in the case of a marriage solemnised on or after 5th December 2005, Article 18 (Prohibited degrees of relationship) of the Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984(**5**);

(d) in the case of a bankruptcy where the bankruptcy order was made on or after 5th December 2005, Article 256A (Bankrupt's home ceasing to form part of estate), Article 286 (Charge on bankrupt's home), Article 286A (Low value home: application for sale, possession or charge), Article 305 (Saving for bankrupt's home) and Article 337 (Inquiry into bankrupt's dealings and property) of the Insolvency (Northern Ireland) Order 1989(**6**);

(e) Schedule 1 to the Children (Northern Ireland) Order 1995(**7**) (FINANCIAL PROVISION FOR CHILDREN);

(f) Article 11 (Occupation orders where applicant has estate, etc. or has home rights), Article 13 (One former spouse or former civil partner with no existing right to occupy) and Article 15 (Neither spouse or civil partner entitled to occupy) of and Schedule 2 (TRANSFER OF CERTAIN TENANCIES ON DIVORCE ETC. OR ON SEPARATION OF COHABITEES) to the Family Homes and Domestic Violence (Northern Ireland) Order 1998(**8**);

(g) in the case of a notice of marriage given on or after 5th December 2005, marriage notices prescribed by the Marriage Regulations (Northern Ireland) 2003(**9**) under Article 3 (Notice of intention to marry) of the Marriage (Northern Ireland) Order 2003(**10**);

(h) in the case of a marriage solemnised on or after 5th December 2005, Article 5 (Power to require evidence) of the Marriage (Northern Ireland) Order 2003(**11**); and

(i) section 141 (Power to require evidence of name etc.), section 193 (Applications under section 191 by former civil partners) of and Schedule 12 (PROHIBITED DEGREES OF RELATIONSHIP: NORTHERN IRELAND) to the Act of 2004.

Transitional etc. provision relating to overseas relationships

3.—(1) Section 165 (Time bar on applications for dissolution orders) of the Act of 2004 applies in relation to a recognised overseas relationship registered under the relevant law before 5th December 2005 as though for the words "formation of the civil partnership" there were substituted "registration of the overseas relationship".

(2) Paragraph 16(2)(d) of Schedule 15 to the Act of 2004 applies to an application under Part 1 of that Schedule or under Part 1 of Schedule 17 to the Act of 2004 which relates to a recognised overseas relationship registered under the relevant law before 5th December 2005 as though for the reference to "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".

(**5**) S.I. 1984/1984 (N.I. 14). Article 18 was amended by Article 4 of the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6)), section 11 of and paragraph 8 of Schedule 4 to the Gender Recognition Act 2004 (c. 7) and section 261(3) of and paragraph 64 of Schedule 29 to the Civil Partnership Act 2004 (c. 33).

(**6**) S.I. 1989/2405 (N.I. 19); amended so far as relevant by section 261(3) of and paragraphs 80, 82, 84 and 86 of Schedule 29 to the Civil Partnership Act 2004 (c. 33). Articles 256A and 286A of the Insolvency (Northern Ireland) Order 1989 are inserted by Article 17 of the Insolvency (Northern Ireland) Order 2005 (S.I. 2005/1455 (N.I. 10)) from a date to be appointed. Article 18 of the Insolvency (Northern Ireland) Order 2005 further amends Articles 256A and 286A. Article 286 of the Insolvency (Northern Ireland) Order 1989 is also further amended by Article 17(2) of the Insolvency (Northern Ireland) Order 2005 from a date to be appointed.

(**7**) S.I. 1995/755 (N.I. 2). Schedule 1 to the Act is amended by section 25 of and paragraph 30 of Schedule 3 to the Child Support, Pensions and Social Security Act (Northern Ireland) 2000 (c. 4 (N.I.)) and section 202 of the Civil Partnership Act 2004 (c. 33).

(**8**) S.I. 1998/1071 (N.I. 6). Articles 11, 13 and 15 and Schedule 2 were amended by section 206 of and Schedule 19 to the Civil Partnership Act 2004 (c. 33). Schedule 2 was also amended by Article 12 of the Law Reform (Miscellaneous Provisions) (Northern Ireland) Order 2005 (S.I. 2005/1452 (N.I. 7)).

(**9**) S.R. 2003 No. 468.

(**10**) S.I. 2003/413 (N.I. 3).

(**11**) Article 5 is amended by section 261(3) of and paragraph 114 of Schedule 29 to the Civil Partnership Act 2004 (c. 33).