STATUTORY RULES OF NORTHERN IRELAND

2005 No. 520

CIVIL PARTNERSHIP

The Civil Partnership Act 2004 (Amendments to Subordinate Legislation) Order (Northern Ireland) 2005

Made - - - -	*25th November 2005*
Coming into operation	*5th December 2005*

The Department of Finance and Personnel, in exercise of the powers conferred on it by section 259 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 Act 2004 (Amendments to Subordinate Legislation) Order (Northern Ireland) 2005 and shall come into operation on 5th December 2005.

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

Amendments to Subordinate Legislation

2. The Schedule (which contains amendments to miscellaneous subordinate legislation) shall have effect.

Sealed with the Official Seal of the Department of Finance and Personnel on 25th November 2005.

L.S.

Ethne E. Harkness
A senior officer of the
Department of Finance and Personnel

(**1**) 2004 c. 33.
(**2**) 1954 c. 33 (N.I.).

SCHEDULE Article 2

AMENDMENTS TO MISCELLANEOUS SUBORDINATE LEGISLATION

Cremation (Belfast) Regulations (Northern Ireland) 1961(3)

1.—(1) In Form A of the Schedule (Application for Cremation with Statutory Declaration)—

(a) for "(Whether married, widow, widower, or unmarried)" substitute "(Whether married or in a civil partnership, surviving spouse or civil partner or single (never married or never having formed a civil partnership))".

(b) in the note to "near relatives" in question 4, for "widow or widower" substitute "surviving spouse or civil partner".

(2) In Form G of the Schedule (Register of Cremations), after "married or unmarried" in column 5 insert "or in a civil partnership".

Intestate Succession (Interest) Order (Northern Ireland) 1985(4)

2. In Article 2 (Interest on statutory legacy), after "spouse's" insert "or civil partner's".

Enduring Powers of Attorney Regulations (Northern Ireland) 1989(5)

3. In the marginal notes to Part B of the Schedule (Prescribed Form)—

(a) after "married" insert "or in a civil partnership"; and

(b) for "husband or wife" substitute "spouse or civil partner".

The Adoption Agencies Regulations (Northern Ireland) 1989(6)

4.—(1) In Part III of the Schedule (PARTICULARS RELATING TO EACH NATURAL PARENT, INCLUDING WHERE APPROPRIATE THE FATHER OF AN ILLEGITIMATE CHILD), for paragraph 2 substitute—

"2. Marital or civil partnership status and date and place of marriage or civil partnership (if any).".

(2) In Part VI of the Schedule (PARTICULARS RELATING TO THE PROSPECTIVE ADOPTER), for paragraph 3 substitute—

"3. Marital or civil partnership status and the date and place of marriage or civil partnership (if any) and comments on stability of relationship.".

(3) In Part VII of the Schedule (MATTERS TO BE COVERED IN REPORT ON HEALTH OF THE PROSPECTIVE ADOPTER), for paragraph 3 substitute—

"3. Marital or civil partnership history including (if applicable) reasons for inability to have children.".

Burial Grounds Regulations (Northern Ireland) 1992(7)

5. In the definition of "relative" in paragraph 20(1) (interpretation) of Schedule 2, for "husband or wife" substitute "spouse or civil partner".

---

(3) **S.R. & O. (N.I.) 1961 No. 61.**
(4) **S.R. 1985 No. 8.**
(5) **S.R. 1989 No 64.**
(6) **S.R. 1989 No. 253, to which there are amendments not relevant to this Order.**
(7) **S.R. 1992 No. 238.**

Trade Union (Nominations) Regulations (Northern Ireland) 1992(8)

6.—(1) In regulation 2(6) (Power to make nominations), for "husband, wife" substitute "spouse or civil partner".

(2) In regulation 3(1) (Revocation of nominations), for sub-paragraph (c), substitute—

"(c) by the formation of a subsequent marriage or civil partnership by the nominator."

(3) In regulation 3(2)—

(a) for "marriage of the nominator" substitute "formation of a subsequent marriage or civil partnership by the nominator"; and

(b) after "that marriage" insert "or civil partnership".

Definition of Independent Visitors (Children) Regulations (Northern Ireland) 1996(9)

7. In regulation 2 (Independent visitors), in paragraphs (a) and (b) after "spouse" in both places where it occurs, insert "or civil partner".

The Representations Procedure (Children) Regulations (Northern Ireland) 1996(10)

8.—(1) In the definition of "independent person" in regulation 1(2) (Citation, commencement and interpretation), after "spouse" insert "or civil partner".

(2) In regulation 10(1)(c) (Application to voluntary organisations and registered children's homes), after "spouse" insert "or civil partner".

The Placement of Children with Parents etc. Regulations (Northern Ireland) 1996(11)

9. In paragraph 1(d) of Schedule 1 (Particulars to be taken into account in considering suitability of persons and households), after "marital" insert "or civil partnership" and after "marriage" insert "or civil partnership".

Registration of Clubs (Accounts) Regulations (Northern Ireland) 1997(12)

10. For the definition of "relative" in regulation 1(2) (Citation, commencement and interpretation) substitute—

> ""relative" means spouse or civil partner, brother or sister (whether of the whole or half blood), parent or child and includes those connected by consanguinity, marriage or civil partnership, step relations and relations by adoption.".

The Domestic Energy Efficiency Grants Regulations (Northern Ireland) 2002(13)

11.—(1) In regulation 2 (Interpretation), for the definition of "spouse" substitute ""spouse" or "civil partner" includes a person with whom the applicant lives as his spouse or as if they were civil partners".

(2) In regulation 4 (Persons who may apply for a grant), in paragraphs (1) and (2) after "spouse" in each place where it occurs insert "or civil partner".

---

(8) **S.R. 1992 No. 239.**
(9) **S.R. 1996 No. 434.**
(10) **S.R. 1996 No. 451, to which there are amendments not relevant to this Order.**
(11) **S.R. 1996 No. 463, to which there are amendments not relevant to this Order.**
(12) **S.R. 1997 No. 333, to which there are amendments not relevant to this Order.**
(13) **S.R. 2002 No. 56; regulation 4 was amended by S.R. 2003 No. 385.**

Paternity and Adoption Leave Regulations (Northern Ireland) 2002(14)

12.—(1) In regulation 4 (Entitlement to paternity leave: birth)—

(a) in paragraph (2)(b)(ii), after "married to" insert ", the civil partner"; and

(b) in paragraph (2)(c)(ii), after "mother's husband" insert ", civil partner".

(2) In regulation 8(2)(b) (Entitlement to paternity leave: adoption), after "married to" insert ", the civil partner".

Statutory Paternity Pay and Statutory Adoption Pay (General) Regulations (Northern Ireland) 2002(15)

13. In regulation 11(1)(a) (Conditions of entitlement to statutory paternity pay (adoption): relationship with child and with person with whom the child is placed for adoption), after "married to" insert ", the civil partner".

Statutory Paternity Pay and Statutory Adoption Pay (Administration) Regulations (Northern Ireland) 2002(16)

14. In regulation 14(2)(b) (Provision of information), after "spouse" insert ", civil partner".

Flexible Working (Eligibility, Complaints and Remedies) Regulations (Northern Ireland) 2003(17)

15. In regulation 3(1)(b)(ii) (Entitlement to request contract variation), after "married to" insert ", the civil partner".

Paternity and Adoption Leave (Adoption from Overseas) Regulations (Northern Ireland) 2003(18)

16.—(1) For regulation 5(2) (Application) substitute—

"(2) For paragraphs (1) and (2), substitute—

"(1) The provisions relating to adoption leave under regulation 15 have effect only where the adopter's child enters Northern Ireland on or after 9th April 2003.

(2) The provisions relating to paternity leave under regulation 8 have effect only in relation to a person who is married to or is the civil partner or partner of an adopter whose child enters Northern Ireland on or after 9th April 2003."."

(2) In regulation 7 (Entitlement to paternity leave: adoption from overseas)—

(a) for substituted regulation 8(2)(c) (Entitlement to paternity leave) substitute—

"(c) the employee is either married to or is the civil partner or the partner of the child's adopter, and";

(b) for substituted regulation 10(3) (Notice and evidential requirements for leave under regulation 8) substitute—

"(3) Where the employer requests it, an employee must give his employer, within 14 days of receipt of a request, a written declaration, signed by the employee, to the

(14) S.R. 2002 No. 377.
(15) S.R. 2002 No. 378, to which there are amendments not relevant to this Order.
(16) S.R. 2002 No. 379.
(17) S.R. 2003 No. 174.
(18) S.R. 2003 No. 222.