STATUTORY RULES OF NORTHERN IRELAND

2005 No. 482

CIVIL PARTNERSHIP

The Civil Partnership Regulations (Northern Ireland) 2005

Made - - - -	*4th November 2005*
Coming into operation	*5th December 2005*

The Department of Finance and Personnel, in exercise of the powers conferred upon it by sections 144(4), 147 and 159 of the Civil Partnership Act 2004(**1**), and all other powers enabling it in that behalf, hereby makes the following Regulations:

Citation and commencement

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

Interpretation

2.—(1) In these Regulations—

"approval" means place approval or temporary place approval;

"approval holder" means the person on whose application the approval was granted pursuant to these regulations or a person who is deemed to be the approval holder under regulation 24;

"approved place" means a place which has been approved by an authority under these regulations and for which said approval is still current;

"applicant" means an applicant for an approval;

"authority" means the local registration authority as referred to in Section 151 of the Act;

"place" means any place whose position within the district can be suitably defined in words or figures for the purpose of recording where the civil partnership registration took place and includes any premises, fixed building, temporary structure, enclosures and similar structures, land and any vessels or vehicles;

"place approval" means the approval, by an authority of a place where civil partnership registration may take place for a period in its district;

"status" means marriage or civil partnership status;

(**1**) 2004 c. 33

"temporary place approval" means approval by an authority of a place where a civil partnership registration may take place for one occasion in its district;

"the Act" means the Civil Partnership Act 2004.

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

Civil Partnership Notice

3.—(1) A civil partnership notice shall be in the form as set out in Schedule 1.

(2) The civil partnership notice for each party to a civil partnership intended to be registered in Northern Ireland shall be served on the registrar at least 14 days before the date of the intended civil partnership except where—

(a) the registrar has received a written request from one or both of the parties giving the reason why 14 days notice cannot be given; and

(b) the registrar has been authorised by the Registrar General to reduce the period of 14 days to such shorter period as he considers necessary.

4. The registrar may require either of the parties to the civil partnership to give the civil partnership notice in person to the registrar of the district in which the civil partnership is to take place or to a registrar of any other district where—

(a) the registrar is not satisfied that the civil partnership notice has been completed correctly; or

(b) there is any doubt about the identity of the parties; or

(c) there appears to be a legal impediment to the civil partnership; or

(d) any of the documents submitted is not in order.

Civil Partnership Notice Book

5. The prescribed particulars, in relation to a person to be taken from each civil partnership notice received by the registrar, shall be that person's—

(a) surname and name;

(b) address;

(c) marital or civil partnership status;

(d) date of birth; and

(e) date of intended civil partnership registration.

Civil Partnership Schedule

6. A civil partnership schedule shall be in the form set out in Schedule 2.

Civil Partnership Registration in Approved Places

Applicants for an approval of a place for civil partnership registration

7.—(1) An application for a place approval may, following the procedures set out in regulation 8, be made to the authority by any person.

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

(2) An application for a temporary approval may, following the procedures set out in regulation 9, be made to the authority by either of the parties to an intended civil partnership registration in respect of any place which at the time of the application does not have place approval, other than one where an approval will expire before the date of the intended civil partnership registration.

Place approvals

8.—(1) An applicant for place approval shall deliver to the authority an application in writing to include—

(a) the name and address of the applicant; and

(b) a description of the place where it is intended that civil partnership registration will take place sufficient to identify that place and to allow the authority to inspect it and, in the case of a vessel or vehicle, a description of that vessel or vehicle and the location at which it may be inspected.

(2) The required fee, or an amount on account of that fee, determined in accordance with regulation 18, must accompany the application.

(3) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(4) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

Temporary place approvals

9.—(1) An applicant for a temporary place approval shall deliver to the authority an application in writing to include—

(a) the name and address of the applicant; and

(b) the date and time of the intended civil partnership registration; and

(c) a description of the place where it is intended that the civil partnership registration will take place sufficient to identify that place and to allow the authority to inspect it and, in the case of a vessel or vehicle, a description of that vessel or vehicle and the location at which it may be inspected.

(2) The required fee, or an amount on account of that fee, determined in accordance with regulation 18, must accompany the application.

(3) The applicant shall provide the authority with such additional information as the authority may reasonably require in order to determine the application.

(4) The authority may, if it considers it to be appropriate after receiving the application, arrange for the place to be inspected.

Public notice

10.—(1) As soon as practicable after receiving an application the authority shall, in accordance with paragraph (2), cause a notice to be placed on public display at the place named in the application.

(2) The notice referred to in paragraph (1) shall—

(a) identify the place and the applicant;

(b) state the date and time of the intended civil partnership registration, in relation to a temporary place approval;

(c) state that objections to the application may be made to the authority in accordance with regulation 11;

(d) state the address at which the application can be inspected and the address to which such objections should be given.

Objections

11.—(1) Any person may give notice in writing to the authority of an objection to an application in accordance with this regulation.

(2) The authority shall consider the objection provided that the objection—

(a) specifies the name and address of the person making it; and

(b) specifies reasons for the objection; and

(c) was made to the authority within 21 days from the date on which notice was placed on public display under regulation 10.

(3) On special cause shown, the authority may consider an objection to which this regulation applies notwithstanding that it was not made within the period required by paragraph (2)(c).

(4) The authority shall send a copy of any objection submitted in accordance with this regulation to the applicant.

Determination of applications

12.—(1) The authority shall not grant an approval if the application has not been made in accordance with these regulations.

(2) The authority shall not grant an approval if, in its opinion—

(a) the place will compromise the solemnity and dignity of civil partnership registration;

(b) the place has a recent or continuing connection with any religious body or religious practice which would be incompatible with the use of that place for civil partnership registrations; or

(c) the place does not fulfil any other reasonable requirements which the authority considers appropriate to ensure that the facilities provided at the place are suitable.

(3) The authority shall not grant an approval without—

(a) having regard to the guidance issued by the Registrar General under regulation 26; and

(b) taking account of any objections in respect of the application which have been made in accordance with regulation 11.

(4) The authority shall not grant a place approval if, in its opinion, the applicant is not a fit and proper person.

Conditions attached to approvals

13. In granting an approval the authority—

(a) shall attach to a place approval the standard conditions contained in Schedule 3; and

(b) may attach to a temporary place approval such conditions, and to a place approval such further conditions, as it considers reasonable in order to ensure that the facilities provided at the place are suitable.

Notification of decisions

14.—(1) The authority shall, within 7 days of its decision, notify the applicant in writing of that decision including any conditions attached to an approval under regulation 13.

(2) If an application for an approval is refused, or if any conditions are attached under regulation 13(b), the authority shall include with the notification under paragraph (1)—

(a) the reason for its decision; and

(b) details of the right to a review of a decision in accordance with regulation 22.

(3) The authority shall, at the same time as it notifies the applicant under paragraph (1), send a copy of any approval to the registrar.

Restriction on successive applications

15. Where the authority has refused an application for an approval it shall not, within one year of that refusal, consider a subsequent application for the same kind of approval in respect of the same place unless, in its opinion, there has been a material change in the circumstances.

Duration of approvals

16.—(1) Subject to regulations 17(3), 20 and 21, a place approval shall be valid from the date it is granted for a period of three years, or such lesser period as the authority may determine.

(2) Subject to regulations 20 and 21, a temporary place approval shall be valid only for the date stated in that approval unless the authority, on the request of the applicant in writing, agrees to amend the stated date.

Renewal of place approvals

17.—(1) An application for renewal of a place approval may be made by the approval holder.

(2) Regulations 8 and 10 to 16 shall apply to an application to renew a place approval as they apply to an application for a place approval and as though any reference in them—

(a) to an applicant were to an applicant for renewal; and

(b) to a grant of a place approval were to a renewal of a place approval.

(3) If an application for renewal has been made in accordance with paragraph (1) and (2) and that application has not been finally determined or withdrawn before the date on which the approval would otherwise expire, the approval shall continue in effect until such time as the application is finally determined or withdrawn.

Fees for applications and renewals

18.—(1) An authority may, in accordance with this regulation, determine a fee in respect of an application for an approval, or the renewal of a place approval.

(2) A fee determined for a particular application or renewal shall not exceed the amount which reasonably represents the costs incurred or to be incurred by the authority in respect of that application or renewal.

(3) An authority may charge a fee in respect of an application or renewal, or an amount on account of such fee, where it has not yet incurred any costs in respect of that application or renewal.

Fees for attendance of Registrars

19. An authority may determine a fee in respect of the attendance by the registrar at approved places and any such fee shall—

(a) be the amount which reasonably represents the costs incurred or to be incurred directly or indirectly by the authority in respect of that attendance; and