

**EXPLANATORY MEMORANDUM TO  
THE DISSOLUTION ETC. (PENSIONS) REGULATIONS  
(NORTHERN IRELAND) 2005**

**2005 No. 484**

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs (Northern Ireland Court Service) and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

- 2. Description**

- 2.1 These Regulations make provision relating to orders made for ancillary relief in proceedings for dissolution, separation or nullity of civil partnership, which relate to the pension rights of a party to the civil partnership. They make technical provision about the valuation of pension rights where the court is considering making a pension attachment order and also provide for the giving of notice of various matters by and to a pension provider where a pension attachment order has been made.

- 2.2 The Regulations will come into operation on 5th December 2005.

- 3. Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None.

- 4. Legislative Background**

- The Civil Partnership Act 2004***

- 4.1 The Civil Partnership Act 2004 received Royal Assent on 18th November 2004. The purpose of the Civil Partnership Act 2004 is to enable same-sex couples to obtain legal recognition of their relationship by forming a civil partnership. To this end the Act creates a new legal status of civil partnership under which certain rights and obligations will flow. Civil partners will be subject to many of the same legal rights and responsibilities as spouses.

- 4.2 Two people may register as civil partners of each other provided:
  - they are of the same sex;
  - neither of them is already a civil partner or married;
  - they are not within the prohibited degrees of relationship;
  - they are both over the age of sixteen (and the consent of the appropriate persons has been obtained if either of the parties are under eighteen).

- 4.3 The Civil Partnership Act 2004 also contains provisions enabling certain overseas same-sex relationships to be treated as civil partnerships.
- 4.4 The Act makes provision for civil partners similar to that which already exists for married couples in a wide range of areas. Schedule 15 makes provision similar to that contained in the Matrimonial Causes (Northern Ireland) Order 1978 for married couples, and which allows for financial provision on dissolution, including the making of pension sharing and pension attachment orders.
- 4.5 The principal provisions of the Civil Partnership Act 2004 will come into force on the 5th December 2005.

## **5. Extent**

- 5.1 The Regulations apply to Northern Ireland.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- 7.1 The Government held a three month public consultation on the proposal to create a same-sex civil partnership registration scheme in England and Wales. The Government's response to the consultation was published in November 2003 and can be found on the DTI's website at:

<http://www.womenandequalityunit.gov.uk/lgbt/partnership.htm>

The Government announced on 26th November 2003 that it intended to bring forward a Civil Partnership Bill. After a public consultation in Northern Ireland, which took place from 19th December 2003 to 5th March 2004, Northern Ireland Ministers agreed to include Northern Ireland provisions in the Westminster Civil Partnership Bill. The analysis of responses to this consultation can be found on the Office of Law Reform's website at:

[http://www.olrni.gov.uk/archive/new\\_news\\_archive.cfm](http://www.olrni.gov.uk/archive/new_news_archive.cfm)

- 7.2 The Regulations are consequential to the introduction of the Civil Partnership Act 2004. They relate to orders which may be made for ancillary relief in civil partnership proceedings, which relate to the pension rights of a party to the civil partnership. The Regulations are modelled on the corresponding Regulations for England and Wales – the Dissolution etc. (Pensions) Regulations 2005 (S.I. 2005 No. 2920).

## **8. Impact**

- 8.1 A full Regulatory Impact Assessment (RIA) has not been prepared for this instrument as it does not impose any new burdens on businesses or public authorities. However a full Regulatory Impact Assessment for civil partnership was published alongside the Civil Partnership Act 2004 and can be viewed at:

<http://www.dti.gov.uk/access/ria/index.htm#equality>

## **9. Contact**

Jane McConnell at the Northern Ireland Court Service, Tel: 028 90412349 or e-mail: [janemcconnell@courtsni.gov.uk](mailto:janemcconnell@courtsni.gov.uk) can answer any queries regarding the instrument.