

**EXPLANATORY MEMORANDUM TO THE
FAMILY PROCEEDINGS (CIVIL PARTNERSHIP:STAYING OF
PROCEEDINGS) RULES (NORTHERN IRELAND) 2005**

Statutory Rule 2005 No. 498

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**

These Rules provide for the circumstances in which civil partnership proceedings must, or can, be stayed, where there are proceedings relating to the same civil partnership in another jurisdiction.

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

None.

4. **Legislative background**

Staying of Proceedings Rules

- 4.1 These Rules are made under section 231 of the Civil Partnership Act 2004 which allows for provision to be made in relation to civil partnerships corresponding to the provision made in respect of marriages by Schedule 1 to the Matrimonial Causes (Northern Ireland) Order 1978.

The Civil Partnership Act 2004

- 4.2 The Civil Partnership Act 2004 received Royal Assent on 18 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.
- 4.3 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).
- 4.4 The Civil Partnership Act 2004 also contains provisions enabling certain overseas same-sex relationships to be treated as civil partnerships.

4.5 The principal provisions of the Civil Partnership Act 2004 will come into force on the 5th December 2005 by an order to be made by the Secretary of State.

5. Extent

This instrument applies 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 relationship registration scheme in England and Wales (30 June 2003 to 30 September 2003). 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 26 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

7.2 The purpose of these Rules is to ensure the same legislative regime relating to concurrent proceedings in Northern Ireland and in another jurisdiction applies to civil partnership proceedings as it does to matrimonial proceedings.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies

9. Contact

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