Changes to Legislation: as of 12 March 2024, this Act is up to date with all changes known to be in force.

Number 24 *of* 2010

CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS ACT 2010

REVISED

Updated to 22 June 2023

This Revised Act is an administrative consolidation of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Regulation of Lobbying and Oireachtas (Allowances to Members) (Amendment) Act 2023* (15/2023), enacted 22 June 2023, and all statutory instruments up to and including the *Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 (Commencement) Order 2023* (S.I. No. 321 of 2023), made 21 June 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 24 *of* 2010

CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS ACT 2010

REVISED

Updated to 22 June 2023

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, commencement and collective citation.
2. Interpretation.
3. Civil partners.

PART 2

STATUS OF CIVIL PARTNERSHIP

4. Declarations of civil partnership status.
5. Recognition of registered foreign relationships.
5A. Certain registered foreign relationships.

PART 3

REGISTRATION OF CIVIL PARTNERSHIP

6. Definition, *Part 3*.
7. Amendment of section 2 of Act of 2004.
8. Amendment of section 8 of Act of 2004.
9. Amendment of section 13 of Act of 2004.
10. Amendment of section 17 of Act of 2004.
11. Amendment of section 22 of Act of 2004.
12. Amendment of section 23 of Act of 2004.
13. Amendment of section 37 of Act of 2004.
14. Amendment of section 46 of Act of 2004.

15. Amendment of section 59 of Act of 2004.

16. Insertion of new Part 7A of Act of 2004.

17. Insertion of new Part 7B of Act of 2004.

18. Amendment of section 60 of Act of 2004.

19. Amendment of section 64 of Act of 2004.

20. Amendment of section 65 of Act of 2004.

21. Amendment of section 66 of Act of 2004.

22. Amendment of section 69 of Act of 2004.

23. Amendment of section 70 of Act of 2004.

24. Amendment of section 73 of Act of 2004.

25. Amendment of First Schedule to Act of 2004.

26. New Third Schedule to Act of 2004.

PART 4

SHARED HOME PROTECTION

27. Interpretation.

28. Alienation of interest in shared home.

29. Consent of civil partner.

30. Conduct leading to loss of shared home.

31. Payment of outgoings on shared home.

32. Adjournment of proceedings by mortgagee or lessor for possession or sale of shared home.

33. Modification of terms of mortgage or lease as to payment of capital sum.

34. Restriction on disposal of household chattels.

35. Joinder of parties.

36. Registration of notice of existence of civil partnership.

37. Restriction of section 59(2) of Registration of Title Act 1964.

38. Creation of joint tenancy in shared home exempt from fees.

39. Offences.

40. Protection of certain tenancies.

41. Protection of certain tenancies.

42. Amendment of Civil Legal Aid Act 1995.

PART 5

MAINTENANCE OF CIVIL PARTNER

43. Interpretation.

44. Commencement of periodical payments.

45. Maintenance order.

46. Discharge, variation and termination of maintenance order.

47. Interim order.

48. Orders in respect of certain agreements between civil partners.

49. Preservation of pension entitlements.

50. Transmission of payments through District Court clerk.

51. Lump sum maintenance orders.

52. Secured orders.

52A. Failure to make payments to be contempt of court.

52B. Certificate of outstanding payments.

PART 6

ATTACHMENT OF EARNINGS

53. Attachment of earnings order.

54. Compliance with attachment of earnings order.

55. Application of sums received by District Court clerk.

56. Statement as to earnings.

57. Notification of changes of employment and earnings.

58. Power to determine whether particular payments are earnings.

59. Persons in service of State, local authority, etc.

60. Discharge, variation and lapse of attachment of earnings order.

61. Cesser of attachment of earnings order.

62. Other remedies.

63. Enforcement.

PART 7

MISCELLANEOUS PROVISIONS RELATING TO PARTS 5 AND 6

64. Payments without deduction of income tax.

65. Amendment of the Enforcement of Court Orders Act 1940.

66. Property in household allowance.

67. Voidance of certain provisions of agreements.

67A. Birth and funeral expenses of dependent child.

PART 8

SUCCESSION

68. Interpretation.

69. Amendment of section 3 of Act of 1965.

70. Amendment of section 56 of Act of 1965.

71. Amendment of section 58 of Act of 1965.

72. Amendment of section 67 of Act of 1965.

73. Insertion of new sections in Act of 1965.

74. Amendment of section 68 of Act of 1965.

75. Amendment of section 69 of Act of 1965.

76. Amendment of section 70 of Act of 1965.

77. Amendment of section 82 of Act of 1965.

78. Amendment of section 83 of Act of 1965.

79. Amendment of section 85 of Act of 1965.

80. Amendment of section 109 of Act of 1965.

81. Insertion of section 111A in Act of 1965.

82. Amendment of section 112 of Act of 1965.

83. Insertion of section 113A in Act of 1965.

84. Amendment of section 114 of Act of 1965.

85. Amendment of section 115 of Act of 1965.

86. Amendment of section 117 of Act of 1965.

87. Amendment of section 120 of Act of 1965.

88. Amendment of section 121 of Act of 1965.

89. Amendment of section 45 of Statute of Limitations 1957.

PART 9

DOMESTIC VIOLENCE

90. Interpretation.

91. Amendment of section 1 of Act of 1996.

92. Amendment of definition of "the applicant" in section 2 of Act of 1996.

93. Amendment of section 3 of Act of 1996.

94. Insertion of section 8A of Act of 1996.

95. Amendment of section 9 of Act of 1996.

96. Amendment of section 13 of Act of 1996.

PART 10

MISCELLANEOUS CONSEQUENCES OF CIVIL PARTNERSHIP REGISTRATION

97. Ethics and conflict of interests.

98. Amendment of Mental Health Act 2001.

99. Pensions.

100. Amendment of the Pensions Act 1990.

101. Amendment of Criminal Damage Act 1991.

102. Amendment of Employment Equality Act 1998.

103. Amendment of Equal Status Act 2000.

104. Amendment of Powers of Attorney Act 1996.

105. Amendment of Civil Liability Act 1961.

106. Determination of questions between civil partners in relation to property.

PART 11

NULLITY OF CIVIL PARTNERSHIP

107. Grant of decree of nullity.

108. Effect of decree of nullity.

108A. Custody of dependent children of civil partners after decree of nullity.

PART 12

DISSOLUTION OF CIVIL PARTNERSHIP

109. Definitions, etc.

109A. Dissolution of civil partnership on marriage.

110. Grant of decree of dissolution.

111. Adjournment of proceedings to assist reconciliation, mediation or agreements on terms of dissolution.

112. Non-admissibility as evidence of certain communications.

113. Effect of decree of dissolution.

114. Interpretation.

115. Preliminary orders in proceedings for dissolution.

116. Maintenance pending suit orders.

117. Periodical payments and lump sum orders.

118. Property adjustment orders.

119. Miscellaneous ancillary orders.

120. Financial compensation orders.

121. Pension adjustment orders.

122. Procedural provisions respecting pension adjustment orders.

123. Rules respecting payments under schemes.

124. Payments further to orders under *section 121*.

125. Costs.

126. Other provisions for orders under *section 121*.

127. Applications for provision from estate of deceased civil partner.

128. Orders for sale of property.

129. Provisions relating to certain orders.

130. Retrospective periodical payment orders.

131. Variations etc., of certain orders.

131A. Restriction in relation to orders for benefit of dependent children of civil partners.

132. Method of making payments under certain orders.

133. Stay on certain orders being appealed.

134. Transmission of periodical payments through District Court clerk.

135. Application of maintenance pending suit and periodical payment orders to certain members of Defence Forces.

136. Amendment of Enforcement of Court Orders Act 1940.

137. Powers of court in relation to transactions intended to prevent or reduce relief.

138. Cost of mediation and counselling services.

PART 13

Jurisdiction and Other Related Matters

139. Definitions.

140. Jurisdiction and venue.

141. Notice of civil partnership law proceedings.

141A. Custody of dependent children of civil partners after decree of dissolution.

141B. Social reports.

142. Particulars of property.

143. Hearing of proceedings.

144. Conduct of proceedings.

145. Privacy.

146. Costs.

147. Rules of court.

PART 14

Other Consequential Amendments, Etc.

148. Application and amendment of Pensions Act 1990.

149. Definition.

150. Amendment of section 2 of Act of 1996.

151. Amendment of section 13 of Act of 1996.

152. Amendment of section 14 of Act of 1996.

153. Amendment of section 16 of Act of 1996.

154. Amendment of section 17 of Act of 1996.

155. Amendment of section 18 of Act of 1996.

156. Amendment of section 19 of Act of 1996.

157. Amendment of section 20 of Act of 1996.

158. Definition.

159. Amendment of section 2 of Act of 1995.

160. Amendment of section 8 of Act of 1995.

161. Amendment of section 9 of Act of 1995.

162. Amendment of section 11 of Act of 1995.

163. Amendment of section 12 of Act of 1995.

164. Amendment of section 15 of Act of 1995.

165. Amendment of section 15A of Act of 1995.

166. Amendment of section 23 of Act of 1995.

167. Amendment of section 25 of Act of 1995.

168. Property rights.

169. Redress provisions.

170. Other miscellaneous provisions.

PART 15

COHABITANTS

171. Definitions.

172. Cohabitant and qualified cohabitant.

173. Application for redress in respect of economically dependent qualified cohabitant.

174. Property adjustment orders.

175. Compensatory maintenance orders.

176. Attachment of earnings order.

177. Compliance with attachment of earnings order.

178. Application of sums received by clerk.

179. Statement as to earnings.

180. Notification of changes of employment and earnings.

181. Power to determine whether particular payments are earnings.

182. Persons in service of State, local authority, etc.

183. Discharge, variations and lapse of attachment of earnings order.

184. Cesser of attachment of earnings order.

185. Other remedies.

186. Enforcement.

187. Pension adjustment orders.

188. Procedural provisions respecting pension adjustment orders.

189. Rules respecting payments under schemes.

190. Payments further to orders under *section 187*.

191. Costs.

192. Value of benefit calculation.

193. Mediation and other alternatives to proceedings.

194. Application for provision from estate of deceased cohabitant.

195. Limitation period.

196. Jurisdiction and venue.

196A. Orders under Family Law (Maintenance of Spouses and Children) Act 1976.

197. Particulars of property.

198. Conduct of proceedings.

199. Privacy.

200. Costs.

201. Rules of court.

202. Validity of certain agreements between cohabitants.

203. Amendment of section 39 of Residential Tenancies Act 2004.

204. Amendment of section 47 of Civil Liability Act 1961.

205. Amendment of Powers of Attorney Act 1996.

206. Transitional provision — redress orders.

207. Transitional provision — agreements.

PART 16

Miscellaneous

208. Saver in relation to rights of others.

SCHEDULE

Consequential Amendments to Other Acts

PART 1

Conflicts of Interests Provisions

PART 2

Pensions Provisions

PART 3

PROPERTY RIGHTS PROVISIONS

PART 4

REDRESS PROVISIONS

PART 5

MISCELLANEOUS PROVISIONS

ACTS REFERRED TO

Abattoirs Act 1988	1988, No. 8
Agricultural Credit Act 1978	1978, No. 2
Agriculture Act 1931	1931, No. 8
Air Navigation and Transport (Amendment) Act 1998	1998, No. 24
Air Navigation and Transport (International Conventions) Act 2004	2004, No. 11
Aliens Act 1935	1935, No. 14
Aviation Regulation Act 2001	2001, No. 1
Bankruptcy Act 1988	1988, No. 27
Building Societies Act 1989	1989, No. 17
Central Bank Act 1942	1942, No. 22
Central Bank Act 1989	1989, No. 16
Central Bank and Financial Services Authority of Ireland Act 2003	2003, No. 12
Central Bank and Financial Services Authority of Ireland Act 2004	2004, No. 21
Civil Legal Aid Act 1995	1995, No. 32
Civil Liability (Amendment) Act 1996	1996, No. 42
Civil Liability Act 1961	1961, No. 41
Civil Liability and Courts Act 2004	2004, No. 31
Civil Registration Act 2004	2004, No. 3
Commission to Inquire into Child Abuse (Amendment) Act 2005	2005, No. 17
Companies Act 1963	1963, No. 33
Companies Act 1990	1990, No. 33
Company Law Enforcement Act 2001	2001, No. 28
Consumer Credit Act 1995	1995, No. 24
Consumer Protection Act 2007	2007, No. 19
Conveyancing Act 1882	45 & 46 Vict., c. 39
Courts (Supplemental Provisions) (Amendment) Act 1991	1991, No. 23
Courts of Justice and Court Officers (Superannuation) Act 1961	1961, No. 16
Credit Union Act 1997	1997, No. 15
Criminal Assets Bureau Act 1996	1996, No. 31
Criminal Damage Act 1991	1991, No. 31

Criminal Justice Act 1999	1999, No. 10
Defence Act 1954	1954, No. 18
Defence (Amendment) Act 2007	2007, No. 24
Digital Hub Development Agency Act 2003	2003, No. 23
Disability Act 2005	2005, No. 14
Domestic Violence Act 1996	1996, No. 1
Domestic Violence Acts 1996 and 2002	
Electoral Act 1992	1992, No. 23
Electricity (Supply) (Amendment) Act 1958	1958, No. 35
Electricity (Supply) (Amendment) Act 1970	1970, No. 5
Employment Equality Act 1998	1998, No. 21
Enforcement of Court Orders Act 1926	1926, No. 18
Enforcement of Court Orders Act 1940	1940, No. 23
Equal Status Act 2000	2000, No. 8
Ethics in Public Office Act 1995	1995, No. 22
Family Law (Divorce) Act 1996	1996, No. 33
Family Law (Maintenance of Spouses and Children) Act 1976	1976, No. 11
Family Law Act 1995	1995, No. 26
Farm Tax Act 1985	1985, No. 17
Food Safety Authority of Ireland Act 1998	1998, No. 29
Garda Síochána (Compensation) Act 1941	1941, No. 19
Garda Síochána Act 2005	2005, No. 20
Gas (Interim) (Regulation) Act 2002	2002, No. 10
Grangegorman Development Agency Act 2005	2005, No. 21
Great Southern Railways Company (Superannuation Scheme) Act 1947	1947, No. 21
Harbours Act 1946	1946, No. 9
Harbours Acts 1946 to 2005	
Health (Amendment) Act 2005	2005, No. 3
Health (Miscellaneous Provisions) Act 2001	2001, No. 14
Health (Nursing Homes) (Amendment) Act 2007	2007, No. 1
Health (Nursing Homes) Act 1990	1990, No. 23
Health Act 1970	1970, No. 1
Health Act 2004	2004, No. 42
Housing Act 1988	1988, No. 28
Housing (Miscellaneous Provisions) Act 1979	1979, No. 27
Housing (Miscellaneous Provisions) Act 2002	2002, No. 9
Housing (Private Rented Dwellings) (Amendment) Act 1983	1983, No. 22
Housing (Private Rented Dwellings) Act 1982	1982, No. 6
Industrial Development (Science Foundation Ireland) Act 2003	2003, No. 30
Insurance Act 1989	1989, No. 3
Insurance Act 2000	2000, No. 42

Investor Compensation Act 1998	1998, No. 37
Irish Horse Racing Industry Act 1994	1994, No. 18
Judgements (Ireland) Act 1844	1844, c. 90
Land Act 1931	1931, No. 11
Land Act 1933	1933, No. 38
Land Act 1936	1936, No. 41
Land Act 1965	1965, No. 2
Local Authorities (Higher Education Grants) Act 1968	1968, No. 24
Local Authorities (Higher Education Grants) Act 1992	1992, No. 19
Local Government (Superannuation) Act 1980	1980, No. 8
Local Government Act 1941	1941, No. 23
Local Government Act 2001	2001, No. 37
Mental Health Act 2001	2001, No. 25
Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001	2001, No. 33
Ministerial and Parliamentary Offices Act 1938	1938, No. 38
National Development Finance Agency Act 2002	2002, No. 29
National Minimum Wage Act 2000	2000, No. 5
National Sports Campus Development Authority Act 2006	2006, No. 19
Non-Fatal Offences Against the Person Act 1997	1997, No. 26
Occasional Trading Act 1979	1979, No. 35
Oireachtas (Allowances to Members) Act 1938	1938, No. 34
Oireachtas (Allowances to Members)(Amendment) Act 1968	1968, No. 8
Organisation of Working Time Act 1997	1997, No. 20
Partition Act 1868	1868, c. 40
Partition Act 1876	1876, c. 17
Pensions (Amendment) Act 1996	1996, No. 18
Pensions (Amendment) Act 2002	2002, No. 18
Pensions Act 1990	1990, No. 25
Pharmacy Act 2007	2007, No. 20
Pilotage Order Confirmation Act 1927	1927, No. 1(P)
Planning and Development Act 2000	2000, No. 30
Powers of Attorney Act 1996	1996, No. 12
Presidential Establishment Act 1938	1938, No. 24
Presidential Establishment (Amendment) Act 1991	1991, No. 10
Private Security Services Act 2004	2004, No. 12
Prosecution of Offences Act 1974	1974, No. 22
Railway Safety Act 2005	2005, No. 31
Refugee Act 1996	1996, No. 17
Registration of Deeds and Title Act 2006	2006, No. 12
Registration of Title Act 1964	1964, No. 16
Residential Institutions Redress Act 2002	2002, No. 13

Residential Tenancies Act 2004	2004, No. 27
Sea-Fisheries and Maritime Jurisdiction Act 2006	2006, No. 8
Social Welfare (Miscellaneous Provisions) Act 2004	2004, No. 9
Social Welfare Acts	
Social Welfare and Pensions Act 2007	2007, No. 8
Social Welfare and Pensions Act 2008	2008, No. 2
Solicitors (Amendment) Act 1994	1994, No. 27
Statistics Act 1993	1993, No. 21
Statute of Limitations 1957	1957, No. 6
Succession Act 1965	1965, No. 27
Sustainable Energy Act 2002	2002, No. 2
Taxes Consolidation Act 1997	1997, No. 39
Transport (Railway Infrastructure) Act 2001	2001, No. 55
Trustee Savings Banks Act 1989	1989, No. 21
Unfair Dismissals Act 1977	1977, No. 10
Valuation Act 2001	2001, No. 13
Vocational Education Act 1930	1930, No. 29

Number 24 *of* 2010

CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS ACT 2010

REVISED

Updated to 22 June 2023

AN ACT TO PROVIDE FOR THE REGISTRATION OF CIVIL PARTNERS AND FOR THE CONSEQUENCES OF THAT REGISTRATION, TO PROVIDE FOR THE RIGHTS AND OBLIGATIONS OF COHABITANTS AND TO PROVIDE FOR CONNECTED MATTERS.

[19*th July*, 2010]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title, commencement and collective citation.

1.— (1) This Act may be cited as the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

(2) This Act, other than *Part 3,* shall come into operation on the day or days that the Minister may appoint by order either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(3) *Part 3* shall come into operation on the day or days that the Minister may, after consulting with the Minister for Social Protection, appoint by order either generally or with reference to a particular purpose or provision.

Interpretation.

2.— In this Act—

"civil partnership registration" means registration of a civil partnership under section 59D (as inserted by *section 16* of this Act) of the Civil Registration Act 2004;

F1**[**"dependent child" means a child who is—

(*a*) under the age of 18 years, or

(*b*) 18 years of age or over and—

(i) is, or will be or, if an order were made under this Act providing for periodical payments for his or her support, would be receiving full-time education or instruction at any university, college, school or other educational establishment and is under the age of 23 years, or

(ii) is suffering from mental or physical disability to such extent that it is not reasonably possible for him or her to maintain himself or herself fully;

"dependent child of the civil partners", in relation to a couple who are civil partners of each other, or either of those civil partners, means a dependent child—

(*a*) of both civil partners, or adopted by both civil partners under the Adoption Act 2010, or in relation to whom both civil partners are in *loco parentis*, or

(*b*) of either civil partner, or adopted by either civil partner under the Adoption Act 2010, or in relation to whom either civil partner is in *loco parentis*, where the other civil partner, being aware that he or she is not the parent of the child, has treated the child as a member of the family;**]**

"Land Registry" has the meaning assigned to it by the Registration of Title Act 1964;

"Minister" means the Minister for Justice and Law Reform;

"Property Registration Authority" has the meaning assigned to it by the Registration of Deeds and Title Act 2006;

"Registry of Deeds" has the meaning assigned to it by the Registration of Deeds and Title Act 2006.

Civil partners.

3.— For the purposes of this Act a civil partner is either of two persons of the same sex who are—

(*a*) parties to a civil partnership registration that has not been dissolved or the subject of a decree of nullity, or

(*b*) parties to a legal relationship of a class that is the subject of an order made under *section 5* that has not been dissolved or the subject of a decree of nullity.

PART 2

Status of Civil Partnership

Declarations of civil partnership status.

4.— (1) The court may, on application to it in that behalf by either of the civil partners or by any other person who, in the opinion of the court, has a sufficient interest in the matter, make one or more of the following orders in relation to a civil partnership:

(*a*) an order declaring that the civil partnership was at its inception a valid civil partnership;

(*b*) an order declaring that the civil partnership subsisted on a date specified in the application; and

(*c*) an order declaring that the civil partnership did not subsist on a date specified in the application other than the date of its inception.

(2) The court may only make an order under *subsection (1)* if one of the civil partners—

(*a*) is domiciled in the State on the date of the application,

(*b*) has been ordinarily resident in the State throughout the period of one year immediately preceding the date of the application, or

(*c*) died before the date of the application and—

(i) was at the time of death domiciled in the State, or

(ii) had been ordinarily resident in the State throughout the period of one year immediately preceding the date of death.

(3) The other civil partner, the civil partners concerned, or the personal representative within the meaning of the Succession Act 1965 of the civil partner or each civil partner shall be joined in proceedings under this section and the court may order that notice of the proceedings be given to any other person that the court may specify.

(4) Where notice of proceedings under this section is given to a person, the court may, of its own motion or on application to it in that behalf by the person or a party to the proceedings, order that the person be added as a party to the proceedings.

(5) Where a party to proceedings under this section alleges that the civil partnership concerned is void and should be the subject of a decree of nullity of civil partnership, the court may treat the application under *subsection (1)* as an application for a decree of nullity of civil partnership and proceed to determine the matter accordingly and postpone the determination of the application made under *subsection (1).*

(6) An order under *subsection (1)* is binding on the parties to the proceedings concerned and on a person claiming through such a party.

(7) An order under *subsection (1)* does not prejudice any person if it is subsequently proved to have been obtained by fraud or collusion.

(8) Rules of court may make provision as to the information to be given in an application for an order under *subsection (1)*, including particulars of any previous or pending proceedings in relation to the civil partnership or to the civil partnership status of a civil partner.

(9) The registrar of the court shall notify an tArd-Chláraitheoir of an order under *subsection (1)*.

(10) In this section a reference to a civil partner includes a reference to a person who was a civil partner until the dissolution of the civil partnership or until the civil partnership was annulled by decree of nullity.

Recognition of registered foreign relationships.

5.— (1) The Minister may, by order, declare that a class of legal relationship entered into by two parties of the same sex is entitled to be recognised as a civil partnership if under the law of the jurisdiction in which the legal relationship was entered into—

(*a*) the relationship is exclusive in nature,

(*b*) the relationship is permanent unless the parties dissolve it through the courts,

(*c*) the relationship has been registered under the law of that jurisdiction, and

(*d*) the rights and obligations attendant on the relationship are, in the opinion of the Minister, sufficient to indicate that the relationship would be treated comparably to a civil partnership.

F2**[**(1A) For the purposes of *subsection (1)*, a legal relationship entered into in an embassy or diplomatic mission of a state under the laws of that state shall be deemed to have been entered into in that state.

(1B) *Subsection (1A)* shall not apply to a legal relationship entered into in an embassy or diplomatic mission in the State on or after 1 January 2011.**]**

(2) An order under *subsection (1)* entitles and obliges the parties to the legal relationship to be treated as civil partners under the law of the State from the later of—

(*a*) the day which is 21 days after the date on which the order is made, and

(*b*) the day on which the relationship was registered under the law of the jurisdiction in which it was entered into.

(3) Notwithstanding *subsections (1)* and *(2)*, an order made under *subsection (1)* shall not be construed as entitling parties to a legal relationship otherwise recognised by that order to be treated as civil partners under the law of the State if those parties are within the prohibited degrees of relationship set out in the Third Schedule to the Civil Registration Act 2004 (inserted by *section 26*).

(4) Where an order is made under *subsection (1)*, a dissolution of a legal relationship under the law of the jurisdiction in which it was entered into, or under the law of any other jurisdiction in respect of which a class of legal relationship has been declared by an order made under that subsection to be entitled to be recognised as a civil partnership, shall be recognised as a dissolution and deemed to be a dissolution under *section 110*, and any former parties to such a relationship shall not be treated as civil partners under the law of the State from the later of—

(*a*) the day which is 21 days after the date on which the order is made, and

(*b*) the day on which the dissolution became effective under the law of the relevant jurisdiction.

(5) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under it.

F3[Certain registered foreign relationships

5A.— Neither *section 5*, nor any order made (whether before or after the date of the commencement of this section) under *section 5*, shall apply to a legal relationship entered into by two parties on or after the date that is 6 months after the commencement of section 8 of the Marriage Act 2015.**]**

PART 3

Registration of Civil Partnership

Definition, *Part 3*.

6.— In this Part, "Act of 2004" means the Civil Registration Act 2004.

Amendment of section 2 of Act of 2004.

7.— (1) Section 2(1) of the Act of 2004 is amended—

(*a*) by inserting the following definitions:

"'Act of 2010' means the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;

'civil partner' has the meaning assigned to it by the *Act of 2010*;

'civil partnership registration' means registration under section 59D;

'civil status' means being single, married, separated, divorced, widowed, in a civil partnership or being a former civil partner in a civil partnership that has ended by death or been dissolved;

'dissolution' means dissolution of a civil partnership under *section 110* of the *Act of 2010*;",

(*b*) by substituting the following definition for the definition "decree of divorce":

"'decree of divorce' has the meaning assigned to it by the Family Law (Divorce) Act 1996;",

(*c*) by substituting the following definition for the definition "decree of nullity":

"'decree of nullity'—

(*a*) in the case of a decree of nullity of marriage, has the meaning assigned to it by the Family Law (Divorce) Act 1996, and

(*b*) in the case of a decree of nullity of civil partnership, has the meaning assigned to it by the *Act of 2010*;",

(*d*) in the definition of "event", by substituting "divorce, decree of nullity, civil partnership registration or dissolution" for "divorce or decree of nullity",

(*e*) in the definition of "registrar" —

(i) by inserting the following paragraph after paragraph (*a*):

"(*aa*) in relation to a civil partnership registration or intended civil partnership registration, or the register of civil partnerships, means a registrar within the meaning of section 17,",

(ii) in paragraph (*d*), by substituting "," for ", and", and

(iii) by substituting the following paragraphs for paragraph (*e*):

"(*e*) in relation to a decree of nullity of marriage or the register of decrees of nullity of marriage, means the Courts Service,

(*f*) in relation to a decree of dissolution, or the register of decrees of dissolution, means the Courts Service, and

(*g*) in relation to a decree of nullity of a civil partnership or the register of decrees of nullity of civil partnerships, means the Courts Service,".

(2) Section 2(2) of the Act of 2004 is amended—

(*a*) in paragraph (*d*), by substituting "," for ", or",

(*b*) in paragraph (*e*) by substituting "sex, or" for "sex.", and

(*c*) by inserting the following paragraph after paragraph (*e*):

"(*f*) one of the parties to the marriage is, or both are, already party to a subsisting civil partnership.".

(3) Section 2 of the Act of 2004 is amended by inserting the following subsection after subsection (2):

"(2A) For the purposes of this Act, there is an impediment to a civil partnership registration if—

(*a*) the civil partnership would be void by virtue of the Third Schedule,

(*b*) one of the parties to the intended civil partnership is, or both are, already party to a subsisting civil partnership,

(*c*) one or both of the parties to the intended civil partnership will be under the age of 18 years on the date of the intended civil partnership registration,

(*d*) one or both of the parties to the intended civil partnership does not give free and informed consent,

(*e*) the parties are not of the same sex, or

(*f*) one of the parties to the intended civil partnership is, or both are, married.".

Amendment of section 8 of Act of 2004.

8.— Section 8(1) of the Act of 2004 is amended—

(*a*) in paragraph (*b*), by inserting "of marriage" after "nullity",

(*b*) by inserting the following paragraphs after paragraph (*b*):

"(*bb*) to extend the Civil Registration Service to civil partnership registration, wherever occurring in the State,

(*bbb*) to extend the Civil Registration Service to decrees of dissolution and decrees of nullity of civil partnerships, wherever granted in the State,",

(*c*) in paragraph (*e*), by inserting "of marriage" after "nullity", and

(*d*) by inserting the following paragraphs after paragraph (*e*):

"(*ee*) to establish and maintain registers and indexes for the purposes of the registration of civil partnerships,

(*eee*) to establish and maintain registers and indexes for the purpose of the registration of decrees of dissolution of civil partnerships and of decrees of nullity of civil partnerships,".

Amendment of section 13 of Act of 2004.

9.— Section 13(1) of the Act of 2004 is amended—

(*a*) in paragraph (*f*), by substituting "decrees of divorce)," for "decrees of divorce), and", and

(*b*) by substituting the following paragraphs for paragraph (*g*):

"(*g*) a register of all decrees of nullity of marriage (which shall be known, and is referred to in this Act, as the register of decrees of nullity of marriage),

(*h*) a register of all civil partnership registrations taking place in the State (which shall be known, and is referred to in this Act, as the register of civil partnerships),

(*i*) a register of all decrees of dissolution (which shall be known, and is referred to in this Act, as the register of decrees of dissolution), and

(*j*) a register of all decrees of nullity of civil partnerships (which shall be known, and is referred to in this Act, as the register of decrees of nullity of civil partnerships).".

Amendment of section 17 of Act of 2004.

10.— Section 17 of the Act of 2004 is amended—

(*a*) in paragraph (1)(*b*), by substituting "deaths, marriages and civil partnerships" for "deaths and marriages", and

(*b*) in subsection (13), by substituting ", marriages and civil partnerships" for "and marriages".

Amendment of section 22 of Act of 2004.

11.— Section 22(3)(*b*) of the Act of 2004 is amended by inserting "of marriage" after "nullity".

Amendment of section 23 of Act of 2004.

12.— Section 23(3)(*b*) of the Act of 2004 is amended by inserting "of marriage" after "nullity".

Amendment of section 37 of Act of 2004.

13.— Section 37 of the Act of 2004 is amended by inserting "or civil partner" after "relative" wherever it occurs.

Amendment of section 46 of Act of 2004.

14.— Section 46(7) of the Act of 2004 is amended by substituting "civil status" for "marital status".

Amendment of section 59 of Act of 2004.

15.— Section 59(2) of the Act of 2004 is amended by inserting "of marriage" after "nullity" wherever it appears.

Insertion of new Part 7A of Act of 2004.

16.— The Act of 2004 is amended by inserting the following Part after section 59:

"PART 7A

Registration of Civil Partnerships

Definitions (Part 7A).

59A.— In this Part—

'civil partnership registration form' means a form prescribed under section 59C;

'register' means the register of civil partnerships.

Notification of civil partnerships.

59B.— (1) A civil partnership registered in the State, after the commencement of this section, between persons of any age shall not be valid in law unless the persons concerned—

(*a*) notify any registrar in writing in a form for the time being standing approved by an tArd-Chláraitheoir of their intention to enter into a civil partnership not less than 3 months prior to the date on which the civil partnership is to be registered, and

(*b*) attend at the office of that registrar, or at any other convenient place specified by that registrar, at any time during normal business hours not less than 5 days (or a lesser number of days that may be determined by that registrar) before that date and make and sign a declaration in his or her presence that there is no impediment to the registration of the civil partnership.

(2) Notwithstanding paragraph (*a*) of subsection (1), the Circuit Court or the High Court may, on application to it by the persons wishing to enter into a civil partnership, order that the registration be exempt from that paragraph if the Court is satisfied, after a hearing held otherwise than in public, that there are serious reasons for the exemption and that the exemption is in the interests of those persons.

(3) The jurisdiction conferred on the Circuit Court by this section shall be exercised by a judge of the circuit in which either of the parties to the intended civil partnership concerned ordinarily resides or carries on any profession, business or occupation or where the place at which the civil partnership concerned is intended to be registered is situate.

(4) A court fee shall not be charged in respect of an application under subsection (2).

(5) Except in the circumstances that may be prescribed, a notification referred to in paragraph (1)(*a*) shall be delivered by both of the parties to the intended civil partnership, in person, to the registrar.

(6) The notification shall be accompanied by the prescribed fee and any other documents and information that an tArd-Chláraitheoir may specify.

(7) The requirements specified in subsections (1) and (5) are declared to be substantive requirements for registering a civil partnership.

(8) When, in relation to an intended civil partnership, a registrar receives a notification under paragraph (1)(*a*) and any other documents or information specified under subsection (6), he or she shall, as soon as reasonably practicable, notify in writing each of the parties to the intended civil partnership and the registrar who is to register the civil partnership of the receipt.

(9) A notification under subsection (8) shall not be construed as indicating the registrar's approval of the proposed civil partnership.

(10) The registrar may require each party to an intended civil partnership to provide him or her with the evidence relating to that party's forename, surname, address, civil status, age and nationality that an tArd-Chláraitheoir may specify.

(11) An tArd-Chláraitheoir may, if so authorised by the Minister, publish, in the form and manner that the Minister may direct, notice of notifications of intended civil partnerships under subsection (1), but a notice under this subsection shall not contain the personal public service number of a party to the intended civil partnership.

Civil partnership registration form.

59C.— (1) A registrar to whom a notification is given under section 59B, or who receives a copy of an exemption order under subsection (2) of that section, who is satisfied that that section has been complied with shall complete a civil partnership registration form for the intended civil partnership.

(2) Before the registration of a civil partnership, the registrar shall give a copy of the civil partnership registration form to one of the parties to the intended civil partnership.

(3) When the parties wish to register a civil partnership, one of them shall give the civil partnership registration form to the registrar who is to register the civil partnership for examination by him or her.

(4) A civil partnership registration form is valid only for a period of 6 months from the date on which it is completed. If the parties do not register the civil partnership during that period and wish to have their civil partnership registered, they shall again comply with section 59B.

(5) The Minister may prescribe the civil partnership registration form.

Civil partnership registration.

59D.— (1) The parties shall orally make the declarations referred to in subsection (3), and sign the civil partnership registration form in the presence of each other, the registrar and two witnesses professing to be 18 years or over. The declarations shall be made and the signature of the civil partnership registration form shall be in a place that is open to the public, unless an tArd-Chláraitheoir or a superintendent registrar—

(*a*) is satisfied on the basis of a certificate of a registered medical practitioner that one or both of the parties is too ill to attend at a place that is open to the public, and

(*b*) gives approval to the registrar that signature of the form take place at another place chosen by the parties and agreed to by the registrar.

(2) The registrar shall be satisfied that the parties understand the nature of the civil partnership and the declarations specified in subsection (3).

(3) Each party to the civil partnership shall make the following declarations:

(*a*) a declaration that he or she does not know of any impediment to the civil partnership registration;

(*b*) a declaration of his or her intention to live with and support the other party; and

(*c*) a declaration that he or she accepts the other party as a civil partner in accordance with the law.

(4) The requirements of subsections (1) to (3) are declared to be substantive requirements for civil partnership registration.

(5) The parties may, before signing the civil partnership registration form, take part in a ceremony in a form approved by an tArd-Chláraitheoir in which the declarations are made in a place open to the public and in the presence of the registrar and the witnesses.

(6) (*a*) The witnesses shall sign the form after the parties to the civil partnership have done so, and the registrar shall countersign the form.

(*b*) The parties' civil partnership shall be taken to be registered upon the counter-signature of the registrar.

(*c*) As soon as practicable after the signatures and counter-signature, the registrar shall give the parties a copy of the form referred to in paragraph (*a*), enter the particulars in relation to the civil partnership in the register and register the civil partnership in a manner that an tArd-Chláraitheoir may direct.

(7) Where an tArd-Chláraitheoir is satisfied that a duly signed civil partnership registration form has been lost, destroyed or damaged, he or she may direct the appropriate registrar—

(*a*) to complete another civil partnership registration form and arrange, insofar as it is practicable to do so, for its signature by the persons referred to in subsection (1), and

(*b*) when it has been so signed, to enter the particulars in relation to the civil partnership specified in the form in the register and to register the civil partnership in a manner as an tArd-Chláraitheoir may direct.

(8) The Minister may provide by regulations for the correction of errors in entries in the register and for the causing of corrected entries to be entered in the register and for the retention of the original entries in the register.

(9) Where an tArd-Chláraitheoir is satisfied that an entry in the register relates to a civil partnership in relation to which section 59B(1) was not complied with (other than where there has been an exemption ordered under subsection (2) of that section)—

(*a*) an tArd-Chláraitheoir shall direct a registrar to cancel the entry,

(*b*) the registrar shall cancel the entry, and

(*c*) an tArd-Chláraitheoir shall notify the parties.

Places and times for registration of civil partnerships.

59E.— (1) A civil partnership may be registered only at a place and time chosen by the parties to the civil partnership with the agreement of the registrar and, if the place chosen is not the office of a registrar or a place referred to in section 59D(1)(*b*), the approval of the place by the Executive, and the question whether to give or withhold the approval, shall be determined by the Executive by reference to the matters that the Minister may specify.

(2) Where a registrar registers a civil partnership at a place other than the office of a registrar, the parties shall pay to the registrar a fee in the amount that the Executive may determine.

(3) When a registrar incurs travel or subsistence expenses in connection with registering a civil partnership at a place other than his or her office, the parties shall pay to the registrar an amount in respect of the expenses, calculated by reference to a scale that the Executive may draw up.

(4) An amount payable under subsection (2) or (3) may be recovered by the registrar from the parties as a simple contract debt in any court of competent jurisdiction.

Objections.

59F.— (1) A person may, at any time before a civil partnership registration, lodge with any registrar an objection in writing that contains the grounds on which the objection is based.

(2) If the registrar who receives an objection under subsection (1) is not assigned to the same registration area as the registrar to whom the notification was given under section 59B (or, where there has been an exemption ordered under subsection (2) of that section, the registrar who is to register the civil partnership)—

(*a*) the receiving registrar shall refer the objection to the Superintendent Registrar of the registration area to which the other registrar is assigned,

(*b*) the Superintendent Registrar shall direct a registrar assigned to that area to perform the function conferred by this section on the receiving registrar,

(*c*) the registrar who receives the direction shall comply with it, and

(*d*) references in this section to the registrar who receives an objection shall be construed as references to the registrar who receives the direction and this section shall apply and have effect accordingly.

(3) If the registrar who receives an objection under subsection (1) is satisfied that the objection relates to a minor error or misdescription in the relevant notification under section 59B which would not constitute an impediment to the civil partnership, the registrar shall—

(*a*) notify the parties to the intended civil partnership registration of the objection,

(*b*) make the appropriate enquiries,

(*c*) if the civil partnership registration form has been given to one of the parties, request its return and correct it and the notification and make any necessary corrections to any other records relating to the civil partnership, and

(*d*) give the corrected civil partnership registration form to one of the parties to the civil partnership.

(4) If the registrar who receives an objection under subsection (1) believes that the possibility of the existence of an impediment to the intended civil partnership registration needs to be investigated, he or she shall refer the objection to an tArd-Chláraitheoir for consideration and, pending the decision of an tArd-Chláraitheoir, he or she shall—

(*a*) notify the parties to the intended civil partnership registration that—

(i) an objection has been lodged and the grounds on which it is based,

(ii) the objection is being investigated, and

(iii) the civil partnership registration will not proceed until the investigation is completed,

(*b*) if the civil partnership registration form has not been issued, suspend its issue,

(*c*) if the civil partnership registration form has been issued, request the party to the intended civil partnership registration to whom it was given to return it to the registrar, and

(*d*) notify the proposed registrar of the civil partnership, if a different registrar is intended to register the civil partnership, that an objection is being investigated, and direct him or her not to register the civil partnership until the investigation is completed.

(5) A registrar shall comply with a direction under paragraph (4)(*d*).

(6) Where an objection is referred to an tArd-Chláraitheoir pursuant to subsection (4), he or she shall make a decision on the objection as soon as practicable.

(7) In a case referred to in subsection (4), if an tArd-Chláraitheoir decides that no impediment to the intended civil partnership exists, he or she shall advise the registrar to that effect and the registrar shall—

(*a*) notify the parties to the civil partnership that no impediment to the civil partnership exists,

(*b*) issue or re-issue the civil partnership registration form to one of those parties, and

(*c*) notify the person who lodged the objection that no impediment to the civil partnership exists.

(8) In a case referred to in subsection (4), if an tArd-Chláraitheoir decides that there is an impediment to the intended civil partnership, he or she shall advise the registrar to that effect and of the reasons for the decision and the registrar shall—

(*a*) notify the parties to the civil partnership—

(i) that the registration of the civil partnership will not proceed, and

(ii) of the decision of an tArd-Chláraitheoir and of the reasons for it,

and

(*b*) take all reasonable steps to ensure that the registration does not proceed.

(9) If, notwithstanding the steps taken by the registrar pursuant to paragraph (8)(*b*), the civil registration proceeds, the entry in the register is invalid and any person who becomes aware of that entry into the register shall notify an tArd-Chláraitheoir of it.

(10) When an tArd-Chláraitheoir becomes aware of an entry referred to in subsection (9)—

(*a*) an tArd-Chláraitheoir shall direct a registrar to cancel the entry and notify the parties and the registrar who made the entry of the direction, and

(*b*) the registrar shall comply with the direction and cancel the entry and ensure that the cancelled entry is retained in the register.

(11) A party to a proposed civil partnership may appeal to the Circuit Court against the decision of an tArd-Chláraitheoir under subsection (8) in relation to the civil partnership.

(12) The jurisdiction conferred on the Circuit Court by subsection (11) may be exercised by a judge of the circuit in which either of the parties to the intended civil partnership ordinarily resides or carries on any profession, business or occupation or the place at which civil partnership concerned had been intended to be registered is situate.

(13) A person who has lodged an objection under subsection (1) may withdraw the objection, but an tArd-Chláraitheoir may, if he or she considers it appropriate to do so, investigate or complete his or her investigation of the objection and issue any directions to the registrar concerned in relation to the matter that he or she considers necessary.

(14) An objection on the ground that the civil partnership would be void by virtue of the incapacity of one or both of the parties to give informed consent shall be accompanied by a certificate supporting the objection made by a registered medical practitioner.

Where interpretation required.

59G.— If a party or a witness to a civil partnership registration does not have sufficient knowledge of the language of the registration to understand the registration documents or the declarations, the parties shall have an interpreter present who shall—

(*a*) before the parties make the declarations, sign, in the presence of the registrar, a statement to the effect that the interpreter understands and is able to converse in the language in respect of which he or she is to act as interpreter and give the statement to the registrar, and

(*b*) immediately after those declarations are made, give the registrar a signed certificate written in the language of the registration, to the effect that the interpreter has faithfully acted as interpreter.

Effect of registration.

59H.— The parties to a registered civil partnership shall be taken to be civil partners of each other as soon as the registrar has countersigned the civil partnership form as required by section 59D(6)(*a*), regardless of whether the registrar has performed the actions required of him or her under section 59D(6)(*c*), and all duties and benefits that accrue to civil partners under the *Act of 2010* or any other law accrue to them.

Effect of this Part.

59I.— This Part shall have effect notwithstanding any statutory provision that conflicts with it.".

Insertion of new Part 7B of Act of 2004.

17.— The Act of 2004 is amended by inserting the following Part before section 60:

"PART 7B

REGISTRATION OF DECREES OF DISSOLUTION OF CIVIL PARTNERSHIP AND DECREES OF NULLITY OF CIVIL PARTNERSHIP

Registration of decrees of dissolution and decrees of nullity of civil partnership.

59J.— (1) When a court grants a decree of dissolution, an officer of the Courts Service authorised in that behalf by the Courts Service shall, as soon as may be, enter or cause to be entered in the register of decrees of dissolution of civil partnership the particulars in relation to the matter set out in Part 6A of the First Schedule.

(2) When a court grants a decree of nullity of civil partnership, an officer of the Courts Service authorised in that behalf by the Courts Service shall, as soon as may be, enter or cause to be entered in the register of decrees of nullity of civil

partnership the particulars in relation to the matter set out in Part 7A of the First Schedule.

(3) An officer of the Courts Service authorised in that behalf by the Courts Service may amend or cancel or cause to be amended or cancelled an entry in the register referred to in subsection (1) or (2).

(4) The Courts Service shall notify an tArd-Chláraitheoir of an amendment or cancellation under subsection (3).

(5) This section has effect notwithstanding any statutory provision that conflicts with it.".

Amendment of section 60 of Act of 2004.

18.— Section 60(1) of the Act of 2004 is amended—

(*a*) in paragraph (*a*), by substituting "death, marriage or civil partnership" for "death or marriage", and

(*b*) by inserting ", the parties to the civil partnership" before "or the person".

Amendment of section 64 of Act of 2004.

19.— Section 64 of the Act of 2004 is amended by inserting the following subsections after subsection (7):

"(8) If an tArd-Chláraitheoir is satisfied that an entry in the register of civil partnerships relates to a civil partnership of a class referred to in subsection (9)—

(*a*) an tArd-Chláraitheoir shall direct a registrar to cancel the entry and notify the parties to the civil partnership and the registrar who registered it of the direction, and

(*b*) the registrar shall comply with the direction and ensure that the cancelled entry is retained in the register.

(9) The classes referred to in subsection (8) are:

(*a*) a civil partnership, as respects which one or more of the requirements specified in subsections (1) and (5) of section 59B were not complied with (other than where there has been an exemption ordered under subsection (2) of that section); and

(*b*) a civil partnership to which there was an impediment within the meaning of section 2(2A).".

Amendment of section 65 of Act of 2004.

20.— Section 65(1)(*a*) of the Act of 2004 is amended by substituting "death, marriage or civil partnership", for "death or marriage".

Amendment of section 66 of Act of 2004.

21.— Section 66(1) of the Act of 2004 is amended by substituting "marriages, civil partnerships, decrees of divorce, decrees of nullity of marriage, decrees of dissolution or decrees of nullity of civil partnership" for "marriages, decrees of divorce, or decrees of nullity".

Amendment of section 69 of Act of 2004.

22.— Section 69 of the Act of 2004 is amended—

(*a*) in subsection (4), by inserting ", civil partnership" after "marriage",

(*b*) by inserting the following subsection after subsection (9):

"(9A) A registrar who, without reasonable cause, fails or refuses to give a civil partnership registration form to one of the parties to an intended civil partnership in respect of which he or she has received a notification under

section 59B(1)(*a*), or a copy of an exemption order under section 59B(2), commits an offence.",

(*c*) in subsection (10)—

(i) by inserting the following paragraph after paragraph (*f*):

"(*fa*) registers or is a party to a civil partnership in respect of which, to his or her knowledge, subsection (1) or (5) of section 59B is not complied with, (other than where there has been an exemption ordered under subsection (2) of that section),",

(ii) by inserting in paragraph (*h*) "or 59F" after "58",

(iii) by inserting in paragraph (*i*) ", or 59B(1)(*b*)" after "46(1)(*b*)",

(iv) by substituting in paragraph (*i*), "false or misleading," for "false or misleading, or",

(v) by substituting in paragraph (*j*) "form, or" for "form,", and

(vi) by inserting the following paragraph after paragraph (*j*):

"(*k*) not being a registrar, deletes or alters information in relation to the parties to a civil partnership on a civil partnership registration form,".

Amendment of section 70 of Act of 2004.

23.— Section 70(2) of the Act of 2004 is amended by substituting "(9), (9A)," for "(9),".

Amendment of section 73 of Act of 2004.

24.— Section 73 of the Act of 2004 is amended—

(*a*) in subsection (1)—

(i) by inserting the following paragraph after paragraph (*d*):

"(*dd*) civil partnerships,";

(ii) by inserting "of marriage" after "nullity" in paragraph (*f*);

(iii) by inserting the following paragraphs after paragraph (*f*):

"(*ff*) decrees of dissolution,

(*fff*) decrees of nullity of civil partnership,",

(*b*) in paragraph (3)(*a*), by inserting "of marriage, civil partnership, decree of dissolution, decree of nullity of civil partnership," after "nullity" wherever it appears, and

(*c*) in subsection (7), by inserting "of marriage, civil partnership, decree of dissolution, decree of nullity of civil partnership," after "nullity".

Amendment of First Schedule to Act of 2004.

25.— The First Schedule to the Act of 2004 is amended—

(*a*) by substituting "civil status" for "marital status" wherever it appears,

(*b*) in Part 5, by substituting "If deceased was married or a civil partner, the profession or occupation of spouse or civil partner." for "If deceased was married, the profession or occupation of spouse.",

(*c*) by inserting the following Part after Part 6:

"PART 6A

Section 59J.

Particulars to be Entered in Register of Dissolutions

Court by which the decree was granted.

Year and record number of the proceedings.

Forenames, surnames and birth surnames of the parties to the proceedings.

Personal public service numbers of the parties to the proceedings.

Date and place of civil partnership registration.

Date of the decree.

Date of registration of the decree.

Forenames and surname of officer of Courts Service.",

(*d*) by inserting "of Marriage" at the end of the title to Part 7, and

(*e*) by inserting the following Part after Part 7:

"PART 7A

Particulars to be Entered in Register of Decrees of Nullity of Civil Partnership

Section 59J.

Court by which the decree was granted.

Year and record number of the proceedings.

Forenames, surnames and birth surnames of the parties to the proceedings.

Personal public service numbers of the parties to the proceedings.

Date and place of civil partnership registration.

Declaration of court.

Date of the decree.

Date of registration.

Forenames and surname of officer of Courts Service.".

New Third Schedule to Act of 2004.

26.— The Act of 2004 is amended by inserting the following Schedule after the Second Schedule:

"THIRD SCHEDULE

Prohibited Degrees of Relationship

Section 2.

A person may not enter a civil partnership with someone within the prohibited degrees of relationship, as set out in the table below. Relationships within that table should be construed as including relationships in the half-blood (e.g. sibling includes a sibling where there is only one parent in common, etc.), and all the relationships include relationships and former relationships by adoption.

A man may not enter a civil partnership with his:	A woman may not enter a civil partnership with her:

Grandfather	Grandmother
Grandparent's brother	Grandparent's sister
Father	Mother
Father's brother	Mother's sister
Mother's brother	Father's sister
Brother	Sister
Nephew	Niece
Son	Daughter
Grandson	Granddaughter
Grandnephew	Grandniece

".

PART 4

Shared Home Protection

Interpretation.

27.— In this Part—

"conduct" includes an act and a default or other omission;

"conveyance" includes a mortgage, lease, assent, transfer, disclaimer, release, another disposition of property otherwise than by a will or a *donatio mortis causa*, and an enforceable agreement, whether conditional or unconditional, to make one of those conveyances;

"dwelling" means a building or part of a building occupied as a separate dwelling and includes—

(*a*) a garden or other land usually occupied with the building that is subsidiary and ancillary to it, is required for amenity or convenience and is not being used or developed primarily for commercial purposes,

(*b*) a structure that is not permanently attached to the ground, and

(*c*) a vehicle or vessel, whether mobile or not, occupied as a separate dwelling;

"interest" means any estate, right, title or other interest, legal or equitable;

"mortgage" includes an equitable mortgage, a charge on registered land and a chattel mortgage;

"rent" includes a conventional rent, a rentcharge within the meaning of section 2(1) of the Statute of Limitations 1957 and a terminable annuity payable in respect of a loan for the purchase of a shared home;

"shared home" means—

(*a*) subject to *paragraph (b)*, a dwelling in which the civil partners ordinarily reside; and

(*b*) in relation to a civil partner whose protection is in issue, the dwelling in which that civil partner ordinarily resides or, if he or she has left the other civil partner, in which he or she ordinarily resided before leaving.

Alienation of interest in shared home.

28.— (1) Where a civil partner, without the prior consent in writing of the other civil partner, purports to convey an interest in the shared home to a person except the other civil partner, then, subject to *subsections (2), (3),* and *(8)* to *(14)* and *section 29*, the purported conveyance is void.

(2) *Subsection (1)* does not apply to a conveyance if it is made by a civil partner in pursuance of an enforceable agreement made before the civil partners' registration of their civil partnership.

(3) A conveyance is not void by reason only of *subsection (1)* if—

(*a*) it is made to a purchaser for full value,

(*b*) it is made by a person other than the civil partner to a purchaser for value, or

(*c*) its validity depends on the validity of a conveyance in respect of which a condition mentioned in *subsection (2)* or *paragraph (a)* or *(b)* is satisfied.

(4) If any question arises in any proceedings as to whether a conveyance is valid by reason of *subsection (2)* or *(3),* the burden of proving the validity is on the person alleging it.

(5) In *subsection (3),* "full value" means value that amounts or approximates to the value of that for which it is given.

(6) In this section, "purchaser" means a grantee, lessee, assignee, mortgagee, chargeant or other person who in good faith acquires an estate or interest in property.

(7) For the purposes of this section, section 3 of the Conveyancing Act 1882 shall be read as if the words "as such" wherever they appear in paragraph (ii) of subsection (1) of that section were omitted.

(8) Subject to *subsection (9),* proceedings may only be instituted to have a conveyance declared void by reason only of *subsection (1)* if they are instituted before the expiration of 6 years from the date of the conveyance.

(9) Proceedings referred to in *subsection (8)* may be instituted by a civil partner who was in actual occupation of the shared home during the whole period that begins with the date of the conveyance and ends immediately before the institution of the proceedings, even if 6 years have expired from the date of the conveyance.

(10) *Subsection (8)* is without prejudice to the rights of civil partners to seek redress for contraventions of *subsection (1)* otherwise than by proceedings referred to in that subsection.

(11) A conveyance is deemed not to be and never to have been void by reason of *subsection (1)* unless—

(*a*) it has been declared void by a court by reason of *subsection (1)* in proceedings instituted in accordance with *subsection (8)* on or after the date on which this section commences, or

(*b*) subject to the rights of any other person concerned, it is void by reason of *subsection (1)* and the parties to the conveyance or their successors in title so state in writing before the expiration of 6 years from the date of the conveyance.

(12) A copy of a statement made for the purpose of *paragraph (b)* of *subsection (11)* and certified by the parties concerned or their successors in title to be a true copy shall, before the expiration of the 6 years referred to in that paragraph, be lodged by the parties or their successors with the Property Registration Authority for registration in the Land Registry or Registry of Deeds as appropriate.

(13) A person who institutes proceedings to have a conveyance declared void by reason of *subsection (1)* shall, as soon as may be, cause relevant particulars of the

proceedings to be entered as a *lis pendens* under and in accordance with the Judgements (Ireland) Act 1844 in any form that the rules of court may provide.

(14) A general consent given in writing by a civil partner, after the commencement of this section, to any future conveyance of any interest in a shared home or a former shared home is deemed, for the purposes of *subsection (1),* to be a prior consent in writing if the deed for the conveyance is executed after the date of the consent.

Consent of civil partner.

29.— (1) Where the civil partner whose consent is required under *section 28* omits or refuses to consent, the court may, subject to this section, dispense with the consent.

(2) The court shall not dispense with the consent unless the court considers that it is unreasonable for the civil partner to withhold consent, taking into account all the circumstances, including—

F4**[**(*a*) the respective needs and resources of the civil partners and of any dependent child of the civil partners, and**]**

(*b*) in a case where the civil partner whose consent is required is offered alternative accommodation, the suitability of that accommodation having regard to the respective degrees of security of tenure in the shared home and the alternative accommodation.

(3) The court shall dispense with the consent of a civil partner whose consent is required if—

(*a*) the civil partner cannot be found after reasonable inquiries, and

(*b*) the court is of the opinion that it would be reasonable to do so.

(4) The court may give the consent on behalf of a civil partner whose consent is required if—

(*a*) a consultant psychiatrist, within the meaning of the Mental Health Act 2001, certifies that the civil partner is incapable of giving consent, and

(*b*) the court is of the opinion that it would be reasonable to do so.

Conduct leading to loss of shared home.

30.— (1) Where it appears to the court, on the application of a civil partner, that the other civil partner is engaging in conduct that might lead to the loss of any interest in the shared home or might render it unsuitable for habitation as a shared home, with the intention of F5**[**depriving the applicant or a dependent child of the civil partners of his or her residence**]** in the shared home, the court may make any order that it considers proper, directed to the other civil partner or to any other person, for the protection of the shared home F5**[**in the interest of the applicant or such child**]**.

(2) Where it appears to the court, on the application of a civil partner, that the other civil partner has F5**[**deprived the applicant or a dependent child of the civil partners of his or her residence**]** in the shared home by conduct that resulted in the loss of any interest in it or rendered it unsuitable for habitation as a shared home, the court may order the other civil partner or any other person to pay to the applicant the amount that the court considers proper F5**[**to compensate the applicant or such child**]** for their loss or make any other order directed to the other civil partner or to any other person that may appear to the court to be just and equitable.

Payment of outgoings on shared home.

31.— (1) Any payment or tender made or any other thing done by one civil partner in or towards satisfaction of any liability of the other civil partner in respect of rent, mortgage payments or other outgoings affecting the shared home shall be as good as if made or done by the other civil partner, and shall be treated by the person to

whom the payment is made or the thing is done as though it were made or done by the other civil partner.

(2) Nothing in *subsection (1)* affects any claim by the first-mentioned civil partner against the other to an interest in the shared home by virtue of the payment made or thing done.

Adjournment of proceedings by mortgagee or lessor for possession or sale of shared home.

32.— (1) The court may adjourn proceedings in an action brought by a mortgagee or lessor in relation to non-payment against a civil partner and claiming possession or sale of the shared home if it appears to the court that—

(*a*) the other civil partner is capable of paying to the mortgagee or lessor the arrears (other than the arrears of principal or interest or rent that do not constitute part of the periodical payments due under the mortgage or lease) of money due under the mortgage or lease within a reasonable time, and future periodical payments falling due under the mortgage or lease, and that the other civil partner desires to pay the arrears and periodical payments, and

(*b*) it would be just and equitable to do so, in all the circumstances and having regard to the interests of the mortgagee or lessor, the respective interests of the civil partners and the terms of the mortgage or lease.

(2) In considering whether to adjourn the proceedings under this section, and if so, for what period and on what terms, the court shall have regard in particular to whether the other civil partner has been informed, by or on behalf of the mortgagee or lessor or otherwise, of the non-payment of any of the sums in question.

Modification of terms of mortgage or lease as to payment of capital sum.

33.— The court may by order declare, on application by a civil partner, that a term of a mortgage or lease by virtue of which a sum is due, other than periodical payments due under the mortgage or lease, is of no effect for the purpose of proceedings under *section 32*, if, after the proceedings have been adjourned under that section it appears to the court that—

(*a*) all arrears (other than the arrears of principal or interest or rent that do not constitute part of the periodical payments due under the mortgage or lease or money due under the mortgage or lease) and periodical payments due as of the date of the order have been paid off, and

(*b*) the periodical payments subsequently falling due will continue to be paid.

Restriction on disposal of household chattels.

34.— (1) The court may, on the application of a civil partner, by order prohibit, on the terms it may see fit, the other civil partner from disposing of or removing household chattels, if the court is of the opinion that there are reasonable grounds to believe that the other civil partner intends to do so and that it would F6**[**make it difficult for the applicant or a dependent child of the civil partners to reside**]** in the shared home without undue hardship if the household chattels were disposed of or removed.

(2) Where proceedings for the dissolution of a civil partnership have been instituted by a civil partner, neither civil partner shall sell, lease, pledge, charge or otherwise dispose of or remove any of the household chattels in the shared home until the proceedings have been finally determined, unless—

(*a*) the other civil partner has consented to the disposition or removal, or

(*b*) the court before which the proceedings have been instituted, on application by the civil partner who desires to make the disposition or removal, permits the civil partner to do so, with or without conditions.

(3) Without prejudice to any other civil or criminal liability, a civil partner who contravenes *subsection (2)* commits an offence and is liable on summary conviction to F7**[**a class D fine**]** or to imprisonment for a term not exceeding 6 months or to both.

(4) The court may order, on the application of a civil partner, that the other civil partner provide household chattels or a sum of money to the applicant, so as to F6**[**place the applicant or a dependent child of the civil partners**]** as nearly as possible in the position that prevailed before—

(*a*) the other civil partner contravened an order under *subsection (1)* or *(2),* or

(*b*) the other civil partner sold, leased, pledged, charged or otherwise disposed of or removed the number or proportion of the household chattels in the shared home that made or is likely to F6**[**make it difficult for the applicant or a dependent child of the civil partners to reside**]** in the shared home without undue hardship.

(5) In proceedings under this section, the court may make an order that appears to it to be proper in the circumstances, directed to a third person who has been informed in writing by a civil partner before the proceedings were taken, with respect to a proposed disposition to the third person by the other civil partner.

(6) For the purposes of this section, "household chattels" means personal property ordinarily used in a household and includes garden effects and domestic animals, but does not include money or any chattels used by either civil partner for business or professional purposes.

Joinder of parties.

35.— In any proceedings under or referred to in this Part, each of the civil partners as well as any third person who has or may have an interest in the proceedings may be joined—

(*a*) by service of a third-party notice by an existing party to the proceedings, or

(*b*) by direction of the court.

Registration of notice of existence of civil partnership.

36.— (1) A civil partner may lodge with the Property Registration Authority a notice stating that he or she is the civil partner of a person having an interest in property or land.

(2) A notice under *subsection (1)* shall be registered in the Registry of Deeds or Land Registry, as appropriate.

(3) No stamp duty or fee shall be payable in respect of any such notice.

(4) The fact that notice of a civil partnership has not been registered under *subsection (1)* shall not give rise to any inference as to the non-existence of a civil partnership.

Restriction of section 59(2) of Registration of Title Act 1964.

37.— Section 59(2) of the Registration of Title Act 1964 (which refers to noting upon the register provisions of any enactment restricting dealings in land) does not apply to this Part.

Creation of joint tenancy in shared home exempt from fees.

38.— No land registration fee, Registry of Deeds fee or court fee shall be payable on any transaction creating a joint tenancy between civil partners in respect of a shared home where the home was immediately prior to such transaction owned by either civil partner or by both civil partners otherwise than as joint tenants.

Offences.

39.— (1) A person commits an offence if he or she—

(*a*) has an interest in premises,

(*b*) is required in writing by or on behalf of a person proposing to acquire the interest to give information necessary to establish if the conveyance of that interest requires a consent under *section 28 (1),* and

(*c*) knowingly gives information that is false or misleading in any material particular.

(2) A person who commits an offence under *subsection (1)* is liable—

(*a*) on summary conviction, to F8**[**a class C fine**]** or to imprisonment for a term not exceeding 12 months, or to both, or

(*b*) on conviction on indictment, to imprisonment for a term not exceeding 5 years.

Protection of certain tenancies.

40.— The Residential Tenancies Act 2004 is amended—

(*a*) in section 3(2)(*h*) and section 35(4) by inserting ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears, and

(*b*) in section 39(3)(*a*)(i), by inserting "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse".

Protection of certain tenancies.

41.— (1) In this section, "Act of 1982" means the Housing (Private Rented Dwellings) Act 1982.

(2) Section 9 of the Act of 1982 is amended in subsection (2) by inserting "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears.

(3) Section 16(1) of the Act of 1982 is amended by inserting "or of the tenant or the tenant's civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "dwelling" where it lastly occurs.

(4) Section 22 of the Act of 1982 is amended by inserting "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears.

Amendment of Civil Legal Aid Act 1995.

42.— Section 28(9)(*c*)(i) of the Civil Legal Aid Act 1995 is amended by substituting "or proceedings arising out of a dispute between spouses as to the title to or possession of any property, proceedings under *Part 4* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, or proceedings arising out of a dispute between civil partners within the meaning of that Act as to the title to or possession of any property;" for "or proceedings arising out of a dispute between spouses as to the title to or possession of any property;".

PART 5

Maintenance of Civil Partner

Interpretation.

43.— (1) In this Part—

"antecedent order" means—

(*a*) a maintenance order,

(*b*) a variation order,

(*c*) an interim order,

(*d*) an order under *section 48* insofar as it is deemed under that section to be a maintenance order, or

(*e*) an order for maintenance pending suit under *section 116* or a periodical payments order or secured periodical payments order under *Part 12*;

"attachment of earnings order" means an order under *section 53*;

"desertion" includes conduct on the part of one civil partner that results in the other civil partner, with just cause, leaving and living separately and apart from the first civil partner;

"earnings" means any sums payable to a person—

(*a*) by way of wages or salary (including any fees, bonus, commission, overtime pay or other emoluments payable in addition to wages or salary or payable under a contract of service), and

(*b*) by way of pension or other like benefit in respect of employment (including an annuity in respect of past services, whether or not rendered to the person paying the annuity, and including periodical payments by way of compensation for the loss, abolition or relinquishment, or diminution in the emoluments, of any office or employment);

"interim order" means an order under *section 47*;

"maintenance creditor", in relation to an order under this Part, or to proceedings arising out of the order, F9**[**means the person who**]** applied for the order;

"maintenance debtor" means a person who is required by an order referred to in any of *paragraphs (a)* to *(e)* of the definition "antecedent order" to make payments;

"maintenance order" means an order under *section 45*;

"normal deduction rate" and "protected earnings rate" have the meanings respectively assigned to them in *section 53;*

"variation order" means an order under *section 46* varying a maintenance order.

(2) Subject to *section 59*, the relationship of employer and employee shall be regarded as subsisting between two persons if one of them as a principal and not as a servant or agent pays earnings to the other.

(3) References in this Part to a District Court clerk include references to his or her successor in the office of District Court clerk and to any person acting on his or her behalf.

Commencement of periodical payments.

44.— A periodical payment under an order under this Part shall commence on the date that is specified in the order, which may be before or after the date on which the order is made but not earlier than the date of the application for the order.

Maintenance order.

45.— F10**[**(1) (*a*) Subject to *subsection (3),* where it appears to the court, on application to it by a civil partner, that the other civil partner has failed to provide maintenance for the applicant civil partner and any dependent child of the civil partners that is proper in the circumstances, the court may make an order that the other civil partner make to the applicant periodical payments for the support of the applicant and the dependent child of the

civil partners, for the period during the lifetime of the applicant, of the amount and at the times that the court may consider proper.

(*b*) Subject to *subsection (3)*, where a civil partner—

(i) is dead,

(ii) has deserted, or has been deserted by, the other civil partner, or

(iii) is living separately and apart from the other civil partner,

and there is a dependent child of the civil partners (not being a child who is being fully maintained by either civil partner), then, if it appears to the court, on application to it by any person, that the surviving civil partner or, as the case may be, either civil partner has failed to provide such maintenance for the dependent child of the civil partners as is proper in the circumstances, the court may make an order that that civil partner make to that person periodical payments, for the support of the dependent child, for such period during the lifetime of that person, of such amount and at such times, as the court may consider proper.

(*c*) A maintenance order or a variation order shall specify each part of a payment under the order that is for the support of a dependent child of the civil partners and may specify the period during the lifetime of the person applying for the order for which so much of a payment under the order as is for the support of a dependent child of the civil partners shall be made.**]**

(2) The court shall not make a maintenance order for the support of an applicant where he or she has deserted and continues to desert the other civil partner unless, having regard to all the circumstances, including the conduct of the other civil partner, the court is of the opinion that it would be unjust in all the circumstances not to make a maintenance order.

F10**[**(3) The court, in deciding whether to make a maintenance order and, if it decides to do so, in determining the amount of any payment, shall have regard to all the circumstances of the case, including—

(*a*) the income, earning capacity, property and other financial resources of—

(i) the civil partners and any dependent child of the civil partners, and

(ii) any other dependent child of which either civil partner is a parent,

including income or benefits to which either civil partner or any such child is entitled by or under statute with the exception of a benefit or allowance or any increase in such benefit or allowance in respect of any dependent child granted to either parent of such child,

(*b*) the financial and other responsibilities of—

(i) the civil partners towards each other and towards any dependent child of the civil partners and the needs of any such child, including the need for care and attention,

(ii) each civil partner as a parent towards any other dependent child, and the needs of any such child, including the need for care and attention, and

(iii) each civil partner towards any former spouse or civil partner,

and

(*c*) in relation to a maintenance order or part of a maintenance order for the benefit of the civil partner, the conduct of each civil partner, if that conduct is such that, in the opinion of the court, it would in all the circumstances be unjust to disregard it.**]**

Discharge, variation and termination of maintenance order.

46.— (1) The court may discharge a maintenance order at any time after one year from the time it is made, on the application of F11**[**the person for whose support it provides**]**, where it appears to the court that, having regard to the maintenance debtor's record of payments pursuant to the order and to the other circumstances of the case, F11**[**the person for whose support it provides**]** will not be prejudiced by the discharge.

(2) The court may discharge or vary a maintenance order at any time, on the application of either party, if it thinks it proper to do so having regard to any circumstances not existing when the order was made (including the conduct of each of the civil partners, if that conduct is conduct that the court believes is conduct that it would in all the circumstances be unjust to disregard), or, if it has been varied, when it was last varied, or to any evidence not available to that party when the maintenance order was made or, if it has been varied, when it was last varied.

(3) Notwithstanding *subsections (1)* and *(2),* the court shall, on application to it, discharge the part of a maintenance order that provides for the support of a maintenance creditor where it appears to it that the maintenance creditor has deserted and continues to desert the maintenance debtor unless, having regard to all the circumstances (including the conduct of the maintenance debtor) the court is of the opinion that it would be unjust to do so.

F12**[**(4) That part of a maintenance order which provides for the support of a dependent child shall stand discharged when the child ceases to be a dependent child by reason of his or her attainment of the age of 18 years or 23 years, as the case may be, and shall be discharged by the court, on application to it under *subsection (1)* or *(2)*, if it is satisfied that the child has for any reason ceased to be a dependent child for the purposes of the order.

(5) Desertion by, or conduct of, a civil partner shall not be a ground for discharging or varying any part of a maintenance order that provides for the support of a dependent child of the civil partners.**]**

Interim order.

47.— On an application to the court for a maintenance order, the court, before deciding whether to make or refuse to make the order, may make an order for the payment to the applicant by the maintenance debtor, for a definite period specified in the order or until the application is adjudicated upon by the court, of a periodical sum that, in the opinion of the court, is proper, if it appears to the court proper to do so having regard to F13**[**the needs of the persons for whose support the maintenance order is sought and the other circumstances**]** of the case.

Orders in respect of certain agreements between civil partners.

48.— (1) On application by one or both of the civil partners, the court may make an order under this section if it is satisfied that to do so would adequately protect F14**[**the interests of the civil partners and any dependent child of the civil partners**]**.

(2) An order under this section may make a rule of court a provision in an agreement in writing entered into by the civil partners—

(*a*) by which one civil partner undertakes to make periodical payments towards the maintenance of F14**[**the other civil partner or of any dependent child of the civil partners or of both that other civil partner and any dependent child of the civil partners**]**, or

(*b*) governing the rights and liabilities of the civil partners towards one another in respect of the making or securing of payments (other than payments referred to in *paragraph (a)*) or the disposition or use of any property.

(3) An order under *subsection (2)(a)* is deemed to be a maintenance order for the purposes of F14**[***sections 50* and *51*, *Part 6* and *section 140***]**.

Preservation of pension entitlements.

49.— (1) On application to it by either of the civil partners in an application under *section 48*, the court may make an order directing the trustees of a pension scheme of which either or both of the civil partners are members not to regard the separation of the civil partners as a ground for disqualifying either of them for the receipt of a benefit under the scheme that would normally require that the civil partners be residing together at the time when the benefit becomes payable.

(2) The applicant shall give notice of an application under *subsection (1)* to the trustees of the pension scheme and, in deciding whether to make an order under *subsection (1)*, the court shall have regard to any order made, or proposed to be made, by it in relation to the application by the civil partner or civil partners under *section 48* and any representations made by those trustees in relation to the matter.

(3) The court may determine the manner in which the costs incurred by the trustees under *subsection (2)* or in complying with an order under *subsection (1)* are to be borne, including by either of the civil partners or by both of them in the proportions that the court may determine.

(4) In this section, "pension scheme" has the meaning assigned to it by *section 109*.

Transmission of payments through District Court clerk.

50.— (1) Where the court makes a maintenance order, a variation order or an interim order, the court shall—

(*a*) direct that payments under the order be made to the District Court clerk, unless the maintenance creditor requests the court not to do so and the court considers that it would be proper not to do so, and

(*b*) in a case in which the court has not given a direction under *paragraph (a)*, direct, at any time after making the order and on the application of the maintenance creditor, that the payments be made to the District Court clerk.

(2) Where payments to the District Court clerk under this section are in arrear, the District Court clerk shall, if the maintenance creditor so requests in writing, take the steps that he or she considers reasonable in the circumstances to recover the sums in arrear whether by proceedings for an attachment of earnings order or otherwise.

(3) The court, on the application of the maintenance debtor and having afforded the maintenance creditor an opportunity to oppose the application, may discharge a direction under *subsection (1)*, if satisfied that, having regard to the record of the payments made to the District Court clerk and all the other circumstances, it would be proper to do so.

(4) The District Court clerk shall transmit any payments made by virtue of this section to the maintenance creditor.

(5) Nothing in this section affects any right of a person to take proceedings in his or her own name for the recovery of a sum payable, but not paid, to the District Court clerk by virtue of this section.

(6) References in this section to the District Court clerk are references to the District Court clerk in the District Court district that may be determined from time to time by the court concerned.

Lump sum maintenance orders.

51.— (1) The court may, F15**[**on making a maintenance order or a variation order**]**, order the maintenance debtor in addition to, or instead of such an order, to make a lump sum payment or lump sum payments to the maintenance creditor of such amount or amounts and at such time or times as may be specified in the order.

(2) The amount or aggregate amount of a lump sum payment or of lump sum payments to a maintenance creditor under an order under this section shall be—

(*a*) if the order is instead of an order for the making of periodical payments to the maintenance creditor, such amount as the court considers appropriate having regard to the amount of the periodical payments that would have been made, and the periods during which and the times at which they would have been made, but for this section, and

(*b*) if the first-mentioned order is in addition to an order for the making of periodical payments to the maintenance creditor, such amount as the court considers appropriate having regard to the amount of the periodical payments and the periods during which and the times at which they will be made.

F16**[**(2A) Where the court makes an order under *subsection (1)* that is for the benefit of a child, the court may specify in the order the manner in which, or purpose for which, the payment or payments referred to in that subsection are to be applied, including in providing suitable accommodation for the child to whom the order relates.**]**

(3) The amount or aggregate amount of a lump sum payment or of lump sum payments provided for in an order of the District Court under this section shall not exceed F17**[**€15,000**]**.

Secured orders.

52.— The court may, F18**[**on making a maintenance order or a variation order**]** or at any time after making such an order, on application to it by any person having an interest in the proceedings, order the maintenance debtor concerned to secure it to the maintenance creditor concerned.

F19**[**Failure to make payments to be contempt of court

52A.— (1) Subject to this section it shall be contempt of court for a maintenance debtor to fail to make a payment due under an antecedent order.

(2) As respects a contempt of court arising pursuant to this section, a judge of the District Court shall, subject to this section, have such powers, including the power to impose a sanction, as are exercisable by a judge of the High Court in relation to contempt of court in proceedings before the High Court.

(3) Where a payment under an antecedent order made by the District Court has not been made, the maintenance creditor may apply to the District Court clerk concerned for the issue of a summons directing the maintenance debtor to appear before the District Court.

(4) A summons referred to in *subsection (3)* shall—

(*a*) be issued by the District Court clerk concerned,

(*b*) contain a statement that failure to make a payment in accordance with the order concerned constitutes a contempt of court and giving details of the consequences of the court finding that a contempt of court has taken place including in particular the possibility of imprisonment,

(*c*) state that the maintenance debtor may be arrested if he or she fails to appear before the District Court as directed in the summons, and

(*d*) be served on the maintenance debtor personally, or in such other manner authorised by a judge of the District Court.

(5) If the maintenance debtor fails, without reasonable excuse, to appear before the court in answer to the summons, the judge of the District Court, on the application of the maintenance creditor, shall, if satisfied that the debtor was served with the summons, issue a warrant for the arrest of the maintenance debtor.

(6) A maintenance debtor arrested pursuant to a warrant issued under *subsection (5)* shall be brought as soon as practicable before the District Court.

(7) Where a maintenance debtor is arrested and brought before the District Court under *subsection (6)*, the judge shall fix a new date for the hearing of the summons and direct that the creditor be informed by the District Court by notice in writing of the date so fixed, and shall explain to the debtor in ordinary language—

(*a*) that he or she is required to attend before the court at the date next fixed for the hearing of the summons,

(*b*) that failure to attend may in itself constitute a contempt of court and the consequences of such contempt, including in particular the possibility of imprisonment, and that such contempt and the consequences which may follow are in addition to the consequences arising by reason of failure to make a payment under the antecedent order, and

(*c*) that he or she is entitled to apply for legal advice and legal aid under the Civil Legal Aid Act 1995.

(8) At the hearing of the summons, before hearing evidence from any party the judge shall explain to the debtor in ordinary language—

(*a*) the consequences, and in particular the possibility of imprisonment, which may follow a failure to make a payment in accordance with an antecedent order, and

(*b*) unless the maintenance debtor has already been so informed under *subsection (7)*, that he or she is entitled to apply for legal advice and legal aid under the Civil Legal Aid Act 1995.

(9) On the hearing of the summons, having given to the maintenance debtor the explanations referred to in *subsection (8)*, having given the maintenance debtor an opportunity to apply for legal advice and legal aid, and having heard such evidence as may be adduced by the maintenance creditor and the maintenance debtor, if the judge is satisfied that the payment concerned has not been made, and—

(*a*) that the failure to make the payment concerned is due to—

(i) the inability of the maintenance debtor to make the payment concerned by reason of a change in his or her financial circumstances which occurred since the antecedent order or an order varying that order was last made (whichever is the later), or

(ii) some other reason not attributable to any act or omission of the maintenance debtor,

the judge may, where he or she believes that to do so would improve the likelihood of the payment concerned being made within a reasonable period, adjourn the hearing—

(I) to enable the outstanding payment to be made, or

(II) to enable an application to be made for an attachment of earnings order under *section 53*,

(*b*) that the failure to make the payment concerned is due to the inability of the maintenance debtor to make the payment concerned by reason of a change in his or her financial circumstances which occurred since the antecedent order or an order varying that order was last made (whichever is the later) the judge may, where the antecedent order was made by the District Court, treat the hearing as an application to vary the antecedent order, and having heard evidence as to the financial circumstances of both the maintenance debtor and the maintenance creditor, make an order varying the antecedent order.

(10) Where on the hearing of the summons, having given to the maintenance debtor the explanations referred to in *subsection (8)*, having given the maintenance debtor an opportunity to apply for legal advice and legal aid, and having heard such evidence as may be adduced by the maintenance creditor and the maintenance debtor, the judge is satisfied that the payment concerned has not been made and that the failure to make the payment concerned is not due to—

(*a*) the inability of the maintenance debtor to make the payment concerned by reason of a change in his or her financial circumstances which occurred since the antecedent order or an order varying that order was last made (whichever is the later), or

(*b*) some other reason not attributable to any act or omission of the maintenance debtor,

the judge may treat the failure by the maintenance debtor to make the payment concerned as constituting contempt of court and the judge may deal with the matter accordingly.

(11) Where a maintenance debtor to whom *subsection (7)* applies does not attend court on the date fixed for the hearing of the summons the judge may treat such failure to attend court as constituting contempt of court and the judge may deal with the matter accordingly.

(12) In this section "financial circumstances" means, in relation to a person—

(*a*) the amount of the person's annual income,

(*b*) the aggregate value of all property (real and personal) belonging to the person,

(*c*) the aggregate of all liabilities of the person including any duty (moral or legal) to provide financially for members of his or her family or other persons,

(*d*) the aggregate of all monies owing to the person, the dates upon which they fall due to be paid and the likelihood of their being paid, and

(*e*) such other circumstances as the court considers appropriate.

(13) This section does not apply unless the antecedent order concerned was actually made by the District Court.**]**

F20**[**Certificate of outstanding payments

52B.— Where, pursuant to *section 50*, a court has made a maintenance order, a variation order or an interim order and directed that payments under the order be made to the District Court clerk, in any proceedings under this Act or under the Enforcement of Court Orders Acts 1926 to 2009, a certificate purporting to be signed by the relevant District Court clerk as to the amount of monies outstanding on foot of such order shall, until the contrary is shown, be evidence of the matters stated in the certificate.**]**

PART 6

Attachment of Earnings

Attachment of earnings order.

53.— (1) For the purposes of this Part—

"attachment of earnings order" means an order directing that an employer deduct from the maintenance debtor's earnings, at the times specified in the order, periodical deductions of the appropriate amounts specified in the order, having regard to the normal deduction rate and the protected earnings rate;

"court" means—

(*a*) the High Court, in respect of an application under this Part made by a person on whose application the High Court has made an antecedent order,

(*b*) the relevant Circuit Court, in respect of an application under this Part made by a person on whose application that court has made an antecedent order, and

(*c*) the District Court, in respect of an application under this Part made by—

(i) a person on whose application the District Court has made an antecedent order, or

(ii) a District Court clerk to whom payments are required to be made under an antecedent order;

"employer" includes a trustee of a pension scheme under which the maintenance debtor is receiving periodical pension benefits;

"normal deduction rate" means the rate at which the court considers it reasonable that the earnings to which the attachment of earnings order relates should be applied in satisfying the antecedent order, not exceeding the rate that appears to the court to be necessary for—

(*a*) securing payment of the sums falling due from time to time under the antecedent order, and

(*b*) securing payment within a reasonable period of any sums already due and unpaid under the antecedent order and any costs incurred in proceedings relating to the antecedent order payable by the maintenance debtor;

"protected earnings rate" means the rate below which, having regard to the needs of the maintenance debtor, the court considers it proper that the relevant earnings should not be reduced by a payment made in pursuance of the attachment of earnings order.

(2) The court may, on application to it on that behalf, make an attachment of earnings order if it is satisfied that the maintenance debtor is a person to whom earnings fall to be paid and that the order is desirable to secure payments under an antecedent order and any amendments, variations and affirmations of it.

(3) The court that makes an antecedent order, or an order that makes, varies or affirms on appeal an antecedent order, shall make an attachment of earnings order in the same proceedings if it is satisfied of the things mentioned in *subsection (2)*.

(4) A person to whom an attachment of earnings order is directed shall pay the amounts ordered to be deducted—

(*a*) in the case of a relevant antecedent order that is an enforceable maintenance order, to the District Court clerk specified in the order for transmission to the maintenance creditor, and

(*b*) in any other case, as specified in the order, to the maintenance creditor or to the District Court clerk specified in the order for transmission to the maintenance creditor.

(5) Before deciding whether to make or refuse to make an attachment of earnings order, the court shall give the maintenance debtor an opportunity to make representations, and shall have regard to any representations made, relating to whether the maintenance debtor—

(*a*) is a person to whom earnings fall to be paid, and

(*b*) would make the payments to which the relevant order relates.

(6) The court shall include in an attachment of earnings order the particulars required so that the person to whom the order is directed may identify the maintenance debtor.

(7) Payments under an attachment of earnings order are in lieu of payments of the like amount under the antecedent order that have not been made and that, but for the attachment of earnings order, would fall to be made under the antecedent order.

Compliance with attachment of earnings order.

54.— (1) The court registrar or court clerk specified in the attachment of earnings order shall cause the order to be served on the person to whom it is directed and on any person who subsequently becomes the maintenance debtor's employer and of whom the registrar or clerk becomes aware.

(2) The service may be effected by leaving the order or a copy of it at the person's residence or place of business in the State, or by sending the order or a copy of it, by registered prepaid post, to that residence or place of business.

(3) A person to whom an attachment of earnings order is directed shall comply with it if it is served on him or her but is not liable for non-compliance before 10 days have elapsed since the service.

(4) If a person to whom an attachment of earnings order is directed is not the maintenance debtor's employer or ceases to be the maintenance debtor's employer, the person shall, within 10 days from the date of service or the date of cesser, give notice of that fact to the court.

(5) The person shall give to the maintenance debtor a statement in writing of the total amount of every deduction made from a maintenance debtor's earnings in compliance with an attachment of earnings order.

Application of sums received by District Court clerk.

55.— Payments made to a District Court clerk under an attachment of earnings order shall, when transmitted by the clerk to the maintenance creditor, be deemed to be payments made by the maintenance debtor so as to discharge—

(*a*) firstly, any sums payable under the antecedent order, and

(*b*) secondly, any costs in proceedings relating to the antecedent order payable by the maintenance debtor when the attachment of earnings order was made or last varied.

Statement as to earnings.

56.— (1) In relation to an attachment of earnings order or an application for one, the court may, before or at the hearing or while the order is in force, order—

(*a*) the maintenance debtor to give to the court, within a specified period, a signed statement in writing specifying—

(i) the name and address of every employer of the maintenance debtor,

(ii) particulars as to the maintenance debtor's earnings and expected earnings, and resources and needs, and

(iii) particulars for enabling the employers to identify the maintenance debtor,

(*b*) a person appearing to the court to be an employer of the maintenance debtor to give to the court, within a specified period, a statement signed by the person, or on his or her behalf, of specified particulars of the maintenance debtor's earnings and expected earnings.

(2) Notice of an application for an attachment of earnings order served on a maintenance debtor may include a requirement that the maintenance debtor give to the court, within the period and in the manner specified in the notice, a statement in writing of the matters referred to in *subsection (1)(a)* and of any other matters

which are or may be relevant to the determination of the normal deduction rate and the protected earnings rate to be specified in the order.

(3) In any proceedings in relation to an attachment of earnings order, a statement given to the court in compliance with an order under *paragraph (a)* or *(b)* of *subsection (1)* or with a requirement under *subsection (2)* is admissible as evidence of the facts stated in it and a document purporting to be such a statement is deemed, unless the contrary is shown, to be a statement so given.

Notification of changes of employment and earnings.

57.— Where an attachment of earnings order is in force—

(*a*) the maintenance debtor shall notify in writing the court that made the order of every occasion on which he or she leaves employment, or becomes employed or re-employed, not later than 10 days after doing so,

(*b*) the maintenance debtor shall, on any occasion on which he or she becomes employed or re-employed, include in the notification particulars of his or her earnings and expected earnings, and

(*c*) any person who becomes an employer of the maintenance debtor and who knows that the order is in force and by which court it was made shall, within 10 days of the later of the date of becoming an employer of the maintenance debtor and the date of acquiring the knowledge, notify the court in writing that he or she has become such an employer, and include in the notification a statement of the debtor's earnings and expected earnings.

Power to determine whether particular payments are earnings.

58.— (1) Where an attachment of earnings order is in force, the court that made the order shall, on the application of the maintenance debtor's employer, the maintenance debtor or the person to whom payments are being made under the order, determine whether payments or portions of payments being made to the maintenance debtor that are of a class or description specified in the application are earnings for the purpose of the order.

(2) Where an application is made by the employer under *subsection (1),* the employer is not liable for non-compliance with the order as respects any payments or portions of payments of the class or description specified by the application that he or she makes while the application, a determination in relation to it or an appeal from the determination is pending.

(3) *Subsection (2)* does not apply if the employer subsequently withdraws the application or abandons the appeal.

Persons in service of State, local authority, etc.

59.— (1) This section applies when a maintenance debtor is in the service of the State, a local authority within the meaning of the Local Government Act 1941, a harbour authority within the meaning of the Harbours Acts 1946 to 2005, the Health Service Executive, F21**[**an education and training board**]**, a committee of agriculture established by the Agriculture Act 1931, or another body if his or her earnings are paid directly out of moneys paid by the Oireachtas or from the Central Fund, or is a member of either House of the Oireachtas.

(2) For the purposes of this Part, the following officers are regarded as being the employers of the maintenance debtor and the earnings paid to the maintenance debtor out of the Central Fund or out of moneys provided by the Oireachtas are regarded as having been paid by them:

(*a*) in the case where the maintenance debtor is employed in a department, office, organisation, service, undertaking or other body, its chief officer, or any other officer that may be designated from time to time by the Minister of the Government by whom that body is administered;

(*b*) in the case where the maintenance debtor is in the service of an authority or body, its chief officer; and

(*c*) in any other case, where the maintenance debtor is paid out of the Central Fund or out of moneys provided by the Oireachtas, the Secretary of the Department of Finance or any other officer that may be designated from time to time by the Minister for Finance.

(3) A question that arises in proceedings for or arising out of an attachment of earnings order as to which body employs a maintenance debtor may be referred to and determined by the Minister for Finance, but he or she is not obliged to consider the reference unless it is made by the court.

(4) A document purporting to contain a determination by the Minister for Finance under *subsection (3)* and to be signed by an officer of that Minister shall, in any proceedings mentioned in that subsection, be admissible in evidence and be deemed, unless the contrary is shown, to contain an accurate statement of that determination.

Discharge, variation and lapse of attachment of earnings order.

60.— (1) The court that made an attachment of earnings order may, if it thinks fit, on the application of the maintenance creditor, the maintenance debtor or the District Court clerk on whose application the order was made, make an order discharging or varying that order.

(2) The employer on whom an order varying an attachment of earnings order is served shall comply with it but is not liable for non-compliance before 10 days have elapsed since the service.

(3) If an employer affected by an attachment of earnings order ceases to be the maintenance debtor's employer, the order lapses insofar as that employer is concerned, except as respects deductions from earnings paid by the employer after the cesser and payment to the maintenance creditor of deductions from earnings made at any time by that employer.

(4) The lapse of an order under *subsection (3)* does not prevent its remaining in force for other purposes.

Cesser of attachment of earnings order.

61.— (1) An attachment of earnings order ceases to have effect upon the discharge of the relevant antecedent order, except as regards payments under the attachment of earnings order in respect of any time before the date of the discharge.

(2) The clerk or registrar of the court that made the attachment of earnings order shall give notice of a cesser to the employer.

Other remedies.

62.— (1) Where an attachment of earnings order has been made, any proceedings commenced under section 8(1) of the Enforcement of Court Orders Act 1940 for the enforcement of the relevant antecedent order lapses and any warrant or order issued or made under that subsection ceases to have effect.

(2) An attachment of earnings order ceases to have effect on the making of an order under section 8(1) of the Enforcement of Court Orders Act 1940 for the enforcement of the relevant antecedent order.

Enforcement.

63.— (1) A maintenance creditor who fails to obtain a sum of money due under an attachment of earnings order, or the District Court clerk to whom the sum falls to be paid, may sue for the sum as a simple contract debt in any court of competent jurisdiction, if the failure to obtain the sum is caused by—

(*a*) a person failing, without reasonable excuse, to comply with *section 54(3)* or *(4)*, or *57*, or an order under *section 56* or *60(2)*, or

(*b*) a person, without reasonable excuse, giving a false or misleading statement under *section 56(1)* or notification under *section 57*.

(2) A person who gives to a court a statement pursuant to *section 56* or a notification under *section 57* that he or she knows to be false or misleading commits an offence and is liable on summary conviction to F22**[**a class C fine**]** or to imprisonment for a term not exceeding six months or to both.

(3) A person who contravenes *section 54(5)* commits an offence and is liable on summary conviction to F23**[**a class E fine**]**.

PART 7

Miscellaneous Provisions Relating to Parts 5 and 6

Payments without deduction of income tax.

64.— A periodical payment of money pursuant to a maintenance order, a variation order, an interim order, an order under *section 48* (insofar as it is deemed to be a maintenance order) or an attachment of earnings order shall be made without deduction of income tax.

Amendment of the Enforcement of Court Orders Act 1940.

65.— The references in sections 8(1) and (7) of the Enforcement of Court Orders Act 1940 (as amended by section 29 of the Family Law (Maintenance of Spouses and Children) Act 1976, section 22 of the Family Law Act 1995 and section 30 of the Family Law (Divorce) Act 1996) to an order shall be construed as including references to an antecedent order.

Property in household allowance.

66.— An allowance made by one civil partner to the other for the purpose of meeting household expenses, and any property or interest in property that was acquired out of the allowance, belong to the civil partners as joint owners, in the absence of any express or implied agreement between them to the contrary.

Voidance of certain provisions of agreements.

67.— An agreement between civil partners is void to the extent to which it would have the effect of excluding or limiting the operation of any provision in *Part 5* or *Part 6*.

F24**[**Birth and funeral expenses of dependent child

67A.— (1) The court may make an order (in this section referred to as a "lump sum order") where it appears to the court on application by a civil partner in relation to a dependent child of the civil partners that the other civil partner has failed to make such contribution as is proper in the circumstances towards the expenses incidental to either or both—

(*a*) the birth of a child who is a dependent child or who would have been a dependent child were he or she alive at the time of the application for a lump sum order,

(*b*) the funeral of a child who was a dependent child or who would have been a dependent child had he or she been born alive,

and any lump sum order shall direct the respondent civil partner to pay to the applicant a lump sum not exceeding €4,000, but no such order shall direct the payment of an amount exceeding €2,000 in respect of the birth of a child to whom this section relates or €2,000 in respect of the funeral of such a child.

(2) *Subsection (3)* of *section 45* shall apply for the purpose of determining the amount of any lump sum under this section as it applies for the purpose of determining the amount of any payment under that section.

(3) (*a*) Nothing in this section, apart from this subsection, shall prejudice any right of a person otherwise to recover moneys expended in relation to the birth or funeral of a child.

(*b*) Where an application for a lump sum order has been determined, the applicant shall not be entitled otherwise to recover from the respondent moneys in relation to matters so determined.**]**

PART 8

Succession

Interpretation.

68.— In this Part, "Act of 1965" means the Succession Act 1965.

Amendment of section 3 of Act of 1965.

69.— Section 3(1) of the Act of 1965 is amended—

(*a*) by inserting the following definition:

"'civil partner' has the meaning assigned to it by the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;",

and

(*b*) by substituting the following for the definition of "legal right":

"'legal right' means—

(*a*) the right of a spouse under section 111 to a share in the estate of a deceased person, and

(*b*) the right of a civil partner under section 111A to a share in the estate of a deceased person;".

Amendment of section 56 of Act of 1965.

70.— Section 56 of the Act of 1965 is amended—

(*a*) by inserting "or civil partner" after "spouse" wherever it appears, and

(*b*) in subsections (9), (10) and (12) by replacing "the spouse's" with "his or her" wherever it appears.

Amendment of section 58 of Act of 1965.

71.— Section 58(6) of the Act of 1965 is amended by inserting "or civil partner" after "spouse".

Amendment of section 67 of Act of 1965.

72.— Section 67 of the Act of 1965 is amended—

(*a*) in subsection (2)(*b*), by substituting "section 67B(2)" for "subsection (4)", and

(*b*) by repealing subsections (3) and (4).

Insertion of new sections in Act of 1965.

73.— The Act of 1965 is amended by inserting the following after section 67:

"Shares of surviving civil partner and issue.

67A.— (1) If an intestate dies leaving a civil partner and no issue, the civil partner shall take the whole estate.

(2) If an intestate dies leaving a civil partner and issue—

(*a*) subject to subsections (3) to (7), the civil partner shall take two-thirds of the estate; and

(*b*) the remainder shall be distributed among the issue in accordance with section 67B(2).

(3) The court may, on the application by or on behalf of a child of an intestate who dies leaving a civil partner and one or more children, order that provision be made for that child out of the intestate's estate only if the court is of the opinion that it would be unjust not to make the order, after considering all the circumstances, including—

(*a*) the extent to which the intestate has made provision for that child during the intestate's lifetime,

(*b*) the age and reasonable financial requirements of that child,

(*c*) the intestate's financial situation, and

(*d*) the intestate's obligations to the civil partner.

(4) The court, in ordering provision of an amount under subsection (3) shall ensure that—

(*a*) the amount to which any issue of the intestate is entitled shall not be less than that to which he or she would have been entitled had no such order been made, and

(*b*) the amount provided shall not be greater than the amount to which the applicant would have been entitled had the intestate died leaving neither spouse nor civil partner.

(5) Rules of court shall provide for the conduct of proceedings under this section in a summary manner.

(6) The costs in the proceedings shall be at the discretion of the court.

(7) An order under this section shall not be made except on an application made within 6 months from the first taking out of representation of the deceased's estate.

Share of issue where no surviving spouse or surviving civil partner.

67B.— (1) If an intestate dies leaving issue and no spouse or civil partner, the estate shall be distributed among the issue in accordance with subsection (2).

(2) If all the issue are in equal degree of relationship to the deceased the distribution shall be in equal shares among them; if they are not, it shall be *per stirpes*.".

Amendment of section 68 of Act of 1965.

74.— Section 68 of the Act of 1965 is amended by inserting "nor civil partner" after "spouse".

Amendment of section 69 of Act of 1965.

75.— Section 69 of the Act of 1965 is amended by inserting "nor civil partner" after "spouse" wherever it appears.

Amendment of section 70 of Act of 1965.

76.— Section 70 of the Act of 1965 is amended by inserting "nor civil partner" after "spouse".

Amendment of section 82 of Act of 1965.

77.— Section 82(1) of the Act of 1965 is amended by inserting "or civil partner" after "spouse" wherever it appears.

Amendment of section 83 of Act of 1965.

78.— Section 83 of the Act of 1965 is amended by inserting "or civil partner" after "spouse".

Amendment of section 85 of Act of 1965.

79.— Section 85(1) of the Act of 1965 is amended by inserting "or entry into a civil partnership" after "marriage" wherever it appears.

Amendment of section 109 of Act of 1965.

80.— Section 109(1) of the Act of 1965 is amended by inserting "or civil partner" after "spouse" wherever it appears.

Insertion of section 111A in Act of 1965.

81.— The Act of 1965 is amended by inserting the following section after section 111:

"Right of surviving civil partner.

111A.— (1) If the testator leaves a civil partner and no children, the civil partner shall have a right to one-half of the estate.

(2) Subject to section 117(3A), if the testator leaves a civil partner and children, the civil partner shall have a right to one-third of the estate.".

Amendment of section 112 of Act of 1965.

82.— Section 112 of the Act of 1965 is amended by inserting "or the right of a civil partner under section 111A" after "section 111".

Insertion of section 113A in Act of 1965.

83.— The Act of 1965 is amended by inserting the following section after section 113:

"Renunciation of legal right.

113A.— The legal right of a civil partner may be renounced in an ante-civil-partnership-registration contract made in writing between the parties to an intended civil partnership or may be renounced in writing by the civil partner after registration and during the lifetime of the testator.".

Amendment of section 114 of Act of 1965.

84.— Section 114 of the Act of 1965 is amended by inserting "or civil partner" after "spouse" wherever it appears.

Amendment of section 115 of Act of 1965.

85.— Section 115 of the Act of 1965 is amended—

(*a*) by inserting "or civil partner" after "spouse" wherever it appears, and

(*b*) in subsection (5), by inserting "or civil partner's" after "spouse's".

Amendment of section 117 of Act of 1965.

86.— Section 117 of the Act of 1965 is amended by inserting the following subsection after subsection (3):

"(3A) An order under this section shall not affect the legal right of a surviving civil partner unless the court, after consideration of all the circumstances, including the testator's financial circumstances and his or her obligations to the surviving civil partner, is of the opinion that it would be unjust not to make the order.".

Amendment of section 120 of Act of 1965.

87.— Section 120 of the Act of 1965 is amended—

(*a*) by inserting the following subsection after subsection (2):

"(2A) A deceased's civil partner who has deserted the deceased is precluded from taking any share in the deceased's estate as a legal right or on intestacy if the desertion continued up to the death for two years or more.",

(*b*) by inserting the following subsection after subsection (3):

"(3A) A civil partner who was guilty of conduct which justified the deceased in separating and living apart from him or her is deemed to be guilty of desertion within the meaning of subsection (2A).",

(*c*) in subsection (4), by inserting "or civil partner" after "spouse".

Amendment of section 121 of Act of 1965.

88.— Section 121 of the Act of 1965 is amended in subsections (2), (5) and (7) by inserting "or civil partner" after "spouse" wherever it appears.

Amendment of section 45 of Statute of Limitations 1957.

89.— Section 45(1) of the Statute of Limitations 1957, as inserted by the Succession Act 1965, is amended by inserting "or section 111A" after "section 111".

PART 9

Domestic Violence

Interpretation.

90.— In this Part, "Act of 1996" means the Domestic Violence Act 1996.

Amendment of section 1 of Act of 1996.

91.— Section 1(1) of the Act of 1996 is amended by inserting the following definitions:

"'Act of 2010' means the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;

'civil partner' has the meaning assigned to it by the *Act of 2010* and includes a person who was a civil partner in a partnership that has been dissolved under that Act;".

Amendment of definition of "the applicant" in section 2 of Act of 1996.

92.— The definition "the applicant" in section 2(1)(*a*) of the Act of 1996 is amended by inserting the following subparagraph after subparagraph (i):

"(ia) is the civil partner of the respondent, or a person who was a party to a civil partnership with the respondent that has been dissolved under the *Act of 2010*, or".

Amendment of section 3 of Act of 1996.

93.— Section 3(1) of the Act of 1996 is amended by inserting the following paragraph after paragraph (*a*):

"(*aa*) is the civil partner of the respondent, or a person who was a party to a civil partnership with the respondent that has been dissolved under the *Act of 2010*, or".

Insertion of section 8A of Act of 1996.

94.— The Act of 1996 is amended by inserting the following section after section 8:

"Application of orders restricting disposal or removal of household chattels.

8A.— (1) *Section 34(2)* (which restricts the right of a civil partner to dispose of or remove household chattels) of the *Act of 2010* shall apply between the making of an application against the civil partner of the applicant for a barring order or a safety order and its determination, and if an order is made, while the order is in force, as it applies between the institution and final determination of dissolution proceedings to which that section relates.

(2) A court which is empowered under *section 34(2)(b)* of the *Act of 2010* to grant permission for any disposition or removal of household chattels within the meaning of that section is, notwithstanding anything in *section 140* of that Act, the court before which the proceedings (including any proceedings for a barring order or a safety order) have been instituted.".

Amendment of section 9 of Act of 1996.

95.— Section 9(2) of the Act of 1996 is amended by inserting the following paragraph after paragraph (*c*):

"(*cc*) an order under *section 30*, *34* or *45* of the *Act of 2010*;".

Amendment of section 13 of Act of 1996.

96.— Section 13(2) of the Act of 1996 is amended by inserting "or any annulment or dissolution proceedings under the *Act of 2010*," after "matrimonial cause or matter".

PART 10

Miscellaneous Consequences of Civil Partnership Registration

Ethics and conflict of interests.

97.— (1) For the purposes of determining matters concerning ethics and conflicts of interests under any rule of law or enactment—

(*a*) with respect to a person, a reference to a "connected per son" or a "connected relative" of that person shall be construed as including the person's civil partner and the child of the person's civil partner who is ordinarily resident with the person and the civil partner, and

(*b*) a declaration that must be made in relation to a spouse of a person shall also be made in relation to a civil partner of a person.

(2) Without limiting the generality of *subsection (1)*, the Acts specified in *Part 1* of the *Schedule* are amended as indicated in that *Schedule*.

Amendment of Mental Health Act 2001.

98.— (1) In this section, "Act of 2001" means the Mental Health Act 2001.

(2) Section 2(1) of the Act of 2001 is amended by inserting the following definition:

"'civil partner' means a civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;".

(3) Section 9 of the Act of 2001 is amended—

(*a*) in paragraph (1)(*a*), by inserting "or civil partner" after "spouse",

(*b*) in paragraphs (2)(*b*) and (*f*), by inserting "or civil partner" after "spouse", and

(*c*) in subsection (8), by inserting the following definition:

"'civil partner' in relation to a person, does not include a civil partner of the person who is living separately and apart from the person or in respect of whom an application or order has been made under the Domestic Violence Acts 1996 and 2002 as amended by the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;".

(4) Section 10(3)(*c*) of the Act of 2001 is amended by inserting ", a civil partner" after "spouse".

(5) Section 14(3)(*a*) of the Act of 2001 is amended by inserting ", a civil partner" after "spouse".

(6) Section 24(1) of the Act of 2001 is amended by inserting ", civil partner" after "spouse".

Pensions.

99.— (1) A benefit under a pension scheme that is provided for the spouse of a person is deemed to provide equally for the civil partner of a person.

(2) Without limiting the generality of *subsection (1)*, the Acts specified in *Part 2* of the *Schedule* are amended as indicated in that *Schedule*.

(3) In this section "pension scheme" has the meaning assigned to it by *section 109*.

Amendment of the Pensions Act 1990.

100.— The Pensions Act 1990 is amended—

(*a*) in section 65(1) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004), by deleting the definition of "marital status" and inserting the following definition:

"'civil status' means civil status within the meaning of the Civil Registration Act 2004 as amended by the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;",

(*b*) in section 66(2)(*a*)(ii) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004), by substituting "civil status" for "marital status" in subparagraph (*a*)(ii),

(*c*) in section 66(2)(*b*) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004), by substituting "civil status" for "marital status" wherever it appears,

(*d*) in section 67(1)(*b*) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004), by substituting "civil status" for "marital status" wherever it appears,

(*e*) in section 72 (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004), by substituting "civil status" for "marital status" wherever it appears, and

(*f*) in section 75(1) (substituted by section 22(1) of the Social Welfare (Miscellaneous Provisions) Act 2004), by substituting "civil status" for "marital status".

Amendment of Criminal Damage Act 1991.

101.— Section 1 of the Criminal Damage Act 1991 (as amended by the Family Law (Divorce) Act 1996) is amended by inserting the following subsection after subsection (3):

"(3A) A reference to any property belonging to another, however expressed, shall be construed as a reference to a shared home as respects an offence under section 2, 3(*a*) or 4(*a*) if—

(*a*) the property is either a shared home or a dwelling, within the meaning of *section 27* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, in which a person who was a civil partner in a civil partnership that has been dissolved under that Act ordinarily resided with his or her former civil partner before the dissolution, and

(*b*) the person charged—

(i) is the civil partner, or was the civil partner until the dissolution of their civil partnership, of a person who resides, or is entitled to reside, in the home, and

(ii) is the subject of a protection order or barring order or is excluded from the home pursuant to an order under the Domestic Violence Act 1996 as amended by *Part 9* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* or another order of a court.".

Amendment of Employment Equality Act 1998.

102.— (1) In this section, "Act of 1998" means the Employment Equality Act 1998.

(2) Section 2(1) of the Act of 1998 is amended—

(*a*) by inserting the following definition:

"'civil status' means being single, married, separated, divorced, widowed, in a civil partnership within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* or being a former civil partner in a civil partnership that has ended by death or been dissolved;";

(*b*) by deleting the definition "marital status"; and

(*c*) by inserting, in paragraphs (*a*) and (*b*) of the definition "member of the family", "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears.

(3) The Act of 1998 is amended by substituting "civil status" for "marital status" wherever it appears.

Amendment of Equal Status Act 2000.

103.— (1) In this section, "Act of 2000" means the Equal Status Act 2000.

(2) Section 2(1) of the Act of 2000 is amended—

(*a*) by inserting the following definition:

"'civil status' means being single, married, separated, divorced, widowed, in a civil partnership within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* or being a former civil partner in a civil partnership that has ended by death or been dissolved;",

(*b*) by deleting the definition "marital status", and

(*c*) by inserting, in the definition "near relative", "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse".

(3) The Act of 2000 is amended by substituting "civil status" for "marital status" wherever it appears.

Amendment of Powers of Attorney Act 1996.

104.— (1) In this section, "Act of 1996" means the Powers of Attorney Act 1996.

(2) Section 5 of the Act of 1996 is amended—

(*a*) by inserting, in subsection (4)(*b*), "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse", and

(*b*) by inserting the following subsection after subsection (7):

"(7A) An enduring power in favour of a civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*

shall, unless the power provides otherwise, be invalidated or, as the case may be, cease to be in force if subsequently—

(*a*) a decree of nullity or a decree of dissolution of the civil partnership is granted or recognised under the law of the State,

(*b*) a written agreement to separate is entered into between the civil partners, or

(*c*) a protection order, interim barring order, barring order or safety order is made against the attorney on the application of the donor, or *vice versa*.".

(3) Section 6(7)(*b*)(iii)(II) of the Act of 1996 is amended by inserting "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse".

(4) The First Schedule to the Act of 1996 is amended by inserting the following paragraph after paragraph 3(1)(*a*):

"(*aa*) the donor's civil partner, within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;".

(5) Part I of the Second Schedule to the Act of 1996 is amended by inserting the following paragraph after paragraph 2A (inserted by the Family Law (Divorce) Act 1996):

"2B. The expiry of an enduring power of attorney effected in the circumstances mentioned in section 5(7A) shall apply only so far as it relates to an attorney who is the civil partner of the donor.".

(6) Part II of the Second Schedule to the Act of 1996 is amended by inserting the following paragraph after paragraph 3:

"4. The expiry of an enduring power of attorney effected in the circumstances mentioned in section 5(7A) shall apply only so far as it relates to an attorney who is the civil partner of the donor.".

Amendment of Civil Liability Act 1961.

105.— Paragraph (*a*) of the definition "dependant" in section 47(1) (as amended by section 1(1) of the Civil Liability (Amendment) Act 1996) of the Civil Liability Act 1961 is amended by inserting ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse".

Determination of questions between civil partners in relation to property.

106.— (1) Either civil partner may apply to the court in a summary manner to determine a question arising between them as to the title to or possession of property.

(2) The court may, on application to it under *subsection (1)*—

(*a*) make the order it considers proper with respect to the property in dispute (including an order that the property be sold or partitioned), and as to the costs consequent on the application, and

(*b*) direct the inquiries, and give the other directions, it considers proper in relation to the application.

(3) A civil partner or a child of a deceased person who was a civil partner before death may make an application under *subsection (1)* when he or she is of the view that the conditions specified in *subsection (4)* are present.

(4) The conditions for an application under *subsection (3)* are:

(*a*) the applicant claims that the other civil partner has possessed or controlled—

(i) money to which, or a share of which, the applicant was beneficially entitled whether because it represented the proceeds of sale of property to which, or to an interest in which, the applicant was beneficially entitled or for any other reason, or

(ii) property other than money to which, or to an interest in which, the applicant was beneficially entitled;

and

(*b*) the money or the property has ceased to be in the possession or under the control of the other civil partner or the applicant does not know whether it is still in the possession or under the control of the other civil partner.

(5) If the court is satisfied on an application under *subsections (1)* and *(3)* of the matters specified in *subsection (6),* the court may make an order under *subsection (2)* in relation to the application and may, in addition to or in lieu of that order, make an order requiring the other civil partner to pay to the applicant—

(*a*) a sum in respect of the money to which the application relates, or the applicant's proper share of it, or

(*b*) a sum in respect of the value of the property other than money, or the applicant's proper share of it.

(6) For the purposes of *subsection (5),* the court must be satisfied that—

(*a*) the other civil partner possesses or controls, or has possessed or controlled, money or other property referred to in *subsection (4)(a)(i)* or *(ii)*, and

(*b*) the other civil partner has not made to the applicant a payment or disposition other than a testamentary disposition that would have been appropriate in the circumstances.

(7) A person (other than the applicant or the other civil partner) who is a party to proceedings under this section shall be treated as a stakeholder only, for the purposes of costs or any other matter.

(8) In this section, references to a civil partner include references to—

(*a*) a personal representative of a deceased civil partner, and

(*b*) either of the parties to a void civil partnership, whether or not it has been the subject of a decree of nullity granted under *section 107.*

PART 11

Nullity of Civil Partnership

Grant of decree of nullity.

107.— On application to it in that behalf by either of the civil partners or by another person who, in the opinion of the court, has sufficient standing in the matter, the court may grant a decree of nullity if satisfied that at the time the civil partners registered in a civil partnership—

(*a*) either or both of the parties lacked the capacity to become the civil partner of the other for any reason, including—

(i) either or both of the parties was under the age of eighteen years,

(ii) either or both of the parties was already a party to a valid marriage, and

(iii) either or both of the parties was already registered in a relationship with another person which was entitled to be recognised as a civil partnership in the State in accordance with *section 5* and which had not been dissolved,

(*b*) the formalities for the registration of the civil partnership were not observed,

(*c*) either or both of the parties did not give free and informed consent to the civil partnership registration for any reason, including—

(i) the consent was given under duress,

(ii) the consent was given under undue influence,

(iii) the party or parties did not intend, at the time of the registration, to accept the other as a civil partner in accordance with the law, and

(iv) either or both of the parties was unable to give informed consent, as attested by a consultant psychiatrist within the meaning of section 2(1) of the Mental Health Act 2001,

(*d*) the parties were within the prohibited degrees of relationship within the meaning of the Third Schedule to the Civil Registration Act 2004 (as inserted by *section 26* of this Act), or

(*e*) the parties were not of the same sex.

Effect of decree of nullity.

108.— (1) Where the court grants a decree of nullity, the civil partnership is declared not to have existed and either civil partner may register in a new civil partnership or marry.

(2) The rights of a person who relied on the existence of a civil partnership which is subsequently the subject of a decree of nullity are not prejudiced by that decree.

F25**[**Custody of dependent children of civil partners after decree of nullity

108A.— Where the court grants a decree of nullity, it may declare either of the civil partners concerned to be unfit to have custody of any dependent child of the civil partners who is under the age of 18 years and, if it does so and the civil partner to whom the declaration relates is a parent of any dependent child of the civil partners who is under the age of 18 years, that civil partner shall not, on the death of the other civil partner, be entitled as of right to the custody of that child.**]**

PART 12

Dissolution of Civil Partnership

Definitions, etc.

109.— (1) In this Part—

F26**[**"Act of 1964" means the Guardianship of Infants Act 1964;**]**

"court" shall be construed in accordance with *section 140*;

"decree of dissolution" means a decree under *section 110*;

"decree of nullity" means a decree granted by a court under *section 107* declaring a civil partnership to be void;

"financial compensation order" means an order under *section 120*;

"lump sum order" means an order under F27**[***paragraph (c)* or *(ca)* of *section 117(1)***]**

"maintenance pending suit order" means an order under *section 116*;

"member" in relation to a pension scheme, means a person who, having been admitted to membership of the scheme under its rules, remains entitled to any benefit under the scheme;

"pension adjustment order" means an order under *sections 121* to *126* ;

"pension scheme" means—

(*a*) an occupational pension scheme within the meaning of the Pensions Act 1990,

(*b*) an annuity contract approved by the Revenue Commissioners under section 784 of the Taxes Consolidation Act 1997, or a contract so approved under section 785 of that Act,

(*c*) a trust scheme, or part of a trust scheme, approved under section 784(4) or 785(5) of the Taxes Consolidation Act 1997,

(*d*) a policy or contract of assurance approved by the Revenue Commissioners under Chapter 1 of Part 30 of the Taxes Consolidation Act 1997, or

(*e*) another scheme or arrangement, including a personal pension plan and a scheme or arrangement established by or pursuant to statute or instrument made under statute other than under the Social Welfare Acts, that provides or is intended to provide either or both of the following:

(i) benefits for a person who is a member of the scheme or arrangement upon retirement at normal pensionable age or upon earlier or later retirement or upon leaving or upon the ceasing of the relevant employment, and

(ii) benefits for the widow, widower or dependants of the person referred to in *subparagraph (i)*, for his or her civil partner or the person that was his or her civil partner until the death of the person referred to in *subparagraph (i)* or for any other persons, on the death of that person;

"periodical payments order" means an order under F27**[***paragraph (a)* or *(aa)* of *section 117(1)***]**;

"property adjustment order" means an order under *section 118*;

"secured periodical payments order" means an order under F27**[***paragraph (b)* or *(ba)* of *section 117(1)***]**;

"shared home" has the meaning assigned to it in *Part 4* , with the modification that the references to a civil partner in that Part shall be construed as references to a civil partner within the meaning of this Part;

"trustees", in relation to a scheme that is established under a trust, means the trustees of the scheme and, in relation to a pension scheme not established under a trust, means the persons who administer the scheme.

(2) In this Part, where the context so requires—

(*a*) a reference to a civil partnership includes a reference to a civil partnership that has been dissolved under this Part,

(*b*) a reference to a registration in a new civil partnership includes a reference to a registration in a civil partnership that takes place after a civil partnership that has been dissolved F27**[**under this Part,**]**

(*c*) a reference to a civil partner includes a reference to a person who was a civil partner in a civil partnership that has been dissolved F27**[**under this Part, and**]**

F26**[**(*d*) a reference to an application to a court by a person on behalf of a dependent child of the civil partners includes a reference to such an application by such a child and a reference to a payment, the securing of a payment, or the assignment of an interest, to a person for the benefit of a dependent child of the civil partners includes a reference to a payment, the securing of a payment, or the assignment of an interest, to such a child.**]**

F28**[**Dissolution of civil partnership on marriage

109A.— Notwithstanding any provision of this Part, a civil partnership subsisting between two persons immediately before their marriage to each other shall stand dissolved on and from the date of that marriage.**]**

Grant of decree of dissolution.

F29**[110.**— (1) Subject to the provisions of this Part, the court may, on application to it in that behalf by either of the civil partners, grant a decree of dissolution in respect of a civil partnership if it is satisfied that—

(*a*) at the date of the institution of the proceedings, the civil partners have lived apart from one another for a period of, or periods amounting to, at least two years during the previous three years, and

(*b*) provision that the court considers proper having regard to the circumstances exists or will be made for the civil partners and any dependent child of the civil partners.

F30**[**(1A) For the purposes of this section—

(*a*) civil partners who live in the same dwelling as one another shall be considered as living apart from one another if the court is satisfied that, while so living in the same dwelling, the civil partners do not live together as a couple in an intimate and committed relationship, and

(*b*) a relationship does not cease to be an intimate relationship merely because it is no longer sexual in nature.**]**

(2) Upon the grant of a decree of dissolution, the court may, where appropriate, give such directions under section 11 of the Act of 1964 as it considers proper regarding the best interests (within the meaning of that Act) or custody of, or right of access to, any dependent child of the civil partners concerned who is under the age of 18 years as if an application had been made to it in that behalf under that section.**]**

Adjournment of proceedings to assist reconciliation, mediation or agreements on terms of dissolution.

111.— (1) The court may adjourn or further adjourn proceedings under *section 110* at any time for the purpose of enabling the civil partners to attempt, if they both so wish, with or without the assistance of a third party—

(*a*) to reconcile, or

(*b*) to reach agreement on some or all of the terms of the proposed dissolution.

(2) Either or both of the civil partners may at any time request that the hearing of proceedings adjourned under *subsection (1)* be resumed as soon as may be and, if that request is made, the court shall, subject to any other power of the court to adjourn proceedings, resume the hearing.

(3) The powers conferred by this section are additional to any other power of the court to adjourn proceedings.

(4) The court may, at its discretion when adjourning proceedings under this section, advise the civil partners to seek the assistance of a mediator or other third party in relation to the civil partners' proposed reconciliation or reaching of an agreement between them on some or all of the terms of the proposed dissolution.

Non-admissibility as evidence of certain communications.

112.— The following are not admissible as evidence in any court:

(*a*) an oral or written communication between either of the civil partners and a third party, whether or not made in the presence or with the knowledge of the other civil partner, for the purpose of—

(i) seeking assistance to effect a reconciliation, or

(ii) reaching agreement between them on some or all of the terms of a dissolution;

and

(*b*) any record of such a communication, made or caused to be made by either of the civil partners concerned or the third party.

Effect of decree of dissolution.

113.— F31**[**(1)**]** Where the court grants a decree of dissolution, the civil partnership is thereby dissolved and either civil partner may register in a new civil partnership or marry.

F31**[**(2) For the avoidance of doubt, it is hereby declared that the grant of a decree of dissolution shall not affect the rights of the parents of a child, under section 6 or 6B of the Act of 1964, to be guardians of the child jointly.**]**

Interpretation.

114.— An order made under any of *sections 115* to *128* that refers to a civil partner shall be construed as including a person who was a civil partner until the dissolution of the civil partnership under this Part.

Preliminary orders in proceedings for dissolution.

115.— Where an application is made to the court for the grant of a decree of dissolution, the court, before deciding whether to grant or refuse to grant the decree may, in the same proceedings and without the institution of proceedings under any other Act, if it appears to the court to be proper to do so, make one or more of the following orders:

F32**[**(*a*) a safety order, barring order, interim barring order or protection order under the Domestic Violence Act 2018;**]**

(*b*) an order under *section 30* F33**[**or *section 34*; and**]**

F34**[**(*c*) an order under section 11 of the Act of 1964.**]**

Maintenance pending suit orders.

116.— F35**[**(1) Where an application is made to the court for the grant of a decree of dissolution, the court may make an order requiring either of the civil partners to make to the other periodical payments or lump sum payments for his or her support and, where appropriate, to make to such person as may be specified in the order such periodical payments for the benefit of any dependent child of the civil partners that the court considers proper and specifies in the order.**]**

(2) Periodical payments ordered under *subsection (1)* may be for the period beginning not earlier than the date of the application and ending not later than the date of its determination that the court specifies in the order.

F36**[**(3) The court may provide that payments under this section shall be subject to such terms and conditions as it considers appropriate and specifies in the order.**]**

Periodical payments and lump sum orders.

117.— (1) On granting a decree of dissolution or at any other time after granting the decree, the court, on application to it in that behalf F37**[**by either of the civil partners concerned or by a person on behalf of a dependent child of the civil partners may**]**, during the lifetime of either of the civil partners, make one or more of the following orders:

(*a*) an order that either of the civil partners make to the other the periodical payments in the amounts, during the period and at the times that may be specified in the order;

F38**[**(*aa*) an order that either of the civil partners make to such person as may be specified in the order for the benefit of any dependent child of the civil partners the periodical payments in the amounts, during the period and at the times that may be specified in the order;**]**

(*b*) an order that either of the civil partners secure to the other, to the satisfaction of the court, the periodical payments of the amounts, during the period and at the times that F37**[**may be specified in the order;**]**

F38**[**(*ba*) an order that either of the civil partners secure, to the satisfaction of the court, to such person as may be specified in the order for the benefit of any dependent child of the civil partners the periodical payments in the amounts, during the period and at the times that may be specified in the order;**]**

(*c*) an order that either of the civil partners make to the other a lump sum payment or lump sum payments of the amount or amounts and at the time or times that F37**[**may be specified in the order; and**]**

F38**[**(*ca*) an order that either of the civil partners make to such person as may be specified in the order for the benefit of any dependent child of the civil partners a lump sum payment or lump sum payments in the amount or amounts and at the time or times that may be specified in the order.**]**

F39**[**(2) The court may order a civil partner to pay a lump sum—

(*a*) to the other civil partner to meet any liabilities or expenses reasonably incurred by the other civil partner in maintaining himself or herself or any dependent child of the civil partners before the making of an application by the other civil partner for an order under *subsection (1)*, or

(*b*) to such person that may be specified in the order to meet any liabilities or expenses reasonably incurred by or for the benefit of a dependent child of the civil partners before the making of an application on behalf of the dependent child of the civil partners for an order under *subsection (1)*.**]**

(3) An order under this section for the payment of a lump sum may provide for the payment of the lump sum by instalments of the amounts that may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

(4) The period specified in an order under *subsection (1) (a)* or *(b)* shall begin not earlier than the date of the application for the order and shall end not later than the death of the first civil partner to die.

F40**[**(4A) The period specified in an order under *subsection (1)(aa)* or *(ba)* shall begin not earlier than the date of the application for the order and shall end not later than the death of the civil partner against whom the order was made or the death of the dependent child of the civil partners in whose favour the order was made, whichever first occurs.**]**

(5) An order made under *subsection (1) (a)* or *(b)* ceases to have effect on the date of entry into a new civil partnership or marriage of the civil partner in whose favour the order was made, except as respects payments due under it on that date.

(6) The court shall not make an order under this section in favour of a civil partner who has entered into a new civil partnership or has married.

(7) The court that makes an order under F41**[***paragraph (a)* or *(aa)* of *subsection (1)***]** shall, in the same proceedings, make an attachment of earnings order under *Part*

6 to secure payments under the order if it is satisfied, after taking into consideration any representations on the matter made to it by the civil partner ordered to make payments under that subsection, that—

(*a*) the order is desirable to secure payments under an order under F41**[***paragraph (a)* or *(aa)* of *subsection (1)***]** and any variations and affirmations of that order, and

(*b*) the person against whom the attachment of earnings order is made is a person to whom earnings fall to be paid.

Property adjustment orders.

118.— (1) On granting a decree of dissolution or at any other time after the decree is granted, the court, on application to it in that behalf by F42**[**either of the civil partners or by a person on behalf of a dependent child of the civil partners may**]**, during the lifetime of either of the civil partners, make one or more of the following orders:

(*a*) an order transferring specified property in which a civil partner has an interest either in possession or reversion from that civil partner F42**[**to the other, to any dependent child of the civil partners or to any other specified person for the benefit of such a child**]**;

(*b*) an order settling specified property in which a civil partner has an interest either in possession or reversion for the benefit F42**[**of the other and of any dependent child of the civil partners or any or all of those persons**]**, to the satisfaction of the court;

(*c*) an order varying an ante-registration or post-registration settlement made by the civil partners, including one made by will or codicil, for the benefit of F42**[**one of the civil partners and of any dependent child of the civil partners or any or all of those persons**]**; and

(*d*) an order extinguishing or reducing the interest of either of the civil partners under such a settlement.

(2) An order under *subsection (1) (b), (c)* or *(d)* may restrict to a specified extent or may exclude the application of *section 131* in relation to the order.

(3) If, after the grant of the decree of dissolution, either of the civil partners registers in a new civil partnership or marries, the court shall not make an order under *subsection (1)* in favour of that civil partner.

(4) The registrar or clerk of the court that makes an order under *subsection (1)* in relation to land shall lodge with the Property Registration Authority a copy of the order certified to be a true copy for registration in the Registry of Deeds or Land Registry, as appropriate.

(5) Where a property adjustment order lodged under *subsection (4)* and registered pursuant to section 69(1)(*h*) of the Registration of Title Act 1964 or in the Registry of Deeds has been complied with, the Property Registration Authority shall, on being satisfied that the order has been complied with—

(*a*) cancel the entry made in the register under the Registration of Title Act 1964, or

(*b*) note compliance with the order in the Registry of Deeds.

(6) The court may order a person other than the person directed by an order under *subsection (1)* to execute a deed or instrument in the name of the person who had been directed to do so if—

(*a*) that person refuses or neglects to comply with the direction, or

(*b*) the court considers it necessary to do so for another reason.

(7) A deed executed by a person in the name of another person pursuant to an order under *subsection (6)* is as valid as if it had been executed by the person who had been originally directed to do so.

(8) The court may determine the manner in which the costs incurred in complying with an order under this section are to be borne, including by one or the other of the civil partners or by both of them in the proportions that the court may determine.

(9) This section does not apply in relation to a shared or family home in which, following the grant of a decree of dissolution, either of the civil partners resides with a new civil partner or spouse.

Miscellaneous ancillary orders.

119.— (1) On granting a decree of dissolution or at any other time after it is granted, the court, on application to it in that behalf by F43**[**either of the civil partners or a person on behalf of a dependent child of the civil partners may**]**, during the lifetime of either of the civil partners, make one or more of the following orders:

(*a*) an order providing for the conferral on one civil partner, either for life or for another specified definite or contingent period that the court may specify, of the right to occupy the shared home to the exclusion of the other civil partner;

(*b*) an order directing the sale of the shared home subject to the conditions that the court considers proper and providing for the disposition of the proceeds of the sale between the civil partners and any other person with an interest in it;

(*c*) an order under *section 30*, *33*, *34* or *106*;

F44**[**(*d*) an order under the Domestic Violence Act 2018;**]**

F43**[**(*e*) an order under section 31 of the Land and Conveyancing Law Reform Act 2009; and**]**

F45**[**(*f*) an order under section 11 of the Act of 1964.**]**

(2) The court, in exercising its jurisdiction under *subsection (1) (a)* or *(b)* shall have regard to the F43**[**welfare of the civil partners and any dependent child of the civil partners**]** and, in particular, shall take into consideration—

(*a*) that, where a decree of dissolution is granted, it is not possible for the civil partners to reside together, and

(*b*) that proper and secure accommodation should, where practicable, be provided for a civil partner who is wholly or mainly dependent on the F43**[**other civil partner and for any dependent child of the civil partners**]**.

(3) *Subsections (1) (a)* and *(b)* do not apply in relation to a shared or family home in which, following the grant of a decree of dissolution, either of the civil partners resides with a new civil partner or spouse.

Financial compensation orders.

120.— (1) If the court is of the view that one of the reasons set out in *subsection (2)* exists, the court, on application to it F46**[**in that behalf by either of the civil partners or by a person on behalf of a dependent child of the civil partners**]**, during the lifetime of either of the civil partners, may make, on granting a decree of dissolution or at any time after granting it, one or more of the following orders:

F46**[**(*a*) an order, on the application of either of the civil partners, requiring the other civil partner to effect a policy of life insurance for the benefit of the applicant civil partner or a dependent child of the civil partners;**]**

F47**[**(*aa*) an order, on the application of a person on behalf of a dependent child of the civil partners, requiring either of the civil partners to effect such a policy of life insurance for the benefit of the dependent child;**]**

F46**[**(*b*) an order, on the application of one civil partner, requiring the other civil partner to assign to the applicant civil partner, or to such person as may be specified in the order for the benefit of a dependent child of the civil partners, the whole or a specified part of the interest in a policy of life insurance that the other civil partner has effected or that both of the civil partners have effected;**]**

F47**[**(*ba*) an order, on the application of a person on behalf of a dependent child of the civil partners, requiring either civil partner or both civil partners to assign to a person specified in the order for the benefit of the dependent child of the civil partners the whole or a specified part of the interest in a policy of life insurance that either civil partner has effected or that both of the civil partners have effected; and**]**

F46**[**(*c*) an order—

(i) on the application of a civil partner, requiring the other civil partner, or

(ii) on the application of a person on behalf of a dependent child of the civil partners, requiring either or both of the civil partners,

to make or to continue to make to the person by whom a policy of life insurance is or was issued the payments which he or she or both of the civil partners is or are required to make under the terms of the policy.**]**

(2) The reasons referred to in *subsection (1)* are:

(*a*) the financial security of the F48**[**applicant civil partner or the dependent child of the civil partners**]** can be provided for if the order is made; and

(*b*) the forfeiture by the F48**[**applicant civil partner or the dependent child of the civil partners, as the case may be,**]** of the opportunity of acquiring a benefit (for example a benefit under a pension scheme) by reason of the decree of dissolution can be compensated wholly or partly by making the order.

(3) The court may make an order under *subsection (1)* in addition to or in substitution in whole or in part for orders under *sections 117* , *118* , *119* or *121* and, in deciding whether or not to make the order, the court shall have regard to whether proper provision, having regard to the circumstances, exists, or can be made, F48**[**for the civil partner concerned or any dependent child of the civil partners concerned**]** by orders under those sections.

(4) An order made under *subsection (1)* ceases to have effect on the entry into a new civil partnership, marriage or F48**[**death of the applicant civil partner in whose favour the order was made in so far as it relates to him or her**]**.

(5) The court shall not make an order under this section in favour of a civil partner who has entered into a new civil partnership or has married.

(6) An order under *section 131* in relation to an order made under *subsection (1) (a)* or *(b)* may make the provision that the court considers appropriate in relation to the disposal of—

(*a*) an amount representing any accumulated value of the insurance policy effected pursuant to the order under *subsection (1) (a)*, or

(*b*) the interest or part of the interest to which the order under *subsection (1) (b)* relates.

Pension adjustment orders.

121.— (1) In this section and *sections 122* to *126* —

"Act of 1990" means the Pensions Act 1990;

"active member" in relation to a scheme, means a member of the scheme who is in reckonable service;

"actuarial value" means the equivalent cash value of a benefit (including, where appropriate, provision for any revaluation of the benefit) under a scheme calculated by reference to appropriate financial assumptions and making due allowance for the probability of survival to normal pensionable age and beyond in accordance with normal life expectancy on the assumption that the member, at the effective date of calculation, is in a normal state of health having regard to his or her age;

"approved arrangement", in relation to the trustees of a scheme, means an arrangement whereby the trustees, on behalf of the person for whom the arrangement is made, effect policies or contracts of insurance that are approved of by the Revenue Commissioners with, and make the appropriate payments under the policies or contracts to, one or more undertakings;

"contingent benefit" means a benefit payable under a scheme, other than a payment under *section 123 (4),* to or for the benefit of the surviving civil partner, any dependants of the member civil partner or the personal representative of the member civil partner, if the member civil partner dies while in relevant employment and before attaining any normal pensionable age provided for under the rules of the scheme;

"defined contribution scheme" has the meaning assigned to it by section 2(1) (as amended by section 29(1)(*a*)(ii) of the Social Welfare and Pensions Act 2008) of the Act of 1990;

"designated benefit" in relation to a pension adjustment order, means an amount determined by the trustees of a scheme, in accordance with relevant guidelines and by reference to the period and the percentage of the retirement benefit specified in an order under *subsection (2)*;

"member civil partner" in relation to a scheme, means a civil partner who is a member of the scheme;

"normal pensionable age" means the earliest age at which a member of a scheme is entitled to receive benefits under the rules of the scheme on retirement from relevant employment, disregarding any rules providing for early retirement on grounds of ill health or otherwise;

"occupational pension scheme" has the meaning assigned to it by section 2(1) of the Act of 1990;

"reckonable service" means service in relevant employment during membership in any scheme;

"relevant guidelines" means any relevant guidelines for the time being in force under section 10(1)(*c*) or (*cc*) (as amended by section 5 of the Pensions (Amendment) Act 1996, section 47(*c*) of the Family Law (Divorce) Act 1996, section 13(*b*) of the Pensions (Amendment) Act 2002 and section 37 of the Social Welfare and Pensions Act 2007) of the Act of 1990;

"relevant employment" in relation to a scheme, means any employment, or any period treated as employment, or any period of self-employment to which a scheme applies;

"retirement benefit", in relation to a scheme, means all benefits, other than contingent benefits, payable under the scheme;

"rules", in relation to a scheme, means the provisions of the scheme by whatever name called;

"scheme" means a pension scheme;

"transfer amount" shall be construed in accordance with *subsection (4)*;

"undertaking" has the same meaning as "'insurance undertaking' or 'undertaking' " in section 2(1) (as inserted by section 3(1) of the Insurance Act 2000) of the Insurance Act 1989.

F49**[**(2) On granting a decree of dissolution or at any other time after it is granted, the court, on application to it in that behalf by either of the civil partners or by a person on behalf of a dependent child of the civil partners, may during the lifetime of a member civil partner, make an order providing for the payment, in accordance with this section and *sections 122 to 126*, to—

(*a*) the other civil partner, or

(*b*) a person specified in the order for the benefit of a dependent child of the civil partners for so long as that child remains a dependent child of the civil partners,

of a benefit consisting of the part of the benefit that is payable (or that, but for the making of the decree, would have been payable) under the scheme and has accrued at the time of the making of the decree, or of the part of that part that the court considers appropriate.**]**

(3) The order under *subsection (2)* shall specify—

(*a*) the period of reckonable service of the member civil partner prior to the granting of the decree to be taken into account, and

(*b*) the percentage of the retirement benefit accrued during the period to be paid to F49**[**the other civil partner or to the person on behalf of the dependent child of the civil partners, as the case may be**]**.

(4) Where the court makes an order under *subsection (2)* in favour of a civil partner and payment of the designated benefit concerned has not commenced, the civil partner is entitled to the application in accordance with *section 123(1)* of an amount of money from the scheme (in this subsection referred to as a "transfer amount") equal to the value of the designated benefit as determined by the trustees of the scheme in accordance with relevant guidelines.

F49**[**(5) On granting a decree of dissolution or at any time within one year after it is granted, the court, on application to it in that behalf by either of the civil partners or by a person on behalf of a dependent child of the civil partners, may make an order providing for the payment, on the death of the member civil partner, to—

(*a*) the other civil partner, or

(*b*) a person specified in the order for the benefit of a dependent child of the civil partners,

of that part of a contingent benefit that is payable (or that, but for the making of the decree, would have been payable) under the scheme, or of the part of that part, that the court considers appropriate.**]**

(6) The court shall not make an order under this section in favour of a civil partner who has registered in a new civil partnership or has married.

(7) The court may make an order under this section in addition to or in substitution in whole or in part for an order under *section 117*, *118*, *119* or *120* and, in deciding whether or not to make a pension adjustment order, the court shall have regard to the question whether proper provision, having regard to the circumstances, exists or can be made for the civil partner who is not a F49**[**member or for a dependent child of the civil partners concerned under**]** those sections.

(8) An order under this section may restrict to a specified extent or exclude the application of *section 131* in relation to the order.

Procedural provisions respecting pension adjustment orders.

122.— (1) A person who makes an application under *section 121(2)* or *(5)* or an application for an order under *section 131(2)* in relation to an order under *section 121(2)* shall give notice of the application to the trustees of the scheme. The court shall, in deciding whether to make the order and in determining the provisions of the order, have regard to representations made by the persons to whom notice has been given under this section or *section 141*.

(2) An order referred to in *subsection (1)* ceases to have effect on the entry into a new civil partnership, marriage or death of the F50**[**applicant civil partner in whose favour the order was made in so far as the order relates to him or her**]**.

F51**[**(2A) Where the court makes an order under *section 121(2)*, or under *section 131(3)* in relation to an order under *section 121(2)*, for the benefit of a dependent child of the civil partners and the child dies before payment of the designated benefit has commenced, the order shall cease to have effect in so far as it relates to him or her.**]**

(3) The court may, in making an order referred to in *subsection (1),* give to the trustees of the scheme any directions that it considers appropriate, including a direction that would require the trustees not to comply with the rules of the scheme or the Act of 1990.

(4) The registrar or clerk of the court that makes an order referred to in *subsection (1)* shall cause a copy of the order to be served on the trustees of the scheme.

Rules respecting payments under schemes.

123.— (1) Subject to *section 124(4),* the trustees of a scheme in respect of which an order has been made under *section 121(2)* shall, where the conditions set out in *subsection (2)* are present, apply, in accordance with relevant guidelines, the transfer amount calculated in accordance with those guidelines—

(*a*) if the trustees and the civil partner so agree, in providing a benefit for or in respect of the civil partner that is of the same actuarial value as the transfer amount, or

(*b*) in making a payment, at the option of the civil partner—

(i) to another occupational pension scheme whose trustees agree to accept the payment, or

(ii) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(2) The conditions referred to in *subsection (1)* are:

(*a*) the court has made an order under *section 121(2)* in favour of the civil partner;

(*b*) payment of the designated benefit has not commenced;

(*c*) the civil partner has applied to the trustees in that behalf; and

(*d*) the civil partner furnishes the information that the trustees require.

(3) Subject to *section 124(4)*, trustees of a defined contribution scheme in respect of which an order has been made under *section 121(2)* may, if the civil partner has not made an application under *subsections (1)* and *(2),* apply in accordance with relevant guidelines the transfer amount calculated in accordance with those guidelines to make a payment, at their option—

(*a*) to another occupational pension scheme whose trustees agree to accept the payment, or

(*b*) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(4) Subject to *section 124(4)*, the trustees of a scheme in respect of which an order has been made under *section 121(2)* shall, within 3 months of the death of a member civil partner who dies before the payment of the designated benefit has commenced, F52**[**provide for the payment to the person in whose favour the order was made**]** of an amount that is equal to the transfer amount calculated in accordance with relevant guidelines.

(5) Subject to *section 124(4)*, the trustees of a scheme in respect of which an order has been made under *section 121(2)* may, if the member civil partner ceases to be a member otherwise than on death, apply, in accordance with relevant guidelines, the transfer amount under the scheme, at their option—

F52**[**(*a*) if the trustees and the person in whose favour the order was made so agree, in providing a benefit for or in respect of that person that is of the same actuarial value as the transfer amount, or**]**

(*b*) in making a payment, either—

(i) to another occupational pension scheme whose trustees agree to accept the payment, or

(ii) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(6) Subject to *section 124(4)*, the trustees of a scheme in respect of which an order has been made under *section 121(2)* shall, within 3 months of the death of the civil partner who is not the member and who dies before payment of the designated benefit has commenced, provide for the payment to the personal representative of that civil partner of an amount that is equal to the transfer amount calculated in accordance with relevant guidelines.

(7) Subject to *section 124 (4)*, the trustees of a scheme in respect of which an order has been made under *section 121(2)* shall, within 3 months of the death of the civil partner who is not the member and who dies after payment of the designated benefit has commenced, provide for the payment to the personal representative of that civil partner of an amount that is equal to the actuarial value, calculated in accordance with relevant guidelines, of the part of the designated benefit that, but for the death of that civil partner, would have been payable to him or her during his or her lifetime.

(8) The trustees of a scheme in respect of which an order has been made under *section 121(2)* or *(5)* shall, within 12 months of the member civil partner's ceasing to be a member, notify the registrar or clerk of the court and the other civil partner of the cessation, if the trustees have not applied the transfer amount in accordance with any of *subsections (1)* to *(6)*.

(9) The trustees of a scheme who apply a transfer amount under *subsection (3)* or *(5)* shall notify the F52**[**person in whose favour the order was made**]** and the registrar or clerk of the court, giving particulars to F52**[**that person**]** of the scheme and the transfer amount.

Payments further to orders under *section 121* .

124.— (1) A benefit payable pursuant to an order made under *section 121(2)*, or a contingent benefit payable pursuant to an order made under *section 121(5)*, is payable out of the resources of the scheme and, unless the order or relevant guidelines provide otherwise, in accordance with the rules of the scheme and those guidelines.

(2) The amount of retirement benefit payable to the member civil partner, or the amount of contingent benefit payable to or in respect of the member civil partner, in accordance with the rules of the relevant scheme shall be reduced by the designated benefit or contingent benefit payable pursuant to an order made under *section 121(2)* or *(5)*, as the case may be, F53**[**to the other civil partner or other person concerned**]**.

(3) The amount of contingent benefit payable in accordance with the rules of the scheme in respect of a member civil partner who dies before the payment of the designated benefit payable pursuant to an order under *section 121(2)* has commenced shall be reduced by the amount of the payment made under *section 123(4)*.

(4) Trustees who make a payment or apply a transfer amount under any of *subsections (1)* to *(7)* of *section 123* are discharged from any obligation to make further payment or apply another transfer amount under any of those subsections in respect of the benefit payable pursuant to the order made under *section 121(2)*.

(5) A trustee is not liable for any loss or damage caused by complying with a direction referred to in *section 122(3)* rather than the rules of the scheme or the Act of 1990.

Costs.

125.— (1) The court may determine the manner in which the costs incurred by the trustees of a scheme further to an order under *section 121* are to be borne, F54**[**including by the member civil partner or by the other person concerned or by both of them**]** in the proportions that the court may determine, and in default of a determination, the civil partners shall bear those costs equally.

(2) The court may, on application to it by the trustees, order that an amount ordered to be F54**[**paid by a person**]** under *subsection (1)* that has not been paid be deducted from any benefits F54**[**payable to the person**]**—

F54**[**(*a*) pursuant to an order made under *section 121*, if the person is the beneficiary of the order; and**]**

F54**[**(*b*) pursuant to the scheme, if the person is the member civil partner.**]**

Other provisions for orders under *section 121* .

126.— (1) Section 54 of the Act of 1990 and regulations made under that section apply with any necessary modifications to a scheme if proceedings for the grant of a decree of dissolution to which a member civil partner is a party have been instituted, and continue to apply notwithstanding the grant of the decree of dissolution.

(2) For the purposes of this section and *sections 121* to *125* , the court may, of its own motion, and shall, if so requested by either of the civil partners or another concerned person, direct the trustees of the scheme to provide the civil partners or the other person and the court, within a specified period—

(*a*) with a calculation of the value and amount, determined in accordance with relevant guidelines, of the retirement benefit or contingent benefit that is payable or that, but for the making of the order for the decree of dissolution, would have been payable under the scheme and has accrued at the time of making the order, and

(*b*) with a calculation of the amount of the contingent benefit that is payable or that, but for the making of the order for the decree of dissolution concerned, would have been payable, under the scheme.

Applications for provision from estate of deceased civil partner.

127.— (1) A civil partner may, after the death of his or her civil partner but not more than 6 months after representation is first granted under the Succession Act 1965 in respect of that civil partner's estate, apply for an order under this section for provision out of the estate.

(2) The court may by order make the provision for the applicant that the court considers appropriate having regard to the rights of any other person having an interest in the matter, if the court is satisfied that proper provision in the circumstances was not made for the applicant during the lifetime of the deceased for any reason other than conduct by the applicant that, in the opinion of the court, it would in all the circumstances be unjust to disregard.

(3) The court shall not make an order under this section in favour of a civil partner who has registered in a new civil partnership, or has married, since the granting of the decree of dissolution.

(4) In considering whether to make an order under this section, the court shall have regard to all the circumstances of the case, including—

(*a*) any order made under *section 117(1)(c)* or a property adjustment order made under *section 118* in favour of the applicant, and

(*b*) any devise or bequest made by the deceased in favour of the applicant.

(5) The total value for the applicant of the provision made by an order referred to in *subsection (4)(a)* on the date on which that order was made and an order made under this section shall not exceed any share of the applicant in the estate of the deceased civil partner to which the applicant was entitled or, if the deceased civil partner died intestate as to the whole or part of his or her estate, would have been entitled, if the civil partnership had not been dissolved, under the Succession Act 1965 as amended by *Part 8*.

(6) The applicant shall give notice of an application under this section to any spouse or other civil partner of the deceased and to any other persons that the court may direct and, in deciding whether to make the order and in determining the provisions of the order, the court shall have regard to any representations made by any of those persons.

(7) The personal representative of a deceased civil partner in respect of whom a decree of dissolution has been granted shall make a reasonable attempt to ensure that notice of the death is brought to the attention of the other civil partner concerned and, where an application is made under this section, that personal representative shall not, without leave of the court, distribute any of the estate of the deceased civil partner until the court makes or refuses to make an order under this section.

(8) A civil partner shall notify the personal representative of the deceased civil partner not later than one month after receipt of the notice referred to in *subsection (7)* if the other civil partner—

(*a*) intends to apply for an order under this section,

(*b*) has applied for an order under this section and the application is pending, or

(*c*) has successfully obtained an order under this section.

(9) If the civil partner does not notify the personal representative as required by *subsection (8)*, the personal representative may distribute the assets of the deceased civil partner or any part of them amongst the persons entitled to them and is not liable to the civil partner for that distribution.

(10) Nothing in this section prejudices the rights of the civil partner to follow assets into the hands of a person who has received them.

(11) On granting a decree of dissolution or at any other time after it is granted, the court, on application to it in that behalf by either of the civil partners, may make an order that either or both of the civil partners may not, on the death of either of them, apply for an order under this section, if the court considers it just to do so.

(12) In this section, "civil partner" means a civil partner whose civil partnership has been dissolved.

Orders for sale of property.

128.— (1) The court may make an order directing the sale of property specified in the order if—

(*a*) the property is property in which, or in the proceeds of sale of which, either or both of the civil partners has a beneficial interest, either in possession or reversion, and

(*b*) the court makes or has made a secured periodical payments order, a lump sum order or a property adjustment order.

(2) The court shall not exercise its jurisdiction under *subsection (1)* in a way that would affect a civil partner's right to occupy the shared home by virtue of an order under this Act.

(3) An order under *subsection (1)* may contain the consequential and supplementary provisions that the court considers appropriate, including provisions—

(*a*) specifying the manner of sale and some or all of the conditions applying to the sale of the property,

(*b*) requiring the property to be offered for sale to a person or class of persons specified in the order,

(*c*) directing that the order, or a specified part of it, not take effect until the occurrence of a specified event or the expiration of a specified period,

(*d*) requiring the making of a payment or payments, whether periodically or in a lump sum, to a specified person out of the proceeds of the sale of the property, and

(*e*) specifying the manner in which the proceeds of the sale of the property are to be disposed of between the civil partners and other persons.

(4) A provision in an order under *subsection (1)* requiring the making of periodical payments to one of the civil partners out of the proceeds of the sale ceases to have effect on the registration in a new civil partnership, marriage or death of that civil partner, except as respects payments due under it on the date of the registration, marriage or death.

(5) The court shall, in considering whether to make an order under this section or *section 118* or *119* with respect to a property in which a civil partner has a beneficial interest or in the proceeds of sale of which the civil partner has a beneficial interest, give to a person who also has a beneficial interest in the property or proceeds an opportunity to make representations with respect to the making and contents of the order.

(6) The representations made under *subsection (5)* are deemed to be included in *section 129* as matters to which the court is required to have regard in proceedings under a provision referred to in that section.

(7) This section does not apply in relation to a shared or family home in which, following the grant of a decree of dissolution, either of the civil partners resides with a new civil partner or spouse.

Provisions relating to certain orders.

129.— (1) In deciding whether to make an order under *section 116*, *117*, *118*, *119(1)(a)* or *(b)*, *120*, *121* to *126*, *127* or *131*, and in determining the provisions of the order, the court shall ensure that the provision that the court considers proper having regard to the circumstances exists or will be made F55**[**for the civil partners and any dependent child of the civil partners concerned**]**.

(2) In deciding whether to make an order referred to in *subsection (1)* and in determining the provisions of the order, the court shall, in particular, have regard to the following matters:

(*a*) the income, earning capacity, property and other financial resources that each of the civil partners has or is likely to have in the foreseeable future;

(*b*) the financial needs, obligations and responsibilities that each of the civil partners has or is likely to have in the foreseeable future, whether in the case of the registration of a new civil partnership or marriage or otherwise;

F55**[**(*c*) the standard of living enjoyed by the civil partners and any dependent child of the civil partners before the proceedings were instituted or before the civil partners commenced to live apart;**]**

(*d*) the age of the civil partners, the duration of their civil partnership and the length of time during which the civil partners lived with each other after registration of their civil partnership;

(*e*) any physical or mental disability of either of the civil partners;

F55**[**(*f*) the contributions that each of the civil partners has made or is likely to make in the foreseeable future to the welfare of the civil partners and any dependent child of the civil partners, including any contribution made by each of them to the income, earning capacity, property and financial resources of the other, and any contribution made by either of them by looking after the shared home or caring for the other civil partner or any dependent child of the civil partners;**]**

(*g*) the effect on the earning capacity of each of the civil partners of the civil partnership responsibilities assumed by each during the period when they lived with one another after the registration of their civil partnership and the degree to which the future earning capacity of a civil partner is impaired by reason of that civil partner having relinquished or foregone the opportunity of remunerative activity in order to look after F55**[**the shared home or to care for the other civil partner or any dependent child of the civil partners**]**;

(*h*) any income or benefits to which either of the civil partners is entitled by or under statute;

(*i*) the conduct of each of the civil partners, if that conduct is such that, in the opinion of the court, it would in all the circumstances be unjust to disregard;

(*j*) the accommodation needs of both of the civil partners;

(*k*) the value to each of the civil partners of any benefit (for example, a benefit under a pension scheme) which, by reason of the decree of dissolution, a civil partner will forfeit the opportunity or possibility of acquiring; and

(*l*) the rights of any person other than the civil partners but including a person with whom either civil partner is registered in a new civil partnership or to whom the civil partner is married, or any child to whom either of the civil partners owes an obligation of support.

(3) In deciding whether to make an order under a provision referred to in *subsection (1)* and in determining the provisions of the order, the court shall have regard to the terms of any separation agreement that the parties have entered into and that is still in force.

F56**[**(3A) In deciding whether to make an order referred to in *subsection (1)* in favour of a dependent child of the civil partners concerned and in determining the provisions of such an order, the court shall, in particular, have regard to the following matters:

(*a*) the financial needs of the child;

(*b*) the income, earning capacity (if any), property and other financial resources of the child;

(*c*) any physical or mental disability of the child;

(*d*) any income or benefits to which the child is entitled by or under statute;

(*e*) the manner in which the child was being, and in which the civil partners concerned anticipated that the child would be, educated or trained;

(*f*) the matters specified in *paragraphs (a)*, *(b)* and *(c)* of *subsection (2)* and *subsection (3)*;

(*g*) the accommodation needs of the dependent child.**]**

(4) The court shall not make an order under a provision referred to in *subsection (1)* unless it would be in the interests of justice to do so.

Retrospective periodical payment orders.

130.— The court may, if, having regard to all the circumstances of the case, it considers it appropriate to do so, in a periodical payments order, direct that—

(*a*) the period in respect of which payments under the order are to be made begins on a specified date that is before the date of the order but after the date of the institution of the proceedings for the grant of the decree of dissolution,

(*b*) without prejudice to *section 117(1)(c)*, any payments under the order in respect of the period before the date of the order be paid in one sum and before a specified date, and

(*c*) the civil partner making the payments referred to in *paragraph (b)* deduct a specified amount equal to any payment made by that civil partner to the other civil partner during the period between the making of the order for the grant of the decree of dissolution and the institution of the proceedings.

Variations etc., of certain orders.

131.— (1) This section applies to the following orders:

(*a*) a maintenance pending suit order;

(*b*) a periodical payments order;

(*c*) a secured periodical payments order;

(*d*) a lump sum order if and insofar as it provides for the payment of the lump sum by instalments or requires the payment of instalments to be secured;

(*e*) an order under *section 118(1)(b), (c)* or *(d)* to the extent that the application of this section is not restricted or excluded pursuant to *section 118(2)*;

(*f*) an order under *section 119(1)(a)* or *(b)*;

(*g*) a financial compensation order;

(*h*) an order under *section 121 (2)*, to the extent that the application of this section is not restricted or excluded pursuant to *section 121 (8)*; and

(*i*) an order under this section.

(2) Any of the following persons may apply under this section with respect to an order referred to in *subsection (1)*:

(*a*) either of the civil partners concerned;

(*b*) in the case of the death of a civil partner, another person who has, in the opinion of the court, sufficient interest F57**[**in the matter or a person on behalf of a dependent child of the civil partners concerned**]**; and

(*c*) in the case of the registration of a new civil partnership or the marriage of either of the civil partners, his or her new civil partner or spouse.

(3) Subject to this section and *section 129* and to any restriction or exclusion pursuant to *section 118(2)* or *121(8)*, and without prejudice to *section 120(6)*, the

court may, on application under *subsection (2)* and if it considers it proper to do so, having regard to any change in the circumstances of the case and to any new evidence, by order—

(*a*) vary or discharge the order,

(*b*) suspend any provision of the order,

(*c*) suspend temporarily any provision of the order,

(*d*) revive the operation of a suspended provision,

(*e*) further vary an order previously varied under this section, and

(*f*) further suspend or revive the operation of a provision previously suspended or revived under this section.

(4) An order under this section may require the divesting of property vested in a person under an order referred to in *subsection (1)*.

F58**[**(4A) Without prejudice to the generality of *section 116* or *117*, that part of an order to which this section applies which provides for the making of payments for the support of a dependent child of the civil partners shall stand discharged if he or she ceases to be a dependent child of the civil partners by reason of his or her attainment of the age of 18 years or 23 years, as the case may be, and shall be discharged by the court, on application to it under *subsection (2)*, if it is satisfied that the child has for any reason ceased to be a dependent child of the civil partners.**]**

(5) The court's power under *subsection (3)* to vary, discharge or suspend an order referred to in *subsection (1)(e)* is subject to any restriction or exclusion specified in that order and is a power—

(*a*) to vary the settlement to which that order relates in any person's favour or to extinguish or reduce any person's interest under that settlement; and

(*b*) to make the supplemental provision, including a further property adjustment order or a lump sum order, that the court thinks appropriate in consequence of any variation, extinguishment or reduction made under *paragraph (a)*.

(6) *Section 128* applies, with the necessary modifications, to a case where the court makes an order under *subsection (5)* as it applies to a case where the court makes a property adjustment order.

(7) The court shall not make an order under *subsection (5)* if it appears to the court that the order could prejudice the rights of a person who is not a F57**[**civil partner concerned or a dependent child of the civil partners concerned**]** and has acquired a right or interest in consequence of the order referred to in *subsection (1)(e)*.

(8) This section applies, with any necessary modifications, to instruments executed pursuant to orders referred to in *subsection (1)* as it applies to those orders.

(9) The registrar or clerk of the court shall, as appropriate, lodge a copy of an order made under *subsection (3)* in relation to a property adjustment order relating to land, which he or she has certified to be a true copy, with the Property Registration Authority for registration in the Registry of Deeds or Land Registry, as appropriate.

(10) Where a property adjustment order lodged under *section 118(4)* and duly registered pursuant to section 69(1)(*h*) of the Registration of Title Act 1964 is varied, discharged, suspended or revived by an order under *subsection (3)* and the second-mentioned order has been duly lodged for registration pursuant to *subsection (9)*, the Property Registration Authority shall—

(*a*) amend or cancel accordingly the entry made in the register, pursuant to *section 118(4)*, under the Registration of Title Act 1964, or

(*b*) note the position in the Registry of Deeds.

Restriction in relation to orders for benefit of dependent children of civil partners

F59**[131A.**— The court shall not have regard to the conduct of the civil partner or civil partners concerned of the kind specified in *section 129(2)(i)* in deciding whether—

(*a*) to include in an order under section 116 a provision requiring the making of periodical payments for the benefit of a dependent child of the civil partners,

(*b*) to make an order under *paragraph (aa)*, *(ba)* or *(ca)* of *section 117(1)*, or

(*c*) to make an order under *section 131* varying, discharging or suspending a provision referred to in *paragraph (a)* or an order referred to in *paragraph (b)*.**]**

Method of making payments under certain orders.

132.— (1) This section applies to an order under *section 45*, *47*, *116*, *117*, *128* or *131*.

(2) The court may by order provide that a payment under an order referred to in *subsection (1)* be made by the method specified in the order and be subject to the specified terms and conditions that the court considers appropriate.

Stay on certain orders being appealed.

133.— The operation of an order being appealed shall not be stayed unless the court that made the order or to which the appeal is brought directs otherwise, in the case of an appeal brought from an order under *section 45*, *47*, *116*, F60**[***117(1)(a), (aa), (b)* or *(ba)***]** or *131(1)(a), (b)* or *(c)*.

Transmission of periodical payments through District Court clerk.

134.— Notwithstanding anything in this Part, *section 50* applies in relation to a maintenance pending suit order, a periodical payments order or a secured periodical payments order, or one of those orders affected by an order under *section 131*, with all necessary modifications, including—

(*a*) the reference in *section 50(4)* to the maintenance creditor shall be construed as a reference to the person to whom payments under the relevant order are required to be made;

(*b*) the other references in *section 50* to the maintenance creditor shall be construed as references to the person on whose application the relevant order was made; and

(*c*) the references in *section 50(3)* to the maintenance debtor shall be construed as a reference to the person by whom payments under the relevant order are required to be made.

Application of maintenance pending suit and periodical payment orders to certain members of Defence Forces.

135.— (1) The reference in section 98(1)(*h*) of the Defence Act 1954 to an order for payment of alimony shall be construed as including a reference to a maintenance pending suit order, periodical payments order or secured periodical payments order made under this Act.

(2) The references in section 99 of the Defence Act 1954 to a wife shall be construed as including a reference to a civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*.

Amendment of Enforcement of Court Orders Act 1940.

136.— The references in subsections (1) and (7) of section 8 of the Enforcement of Court Orders Act 1940 to an order shall be construed as including references to a maintenance order, a variation order, a maintenance pending suit order and a periodical payments order made under this Act.

Powers of court in relation to transactions intended to prevent or reduce relief.

137.— (1) In this section—

"disposition" means a disposition of property, other than a disposition by will or codicil;

"relief" means the financial or other material benefits conferred by an order under *section 116*, *117*, *118*, *119(1)(a)*, *(b)* or *(c)*, *120*, *121* to *126*, *127*, or *131* (other than an order affecting an order referred to in *section 131(1)(e)*), and references to defeating a claim for relief are references to—

F61**[**(*a*) preventing the relief being granted to the person concerned, whether for the benefit of the person or of a dependent child of the civil partners concerned,**]**

(*b*) limiting the relief granted, or

(*c*) frustrating or impeding the enforcement of an order granting relief;

"reviewable disposition", in relation to proceedings for the grant of relief brought by a civil partner, means a disposition made by the other civil partner or another person, but does not include a disposition made for valuable consideration (other than on registration in a new civil partnership or marriage) to a person who, at the time of the disposition, acted in good faith and without notice of an intention on the part of the other civil partner to defeat the claim for relief.

(2) The court, on application made by a person who makes it during the proceedings instituted for the grant of relief, may—

(*a*) if satisfied that the other civil partner concerned or another person, with the intention of defeating the claim for relief, proposes to make a disposition of or transfer out of the jurisdiction or otherwise deal with property, make the order that it thinks fit for the purpose of restraining the other civil partner or person from doing so or otherwise for protecting the claim, or

(*b*) if satisfied that the other civil partner or person has, with that intention, made a reviewable disposition and that, if the disposition were set aside, relief or different relief would be granted to the applicant,

make an order setting aside the disposition.

(3) Where the court has granted relief and the court is satisfied that the other civil partner or person has, with the intention referred to in *subsection (2)(a)*, made a reviewable disposition, it may make an order setting aside the disposition.

(4) A court that makes an order under *subsection (2)* or *(3)* shall include in the order any provisions that it considers necessary for the implementation of the order, including provisions requiring the making of any payments or the disposal of any property.

(5) In proceedings on an application made under *subsection (2)* or *(3)* with respect to a disposition that took place less than 3 years before the date of the application or with respect to a disposition or other dealing with property that is proposed to be made, there is a presumption, unless the contrary is shown, that the other civil partner or person disposed of or otherwise dealt with the property or proposes to do so with the intention of defeating the applicant's claim for relief if—

(*a*) in a case referred to in *subsection (2)(a)*, the disposition or other dealing would, apart from this section, have that consequence, or

(*b*) in any other case, the disposition has had that consequence.

(6) An application shall not be made for an order setting aside a disposition by reason only of *subsection (2)(b)* or *(3)* after the expiration of 6 years from the date of the disposition.

Cost of mediation and counselling services.

138.— The costs of mediation services or counselling services provided for a civil partner who is or becomes party to proceedings F62**[**under this Part or under the Act of 1964, or for a dependent child of the civil partners of such a civil partner**]** are in the discretion of the court.

PART 13

Jurisdiction and Other Related Matters

Definitions.

139.— In this Part—

"Circuit Court" means the Circuit Court when it is exercising its jurisdiction to hear and determine civil partnership law proceedings or transferring civil partnership law proceedings to the High Court;

"civil partner" includes, where the context requires, a person who was a civil partner in a partnership that has been dissolved;

"civil partnership law proceedings" in relation to a court, means proceedings before a court of competent jurisdiction—

(*a*) under this Act, with the exception of *Part 15*,

F63**[**(*b*) under the Domestic Violence Act 2018, or**]**

(*c*) between civil partners under the Partition Act 1868 and the Partition Act 1876, where the fact that they are civil partners of each other is of relevance to the proceedings.

Jurisdiction and venue.

140.— (1) Subject to the other provisions of this section, the Circuit Court has concurrent jurisdiction with the High Court to hear and determine civil partnership law proceedings.

(2) The District Court, and the Circuit Court on appeal from the District Court, have concurrent jurisdiction with the High Court to hear and determine proceedings under *sections 45*, *46*, *47* and *50* except that—

(*a*) they do not have jurisdiction to make an order under one of those sections for the payment of a periodical sum at a rate greater than €500 per week F64**[**for support of a civil partner or €150 per week for the support of a dependent child of the civil partners**]**,

(*b*) they do not have jurisdiction to make an order or direction under one of those sections in a matter in relation to which the High Court has made an order or direction under that section, and

(*c*) the District Court does not have jurisdiction to make an order or direction under one of those sections in a matter in relation to which the Circuit Court has made an order or direction otherwise than on appeal from the District Court.

(3) The court shall only exercise its jurisdiction in civil partnership law proceedings if a party to the proceedings—

(*a*) is domiciled in the State on the date on which the proceedings are commenced, or

(*b*) is ordinarily resident in the State throughout the one-year period that ends on that date.

(4) The jurisdiction conferred on the Circuit Court may be exercised by the judge of the circuit in which a party to the civil partnership law proceedings ordinarily resides or carries on a business, profession or occupation.

F65**[**(5) The Circuit Court shall transfer proceedings to the High Court on application to it by a party to the proceedings, if land to which the proceedings relate has a market value that exceeds €3,000,000.

(5A) In *subsection (5)* and the following subsection, 'market value' means, in relation to land, the price that would have been obtained in respect of the unencumbranced fee simple were the land to have been sold on the open market, in the year immediately preceding the bringing of the proceedings concerned, in such manner and subject to such conditions as might reasonably be calculated to have resulted in the vendor obtaining the best price for the land.

(5B) Where civil partnership law proceedings are brought in the Circuit Court in relation to land and the plaintiff or applicant in the proceedings alleges that the market value of the land concerned does not exceed the monetary amount specified in *subsection (5)*, it shall be presumed, until the contrary is proved, that the market value of the land does not exceed the foregoing amount.**]**

(6) An order made or act done in the course of the proceedings before a transfer under *subsection (5)* is valid unless discharged or varied by the High Court.

(7) The District Court and the Circuit Court shall transfer to the High Court proceedings under *Part 4* in which the value of household chattels exceeding F66**[**€15,000**]** is at issue, on application to it by a party to the proceedings.

(8) An order made or act done in the course of the proceedings before a transfer under *subsection (7)* is valid unless discharged or varied by the High Court.

(9) If a civil partner is a person of unsound mind and there is a committee of the civil partner's estate, the jurisdiction under this section in proceedings under *Part 4* may, subject to *subsections (5)* to *(8)*, be exercised by the court that has appointed the committee.

F65**[**(10) Subject to *subsection (9)*, the District Court has all the jurisdiction of the High Court to hear and determine a question arising out of *section 34* where the value of the household chattels intended to be disposed of or removed or actually disposed of or removed does not exceed €15,000.**]**

Notice of civil partnership law proceedings.

141.— A person bringing civil partnership law proceedings shall give notice of them to—

(*a*) the other civil partner or the civil partners concerned, and

(*b*) another person if the court so specifies.

F67**[**Custody of dependent children of civil partners after decree of dissolution

141A.— Where the court grants a decree of dissolution (within the meaning of *Part 12*), it may declare either of the civil partners concerned to be unfit to have custody of any dependent child of the civil partners who is under the age of 18 years and, if it does so and the civil partner to whom the declaration relates is a parent of any dependent child of the civil partners who is under the age of 18 years, that civil partner shall not, on the death of the other civil partner, be entitled as of right to the custody of that child.**]**

F68**[**Social reports

141B.— Section 47 of the Family Law Act 1995 shall apply to proceedings under this Act.**]**

Particulars of property.

142.— F69**[**(1) In civil partnership law proceedings under *section 45, 46, 47, 50, 117, 118, 119(1)(a)* or *(b), 120, 121* to *126*, *127* or *131* each party to the proceedings shall give to the other party such particulars of his or her financial circumstances, including property and income, and in so far as is practicable, the financial circumstances of his or her dependent children, as may reasonably be required for the purpose of the proceedings.**]**

(2) The court may direct a person who fails or refuses to comply with *subsection (1)* to comply with it.

Hearing of proceedings.

143.— The Circuit Court shall sit to hear and determine civil partnership law proceedings in a different place or at different times or on different days from those on which the ordinary sittings of the Circuit Court are held.

Conduct of proceedings.

144.— (1) Civil partnership law proceedings shall be as informal as is practicable and consistent with the administration of justice.

(2) A judge sitting to hear and determine civil partnership law proceedings, and a barrister or solicitor appearing in the proceedings, shall not wear a wig or a gown.

Privacy.

145.— Subject to the provisions of section 40 of the Civil Liability and Courts Act 2004, civil partnership law proceedings shall be heard otherwise than in public.

Costs.

146.— The costs in civil partnership law proceedings are at the discretion of the court.

Rules of court.

147.— Rules of court shall provide for the documentation required for the commencement of civil partnership law proceedings in a summary manner.

PART 14

Other Consequential Amendments, Etc.

Application and amendment of Pensions Act 1990.

148.— (1) Section 5(4) of the Pensions Act 1990 (as amended by the Pensions (Amendment) Act 1996 and the Family Law (Divorce) Act 1996) applies and has effect in relation to *sections 121* to *126* and *sections 187* to *192* as it applies and has effect by virtue of section 47 of the Family Law (Divorce) Act 1996 in relation to section 17 of that Act, with the following modifications:

(*a*) a reference to section 12 of the Family Law Act 1995 or section 17 of the Family Law (Divorce) Act 1996 is to be construed as a reference to *sections 121* to *126* and *sections 187* to *192*;

(*b*) the reference in paragraph (*c*) to the Family Law Act 1995 or the Family Law (Divorce) Act 1996 is to be construed as a reference to the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;

(*c*) the references to subsections (1), (2), (3), (5), (6), (7), (8), (10) and (25) of section 12 of the Family Law Act 1995 and section 17 of the Family Law (Divorce) Act 1996 are to be construed as references to *sections 121(1), (2)* and *(5)*, *123(1), (2), (3), (4), (5)* and *(7)* and *126(2)*, or *sections 187(1), (2)* and *(5)*, *189(1), (2), (3), (4), (5)* and *(7)* and *192*, as the case may be, of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, respectively; and

(*d*) the reference to section 2 of the Family Law Act 1995 or the Family Law (Divorce) Act 1996 is to be construed as a reference to *section 109* or *187*.

(2) Subsection 10(1)(*cc*) (as amended by section 5 of the Pensions (Amendment) Act 1996 and section 47(*c*) of the Family Law (Divorce) Act 1996) of the Pensions Act 1990, is amended by substituting "and on the provisions of the Family Law Act 1995, the Family Law (Divorce) Act 1996 and the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, relating to pension schemes (within the meaning of section 2 of the Family Law Act 1995, section 2 of the Family Law (Divorce) Act 1996 and *section 109* and *187* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*)" for "and on the provisions of the Family Law Act 1995, and the Family Law (Divorce) Act 1996, relating to pension schemes (within the meaning of section 2 of the Family Law Act 1995 and section 2 of the Family Law (Divorce) Act 1996)".

Definition.

149.— In this section and *sections 150* to *157*, "Act of 1996" means the Family Law (Divorce) Act 1996.

Amendment of section 2 of Act of 1996.

150.— Section 2(1) of the Act of 1996 is amended by inserting the following definitions:

"'civil partnership' has the meaning assigned to it by the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;

'registration', with respect to a civil partnership, includes entering into a relationship of a class of legal relationships that is the subject of an order made under *section 5* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;".

Amendment of section 13 of Act of 1996.

151.— Section 13(5) of the Act of 1996 is amended—

(*a*) in paragraph (*a*)—

(i) by inserting "or registration in a civil partnership", after "upon the remarriage", and

(ii) by inserting "or civil partnership registration" after "date of the remarriage",

and

(*b*) in paragraph (*b*) by inserting "or registers in a civil partnership" after "remarries".

Amendment of section 14 of Act of 1996.

152.— Section 14(3) of the Act of 1996 is amended by inserting "or registers in a civil partnership" after "remarries".

Amendment of section 16 of Act of 1996.

153.— Section 16(2) of the Act of 1996 is amended—

(*a*) in paragraph (*b*), by inserting ", registration in a civil partnership" before "or death", and

(*b*) in paragraph (*c*), by inserting "or registered in a civil partnership" after "remarried".

Amendment of section 17 of Act of 1996.

154.— Section 17 of the Act of 1996 is amended—

(*a*) in subsection (19) by inserting "or registration in a civil partnership" after "remarriage", and

(*b*) in subsection (23)(*a*) by inserting "or registered in a civil partnership" after "remarried".

Amendment of section 18 of Act of 1996.

155.— Section 18 of the Act of 1996 is amended—

(*a*) in subsection (2) by inserting "or registered in a civil partnership" after "remarried", and

(*b*) in subsection (5) by inserting ", civil partner or former civil partner" after "the spouse" wherever it appears.

Amendment of section 19 of Act of 1996.

156.— Section 19(4) of the Act of 1996 is amended—

(*a*) by inserting "or registration in a civil partnership" before "of that spouse", and

(*b*) by inserting "or civil partnership registration" after "remarriage" at the end.

Amendment of section 20 of Act of 1996.

157.— Section 20(2)(*b*) of the Act of 1996 is amended by inserting "or registration in a civil partnership" after "remarriage".

Definition.

158.— In this section and *sections 159* to *167*, "Act of 1995" means the Family Law Act 1995.

Amendment of section 2 of Act of 1995.

159.— Section 2(1) of the Act of 1995 is amended by inserting the following definitions:

"'civil partnership' has the meaning assigned to it by the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;

'registration', with respect to a civil partnership, includes entering into a relationship of a class of legal relationships that is the subject of an order made under *section 5* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;".

Amendment of section 8 of Act of 1995.

160.— Section 8(5) of the Act of 1995 is amended—

(*a*) in paragraph (*a*)—

(i) by inserting "or registration in a civil partnership" before "of the spouse", and

(ii) by inserting "or civil partnership registration" after "date of the remarriage",

and

(*b*) in paragraph (*b*), by inserting "or registers in a civil partnership" after "remarries".

Amendment of section 9 of Act of 1995.

161.— Section 9(3) of the Act of 1995 is amended by inserting "or registers in a civil partnership" after "remarries".

Amendment of section 11 of Act of 1995.

162.— Section 11(2) of the Act of 1995 is amended—

(*a*) in paragraph (*b*) by inserting ", registration in a civil partnership" before "or death", and

(*b*) in paragraph (*c*) by inserting "or registered in a civil partnership" after "remarried".

Amendment of section 12 of Act of 1995.

163.— Section 12 of the Act of 1995 is amended—

(*a*) in subsection (19) by inserting "or registration in a civil partnership" after "remarriage", and

(*b*) in subsection (23)(*a*) by inserting "or registered in a civil partnership" after "remarried".

Amendment of section 15 of Act of 1995.

164.— Section 15(4) of the Act of 1995 is amended—

(*a*) by inserting "or registration in a civil partnership" before "of that spouse", and

(*b*) by inserting "or civil partnership registration" after "remarriage" in the last line.

Amendment of section 15A of Act of 1995.

165.— Section 15A(2) (inserted by section 52(*g*) of the Family Law (Divorce) Act 1996) of the Act of 1995 is amended by inserting "or registered in a civil partnership" after "remarried".

Amendment of section 23 of Act of 1995.

166.— Section 23 of the Act of 1995 is amended—

(*a*) in subsection (2)(*d*)—

(i) by substituting "Where a person" for "Where a spouse",

(ii) by inserting "or registered in a civil partnership" after "remarried", and

(iii) by substituting "of that person" for "of that spouse" wherever it appears,

(*b*) in subsection (5), by inserting "or registration in a civil partnership" after "the remarriage", and

(*c*) in subsection (6)—

(i) in paragraph (*b*), by inserting "or registration in a civil partnership" after "remarriage" wherever it appears, and

(ii) in paragraph (*c*), by inserting "or registers in a civil partnership" after "remarries".

Amendment of section 25 of Act of 1995.

167.— (1) Section 25(2) of the Act of 1995 is amended by inserting "or registered in a civil partnership" after "remarried".

(2) Section 25(6) of the Act of 1995 is amended—

(*a*) by inserting ", or civil partner (if any)" after "spouse (if any)", and

(*b*) by inserting "or civil partner" after "representation made by the spouse".

Property rights.

168.— The Acts specified in *Part 3* of the *Schedule* are amended as indicated in that *Schedule*.

Redress provisions.

169.— The Acts specified in *Part 4* of the *Schedule* are amended as indicated in that *Schedule*.

Other miscellaneous provisions.

170.— The Acts specified in *Part 5* of the *Schedule* are amended as indicated in that *Schedule*.

PART 15

Cohabitants

Definitions.

171.— In this Part—

"cohabitant" has the meaning assigned to it in *section 172*;

"court" means the High Court, the Circuit Court or the District Court;

"dependent child", in relation to a cohabitant or a couple of cohabitants, means any child of whom both the cohabitants are the parents and who is—

(*a*) under the age of 18 years, or

(*b*) 18 years of age or over and is—

(i) receiving full-time education or instruction at any university, college, school or other educational establishment and is under the age of 23 years, or

(ii) incapable of taking care of his or her own needs because of a mental or physical disability.

Cohabitant and qualified cohabitant.

172.— (1) For the purposes of this Part, a cohabitant is one of 2 adults (whether of the same or the opposite sex) who live together as a couple in an intimate and committed relationship and who are not related to each other within the prohibited degrees of relationship or married to each other or civil partners of each other.

(2) In determining whether or not 2 adults are cohabitants, the court shall take into account all the circumstances of the relationship and in particular shall have regard to the following:

(*a*) the duration of the relationship;

(*b*) the basis on which the couple live together;

(*c*) the degree of financial dependence of either adult on the other and any agreements in respect of their finances;

(*d*) the degree and nature of any financial arrangements between the adults including any joint purchase of an estate or interest in land or joint acquisition of personal property;

(*e*) whether there are one or more dependent children;

(*f*) whether one of the adults cares for and supports the children of the other; and

(*g*) the degree to which the adults present themselves to others as a couple.

(3) For the avoidance of doubt a relationship does not cease to be an intimate relationship for the purpose of this section merely because it is no longer sexual in nature.

(4) For the purposes of this section, 2 adults are within a prohibited degree of relationship if—

(*a*) they would be prohibited from marrying each other in the State, or

(*b*) they are in a relationship referred to in the Third Schedule to the Civil Registration Act 2004 inserted by *section 26* of this Act.

(5) For the purposes of this Part, a qualified cohabitant means an adult who was in a relationship of cohabitation with another adult and who, immediately before the time that that relationship ended, whether through death or otherwise, was living with the other adult as a couple for a period—

(*a*) of 2 years or more, in the case where they are the parents of one or more dependent children, and

(*b*) of 5 years or more, in any other case.

(6) Notwithstanding *subsection (5)*, F70**[**where the relationship concerned ends before the coming into operation of section 4(2) of the Family Law Act 2019, an adult who**]** would otherwise be a qualified cohabitant is not a qualified cohabitant if—

(*a*) one or both of the adults is or was, at any time during the relationship concerned, an adult who was married to someone else, and

(*b*) at the time the relationship concerned ends, each adult who is or was married has not F70**[**lived apart (which term shall, in this section, be construed in accordance with section 5(1A) of the Family Law (Divorce) Act 1996)**]** from his or her spouse for a period or periods of at least 4 years during the previous 5 years.

Application for redress in respect of economically dependent qualified cohabitant.

173.— (1) A qualified cohabitant may, subject to any agreement under *section 202*, apply to the court, on notice to the other cohabitant, for an order under *sections 174*, *175* and *187* or any of them.

(2) If the qualified cohabitant satisfies the court that he or she is financially dependent on the other cohabitant and that the financial dependence arises from the relationship or the ending of the relationship, the court may, if satisfied that it is just and equitable to do so in all the circumstances, make the order concerned.

(3) In determining whether or not it is just and equitable to make an order in all the circumstances, the court shall have regard to—

(*a*) the financial circumstances, needs and obligations of each qualified cohabitant existing as at the date of the application or which are likely to arise in the future,

(*b*) subject to *subsection (5)*, the rights and entitlements of any spouse or former spouse,

(*c*) the rights and entitlements of any civil partner or former civil partner,

(*d*) the rights and entitlements of any dependent child or of any child of a previous relationship of either cohabitant,

(*e*) the duration of the parties' relationship, the basis on which the parties entered into the relationship and the degree of commitment of the parties to one another,

(*f*) the contributions that each of the cohabitants made or is likely to make in the foreseeable future to the welfare of the cohabitants or either of them including any contribution made by each of them to the income, earning capacity or property and financial resources of the other,

(*g*) any contributions made by either of them in looking after the home,

(*h*) the effect on the earning capacity of each of the cohabitants of the responsibilities assumed by each of them during the period they lived together as a couple and the degree to which the future earning capacity of a qualified cohabitant is impaired by reason of that qualified cohabitant having relinquished or foregone the opportunity of remunerative activity in order to look after the home,

(*i*) any physical or mental disability of the qualified cohabitant, and

(*j*) the conduct of each of the cohabitants, if the conduct is such that, in the opinion of the court, it would be unjust to disregard it.

(4) The court may order that notice be given to any other person that it specifies and may hear the other person on the terms and in respect of the matters it thinks fit in the interests of justice before making an order referred to in this section.

(5) The court shall not make an order referred to in this section in favour of a qualified cohabitant that would affect any right of any person to whom the other cohabitant is or was married.

(6) The court may, on the application of the qualified cohabitant or the other cohabitant, if it considers it proper to do so having regard to any change in the circumstances of the case and to any new evidence, including any change in the circumstances occasioned by a variation by another order of the court made in favour of a person to whom the other cohabitant is or was married, by order—

(*a*) vary or discharge an order under *section 175* or *187* ,

(*b*) suspend any provision of such an order,

(*c*) suspend temporarily any provision of such an order,

(*d*) revive the operation of a suspended provision,

(*e*) further vary an order previously varied under this section, or

(*f*) further suspend or revive the operation of a provision previously suspended or revived under this section.

(7) Where the court makes an order under *section 174*, *175 (1)(c)* or *187* in favour of a qualified cohabitant, the court may, in the same proceedings or at any later date, on the application of either of the qualified cohabitants concerned, order that either or both of them shall not, on the death of the other, be entitled to apply for an order under *section 194*.

(8) If the order under *section 174*, *175(1)(c)* or *187* referred to in *subsection (7)* has been made but not yet executed at the time that the order is made under *subsection (7)*, the order under *subsection (7)* shall not take effect until the execution of that other order.

Property adjustment orders.

174.— (1) An order under this section may provide for one or more of the following matters:

(*a*) the transfer by either of the cohabitants to or for the benefit of the other, of specified property in which the cohabitant has an interest either in possession or reversion;

(*b*) the settlement to the satisfaction of the court of specified property in which the cohabitant has an interest either in possession or reversion, for the benefit of the other cohabitant or of a dependent child;

(*c*) the variation for the benefit of either of the cohabitants or of a dependent child of an agreement referred to in *section 202* (subject to *section 202(4)*) or another settlement (including one made by will or codicil) made on the cohabitants; and

(*d*) the extinguishment or reduction of the interest of either of the cohabitants under an agreement referred to in *section 202* (subject to *section 202(4)*).

(2) Before making an order under this section, the court shall have regard to whether in all the circumstances it would be practicable for the financial needs of the qualified

cohabitant to be met by an order made under *section 175* or *187*, having regard to all the circumstances, including the likelihood of a future change of circumstances of either of the qualified cohabitants.

Compensatory maintenance orders.

175.— (1) The court, on application to it in that behalf by the qualified cohabitant, may, during the lifetime of either of the cohabitants, make one or more of the following orders:

(*a*) an order that either of the cohabitants make to the other the periodical payments in the amounts, during the period and at the times that may be specified in the order;

(*b*) an order that either of the cohabitants secure to the other, to the satisfaction of the court, the periodical payments of the amounts, during the period and at the times that may be specified in the order; and

(*c*) an order that either of the cohabitants make to the other a lump sum payment or lump sum payments of the amount or amounts and at the time or times that may be specified in the order.

(2) The court may order a qualified cohabitant to pay a lump sum to the other qualified cohabitant to meet any liabilities or expenses reasonably incurred by the other qualified cohabitant in maintaining himself or herself before the making of an application by the other qualified cohabitant for an order under *subsection (1).*

(3) An order under this section for the payment of a lump sum may provide for the payment of the lump sum by instalments of the amounts that may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

(4) The period specified in an order under *subsection (1)(a)* or *(b)* shall begin not earlier than the date of the application for the order and shall end not later than the date of death of the first qualified cohabitant to die.

(5) An order made under *subsection (1)(a)* or *(b)* ceases to have effect on the marriage or registration in a civil partnership, or in a legal relationship that is the subject of an order under *section 5*, of the qualified cohabitant in whose favour the order was made, except as respects payments due under it on the date of the marriage or registration.

(6) The court shall not make an order under this section in favour of a qualified cohabitant who has married or registered in a civil partnership, or in a legal relationship that is the subject of an order under *section 5*.

(7) The court that makes an order under *subsection (1)(a)* shall, in the same proceedings, make an attachment of earnings order under *section 176* to secure payments under the order if it is satisfied, after taking into consideration any representations on the matter made to it by the qualified cohabitant ordered to make payments under that subsection, that—

(*a*) the order is desirable to secure payments under an order under *subsection (1) (a)* and any variations and affirmations of that order, and

(*b*) the person against whom the attachment of earnings order is made is a person to whom earnings fall to be paid.

Attachment of earnings order.

176.— (1) For the purposes of this section and *sections 177* to *186* —

"antecedent order" means an order under *section 175*;

"attachment of earnings order" means an order directing that an employer deduct from the maintenance debtor's earnings, at the times specified in the order, periodical

deductions of the appropriate amounts specified in the order, having regard to the normal deduction rate and the protected earnings rate;

"employer" includes a trustee of a pension scheme under which the maintenance debtor is receiving periodical pension benefits;

"maintenance creditor" in relation to an attachment of earnings order, means the qualified cohabitant who applied for the order;

"maintenance debtor" means a qualified cohabitant who is required by an antecedent order to make payments;

"normal deduction rate" means the rate at which the court considers it reasonable that the earnings to which the attachment of earnings order relates should be applied in satisfying an antecedent order, not exceeding the rate that appears to the court to be necessary for—

(*a*) securing payment of the sums falling due from time to time under the antecedent order, and

(*b*) securing payment within a reasonable period of any sums already due and unpaid under the antecedent order and any costs incurred in proceedings relating to the antecedent order payable by the maintenance debtor;

"protected earnings rate" means the rate below which, having regard to the needs of the maintenance debtor, the court considers it proper that the relevant earnings should not be reduced by a payment made in pursuance of the attachment of earnings order.

(2) The court may, on application to it in that behalf, make an attachment of earnings order if it is satisfied that the maintenance debtor is a person to whom earnings fall to be paid and that the order is desirable to secure payments under the antecedent order and any amendments, variations and affirmations of it.

(3) The court that makes an antecedent order, or an order that makes, varies or affirms on appeal an antecedent order, shall make an attachment of earnings order in the same proceedings if it is satisfied of the things mentioned in *subsection (2)*.

(4) A person to whom an attachment of earnings order is directed shall pay the amounts ordered to be deducted to the maintenance creditor or to the District Court clerk specified in the order for transmission to the maintenance creditor.

(5) Before deciding whether to make or refuse to make an attachment of earnings order, the court shall give the maintenance debtor an opportunity to make representations, and shall have regard to any representations made, relating to whether the maintenance debtor—

(*a*) is a person to whom earnings fall to be paid, and

(*b*) would make the payments to which the relevant order relates.

(6) The court shall include in an attachment of earnings order the particulars required so that the person to whom the order is directed may identify the maintenance debtor.

(7) Payments under an attachment of earnings order are in lieu of payments of the like amount under the antecedent order that have not been made and that, but for the attachment of earnings order, would fall to be made under the antecedent order.

Compliance with attachment of earnings order.

177.— (1) The court registrar or court clerk specified in the attachment of earnings order shall cause the order to be served on the person to whom it is directed and on any person who subsequently becomes the maintenance debtor's employer and of whom the registrar or clerk becomes aware.

(2) The service may be effected by leaving the order or a copy of it at the person's residence or place of business in the State, or by sending the order or a copy of it, by registered prepaid post, to that residence or place of business.

(3) A person to whom an attachment of earnings order is directed shall comply with it if it is served on him or her but is not liable for non-compliance before 10 days have elapsed since the service.

(4) If a person to whom an attachment of earnings order is directed is not the maintenance debtor's employer or ceases to be the maintenance debtor's employer, the person shall, within 10 days from the service or the date of cesser, give notice of that fact to the court.

(5) The person shall give to the maintenance debtor a statement in writing of the total amount of every deduction made from a maintenance debtor's earnings in compliance with an attachment of earnings order.

Application of sums received by clerk.

178.— Payments made to a court clerk under an attachment of earnings order shall, when transmitted by the clerk to the maintenance creditor, be deemed to be payments made by the maintenance debtor so as to discharge—

(*a*) firstly, any sums payable under the antecedent order, and

(*b*) secondly, any costs in proceedings relating to the antecedent order payable by the maintenance debtor when the attachment of earnings order was made or last varied.

Statement as to earnings.

179.— (1) In relation to an attachment of earnings order or an application for one, the court may, before or at the hearing or while the order is in force, order—

(*a*) the maintenance debtor to give to the court, within a specified period, a signed statement in writing specifying—

(i) the name and address of every employer of the maintenance debtor,

(ii) particulars as to the debtor's earnings and expected earnings, and resources and needs, and

(iii) particulars for enabling the employers to identify the maintenance debtor,

(*b*) a person appearing to the court to be an employer of the maintenance debtor to give to the court, within a specified period, a statement signed by the person, or on his or her behalf, of specified particulars of the debtor's earnings and expected earnings.

(2) Notice of an application for an attachment of earnings order served on a maintenance debtor may include a requirement that the maintenance debtor give to the court, within the period and in the manner specified in the notice, a statement in writing of the matters referred to in *subsection (1)(a)* and of any other matters which are or may be relevant to the determination of the normal deduction rate and the protected earnings rate to be specified in the order.

(3) In any proceedings in relation to an attachment of earnings order, a statement given to the court in compliance with an order under *paragraph (a)* or *(b)* of *subsection (1)* or with a requirement under *subsection (2)* is admissible as evidence of the facts stated in it and a document purporting to be such a statement is deemed, unless the contrary is shown, to be a statement so given.

Notification of changes of employment and earnings.

180.— Where an attachment of earnings order is in force—

(*a*) the maintenance debtor shall notify in writing the court that made the order of every occasion on which he or she leaves employment, or becomes employed or re-employed, not later than 10 days after doing so,

(*b*) the maintenance debtor shall, on any occasion on which he or she becomes employed or re-employed, include in the notification particulars of his or her earnings and expected earnings, and

(*c*) any person who becomes an employer of the maintenance debtor and who knows that the order is in force and by which court it was made shall, within 10 days of the later of the date of becoming an employer of the maintenance debtor and the date of acquiring the knowledge, notify the court in writing that he or she has become an employer, and include in the notification a statement of the debtor's earnings and expected earnings.

Power to determine whether particular payments are earnings.

181.— (1) Where an attachment of earnings order is in force, the court that made the order shall, on the application of the maintenance debtor's employer, the maintenance debtor or the person to whom payments are being made under the order, determine whether payments or portions of payments being made to the maintenance debtor that are of a class or description specified in the application are earnings for the purpose of the order.

(2) Where an application is made by the employer under *subsection (1),* the employer is not liable for non-compliance with the order as respects any payments or portions of payments of the class or description specified by the application that he or she makes while the application, a determination in relation to it or an appeal from the determination is pending.

(3) *Subsection (2)* does not apply if the employer subsequently withdraws the application or abandons the appeal.

Persons in service of State, local authority, etc.

182.— (1) This section applies when a maintenance debtor is in the service of the State, a local authority within the meaning of the Local Government Act 1941, a harbour authority within the meaning of the Harbours Acts 1946 to 2005, the Health Service Executive, F71**[**an education and training board**]**, a committee of agriculture established by the Agriculture Act 1931, or another body if his or her earnings are paid directly out of moneys paid by the Oireachtas or from the Central Fund, or is a member of either House of the Oireachtas.

(2) For the purposes of *sections 176* to *186* , the following officers are regarded as being the employers of the maintenance debtor and the earnings paid to the maintenance debtor out of the Central Fund or out of moneys provided by the Oireachtas are regarded as having been paid by them:

(*a*) in the case where the maintenance debtor is employed in a department, office, organisation, service, undertaking or other body, its chief officer, or any other officer that may be designated from time to time by the Minister of the Government by whom that body is administered;

(*b*) in the case where the maintenance debtor is in the service of an authority or body, its chief officer; and

(*c*) in any other case, where the maintenance debtor is paid out of the Central Fund or out of moneys provided by the Oireachtas, the Secretary of the Department of Finance or any other officer that may be designated from time to time by the Minister for Finance.

(3) A question that arises in proceedings for or arising out of an attachment of earnings order as to which body employs a maintenance debtor may be referred to

and determined by the Minister for Finance, but he or she is not obliged to consider the reference unless it is made by the court.

(4) A document purporting to contain a determination by the Minister for Finance under *subsection (3)* and to be signed by an officer of that Minister shall, in any proceedings mentioned in that subsection, be admissible in evidence and be deemed, unless the contrary is shown, to contain an accurate statement of that determination.

Discharge, variations and lapse of attachment of earnings order.

183.— (1) The court that made an attachment of earnings order may, if it thinks fit, on the application of the maintenance creditor, the maintenance debtor or the clerk on whose application the order was made, make an order discharging or varying that order.

(2) The employer on whom an order varying an attachment of earnings order is served shall comply with it but is not liable for non-compliance before 10 days have elapsed since the service.

(3) If an employer affected by an attachment of earnings order ceases to be the maintenance debtor's employer, the order lapses insofar as that employer is concerned, except as respects deductions from earnings paid by the employer after the cesser and payment to the maintenance creditor of deductions from earnings made at any time by that employer.

(4) The lapse of an order under *subsection (3)* does not prevent its remaining in force for other purposes.

Cesser of attachment of earnings order.

184.— (1) An attachment of earnings order ceases to have effect upon the discharge of the relevant antecedent order, except as regards payments under the attachment of earnings order in respect of any time before the date of the discharge.

(2) The clerk or registrar of the court that made the attachment of earnings order shall give notice of a cesser to the employer.

Other remedies.

185.— (1) Where an attachment of earnings order has been made, any proceedings commenced under subsection (1) of section 8 of the Enforcement of Court Orders Act 1940 for the enforcement of the relevant antecedent order lapses and any warrant or order issued or made under that subsection ceases to have effect.

(2) An attachment of earnings order ceases to have effect on the making of an order under section 8 of the Enforcement of Court Orders Act 1940 for the enforcement of the relevant antecedent order.

Enforcement.

186.— (1) A maintenance creditor who fails to obtain a sum of money due under an attachment of earnings order, or the clerk to whom the sum falls to be paid, may sue for the sum as a simple contract debt in any court of competent jurisdiction, if the failure to obtain the sum is caused by—

(*a*) a person failing, without reasonable excuse, to comply with *section 177(3)* or *(4)*, or *180* , or an order under *section 179* or *183 (2)*, or

(*b*) a person, without reasonable excuse, giving a false or misleading statement under *section 179(1)* or notification under *section 180*.

(2) A person who gives to a court a statement pursuant to *section 179* or a notification under *section 180* that he or she knows to be false or misleading commits an offence and is liable on summary conviction to F72**[**a class C fine**]** or to imprisonment for a term not exceeding six months or to both.

(3) A person who contravenes *section 177(3)* commits an offence and is liable on summary conviction to F73**[**a class E fine**]**.

Pension adjustment orders.

187.— (1) In this section and *sections 188* to *192*—

"Act of 1990" means the Pensions Act 1990;

"active member" in relation to a scheme, means a member of the scheme who is in reckonable service;

"actuarial value" means the equivalent cash value of a benefit (including, where appropriate, provision for any revaluation of the benefit) under a scheme calculated by reference to appropriate financial assumptions and making due allowance for the probability of survival to normal pensionable age and beyond in accordance with normal life expectancy on the assumption that the member, at the effective date of calculation, is in a normal state of health having regard to his or her age;

"approved arrangement", in relation to the trustees of a scheme, means an arrangement whereby the trustees, on behalf of the person for whom the arrangement is made, effect policies or contracts of insurance that are approved of by the Revenue Commissioners with, and make the appropriate payments under the policies or contracts to, one or more undertakings;

"contingent benefit" means a benefit payable under a scheme, other than a payment under *section 189(4),* to or for the benefit of the surviving qualified cohabitant (if the scheme so permits) or to or for the benefit of, any dependants of the member qualified cohabitant or the personal representative of the member qualified cohabitant, if the member qualified cohabitant dies while in relevant employment and before attaining any normal pensionable age provided for under the rules of the scheme;

"defined contribution scheme" has the meaning assigned to it by section 2(1) (as amended by section 29(1)(*a*)(ii) of the Social Welfare and Pensions Act 2008) of the Act of 1990;

"designated benefit" in relation to a pension adjustment order, means an amount determined by the trustees of a scheme, in accordance with relevant guidelines and by reference to the period and the percentage of the retirement benefit specified in an order under *subsection (2);*

"member qualified cohabitant" in relation to a scheme, means a qualified cohabitant who is a member of the scheme;

"normal pensionable age" means the earliest age at which a member of a scheme is entitled to receive benefits under the rules of the scheme on retirement from relevant employment, disregarding any rules providing for early retirement on grounds of ill health or otherwise;

"occupational pension scheme" has the meaning assigned to it by section 2(1) of the Act of 1990;

"reckonable service" means service in relevant employment during membership in any scheme;

"relevant guidelines" means any relevant guidelines for the time being in force under section 10(1)(*c*) or (*cc*) (as amended by section 5 of the Pensions (Amendment) Act 1996, section 47(*c*) of the Family Law (Divorce) Act 1996, section 13(*b*) of the Pensions (Amendment) Act 2002 and section 37 of the Social Welfare and Pensions Act 2007) of the Act of 1990;

"relevant employment" in relation to a scheme, means any employment, or any period treated as employment, or any period of self-employment to which a scheme applies;

"retirement benefit", in relation to a scheme, means all benefits, other than contingent benefits, payable under the scheme;

"rules", in relation to a scheme, means the provisions of the scheme by whatever name called;

"scheme" means—

(*a*) an occupational pension scheme within the meaning of the Pensions Act 1990,

(*b*) an annuity contract approved by the Revenue Commissioners under section 784 of the Taxes Consolidation Act 1997, or a contract so approved under section 785 of that Act,

(*c*) a trust scheme, or part of a trust scheme, approved under section 784(4) or 785(5) of that Act,

(*d*) a policy or contract of assurance approved by the Revenue Commissioners under Chapter 1 of Part 30 of the Taxes Consolidation Act 1997, or

(*e*) another scheme or arrangement, including a personal pension plan and a scheme or arrangement established by or pursuant to statute or instrument made under statute other than under the Social Welfare Acts, that provides or is intended to provide either or both of the following:

(i) benefits for a person who is a member of the scheme or arrangement upon retirement at normal pensionable age or upon earlier or later retirement or upon leaving or upon the ceasing of the relevant employment, and

(ii) benefits for the widow, widower or dependants of the person referred to in *subparagraph (i),* for his or her civil partner or the person that was his or her civil partner until the death of the person referred to in *subparagraph (i)*, for his or her qualified cohabitant or the person that was his or her qualified cohabitant until the death of the person referred to in *subparagraph (i)* or for any other persons, on the death of that person;

"transfer amount" shall be construed in accordance with *subsection (4);*

"undertaking" has the same meaning as "'insurance undertaking' or 'undertaking'" in section 2(1) (as inserted by section 3(1) of the Insurance Act 2000) of the Insurance Act 1989.

(2) The court, on application to it in that behalf by either of the qualified cohabitants, may, during the lifetime of a member qualified cohabitant, make an order providing for the payment, in accordance with this section and *sections 188* to *192*, to the other qualified cohabitant of a benefit consisting of the part of the benefit that is payable under the scheme and has accrued at the time of the making of the order, or of the part of that part, that the court considers appropriate.

(3) The order under *subsection (2)* shall specify—

(*a*) the period of reckonable service of the member qualified cohabitant to be taken into account, and

(*b*) the percentage of the retirement benefit accrued during the period to be paid to the other qualified cohabitant.

(4) Where the court makes an order under *subsection (2)* in favour of a qualified cohabitant and payment of the designated benefit concerned has not commenced, the qualified cohabitant is entitled to the application in accordance with *section 189(1)* of an amount of money from the scheme (in this subsection referred to as a "transfer amount") equal to the value of the designated benefit as determined by the trustees of the scheme in accordance with relevant guidelines.

(5) The court, on application to it in that behalf by either of the qualified cohabitants, may make an order providing for the payment, on the death of the member qualified cohabitant, to the other qualified cohabitant of that part of a contingent benefit that is payable under the scheme, or of the part of that part, that the court considers appropriate.

(6) In deciding whether or not to make a pension adjustment order, the court shall have regard to whether proper provision, having regard to the circumstances, exists or can be made for the qualified cohabitant who is not a member under *section 175*.

Procedural provisions respecting pension adjustment orders.

188.— (1) A person who makes an application under *section 187(2)* or *(5)* shall give notice of the application to the trustees of the scheme. The court shall, in deciding whether to make the order and in determining the provisions of the order, have regard to representations made by the persons to whom notice has been given under this section.

(2) An order referred to in *subsection (1)* ceases to have effect on the entry into a civil partnership, marriage or death of the person in whose favour the order was made.

(3) The court may, in making an order referred to in *subsection (1),* give to the trustees of the scheme any directions that it considers appropriate, including a direction that would require the trustees not to comply with the rules of the scheme or the Act of 1990.

(4) Notwithstanding *subsection (3)*, a direction given under that subsection shall not permit a payment under *section 187(5)* unless the scheme concerned expressly provides for payments of contingent benefits to cohabitants.

(5) The registrar or clerk of the court that makes an order referred to in *subsection (1)* shall cause a copy of the order to be served on the trustees of the scheme.

Rules respecting payments under schemes.

189.— (1) Subject to *section 190(4),* the trustees of a scheme in respect of which an order has been made under *section 187(2)* shall, where the conditions set out in *subsection (2)* are present, apply, in accordance with relevant guidelines, the transfer amount calculated in accordance with those guidelines—

(*a*) if the trustees and the qualified cohabitant so agree, in providing a benefit for or in respect of the qualified cohabitant that is of the same actuarial value as the transfer amount, or

(*b*) in making a payment, at the option of the qualified cohabitant—

(i) to another occupational pension scheme whose trustees agree to accept the payment, or

(ii) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(2) The conditions referred to in *subsection (1)* are:

(*a*) the court has made an order under *section 187(2)* in favour of the qualified cohabitant;

(*b*) payment of the designated benefit has not commenced;

(*c*) the qualified cohabitant has applied to the trustees in that behalf; and

(*d*) the qualified cohabitant furnishes the information that the trustees require.

(3) Subject to *section 190(4),* trustees of a defined contribution scheme in respect of which an order has been made under *section 187(2)* may, if the qualified cohabitant has not made an application under *subsections (1)* and *(2),* apply in accordance with

relevant guidelines the transfer amount calculated in accordance with those guidelines to make a payment, at their option—

(*a*) to another occupational pension scheme whose trustees agree to accept the payment, or

(*b*) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(4) Subject to *section 190(4)*, the trustees of a scheme in respect of which an order has been made under *section 187(2)* shall, within 3 months of the death of a member qualified cohabitant who dies before the payment of the designated benefit has commenced, provide for the payment to the other qualified cohabitant of an amount that is equal to the transfer amount calculated in accordance with relevant guidelines.

(5) Subject to *section 190(4)*, the trustees of a scheme in respect of which an order has been made under *section 187(2)* may, if the member qualified cohabitant ceases to be a member otherwise than on death, apply, in accordance with relevant guidelines, the transfer amount under the scheme, at their option—

(*a*) if the trustees and the other qualified cohabitant so agree, in providing a benefit for or in respect of that qualified cohabitant that is of the same actuarial value as the transfer amount, or

(*b*) in making a payment, either—

(i) to another occupational pension scheme whose trustees agree to accept the payment, or

(ii) to discharge another payment falling to be made by the trustees under any such other approved arrangement.

(6) Subject to *section 190(4)*, the trustees of a scheme in respect of which an order has been made under *section 187(2)* shall, within 3 months of the death of the qualified cohabitant who is not the member and who dies before payment of the designated benefit has commenced, provide for the payment to the personal representative of that qualified cohabitant of an amount that is equal to the transfer amount calculated in accordance with relevant guidelines.

(7) Subject to *section 190(4)*, the trustees of a scheme in respect of which an order has been made under *section 187(2)* shall, within 3 months of the death of the qualified cohabitant who is not the member and who dies after payment of the designated benefit has commenced, provide for the payment to the personal representative of that qualified cohabitant of an amount that is equal to the actuarial value, calculated in accordance with relevant guidelines, of the part of the designated benefit that, but for the death of that qualified cohabitant, would have been payable to him or her during his or her lifetime.

(8) The trustees of a scheme in respect of which an order has been made under *section 187(2)* or *(5)* shall, within 12 months of the member qualified cohabitant's ceasing to be a member, notify the registrar or clerk of the court and the other qualified cohabitant of the cessation, if the trustees have not applied the transfer amount in accordance with any of *subsections (1)* to *(6)*.

(9) The trustees of a scheme who apply a transfer amount under *subsection (3)* or *(5)* shall notify the qualified cohabitant who is not the member and the registrar or clerk of the court, giving particulars to that qualified cohabitant of the scheme and the transfer amount.

Payments further to orders under *section 187* .

190.— (1) A benefit payable pursuant to an order made under *section 187(2)*, or a contingent benefit payable pursuant to an order made under *section 187(5)*, is payable out of the resources of the scheme and, unless the order or relevant guidelines provide otherwise, in accordance with the rules of the scheme and those guidelines.

(2) The amount of retirement benefit payable to the member qualified cohabitant, or the amount of contingent benefit payable to or in respect of the member qualified cohabitant, in accordance with the rules of the relevant scheme shall be reduced by the designated benefit or contingent benefit payable pursuant to an order made under *section 187(2)* or *(5)*, as the case may be, to the other qualified cohabitant.

(3) The amount of contingent benefit payable in accordance with the rules of the scheme in respect of a member qualified cohabitant who dies before the payment of the designated benefit payable pursuant to an order under *section 187(2)* has commenced shall be reduced by the amount of the payment made under *section 189(4)*.

(4) Trustees who make a payment or apply a transfer amount under any of *subsections (1)* to *(7)* of *section 189* are discharged from any obligation to make further payment or apply another transfer amount under any of those subsections in respect of the benefit payable pursuant to the order made under *section 187(2)*.

(5) A trustee is not liable for any loss or damage caused by complying with a direction referred to in *section 188(3)* rather than the rules of the scheme or the Act of 1990.

Costs.

191.— (1) The court may determine the manner in which the costs incurred by the trustees of a scheme further to an order under *section 187* are to be borne, including by one or the other of the qualified cohabitants or by both of them in the proportions that the court may determine, and in default of a determination, the qualified cohabitants shall bear those costs equally.

(2) The court may, on application to it by the trustees, order that an amount ordered to be paid by a qualified cohabitant under *subsection (1)* that has not been paid be deducted from any benefits payable to the qualified cohabitant—

(*a*) pursuant to an order made under *section 187,* if the qualified cohabitant is the beneficiary of the order; and

(*b*) pursuant to the scheme, if the qualified cohabitant is the member qualified cohabitant.

Value of benefit calculation.

192.— For the purposes of this section and *sections 187* to *191* , the court may, of its own motion, and shall, if so requested by either of the qualified cohabitants or another concerned person, direct the trustees of the scheme to provide the qualified cohabitants or the other person and the court, within a specified period of time—

(*a*) with a calculation of the value and amount, determined in accordance with relevant guidelines, of the retirement benefit or contingent benefit that is payable or that would have been payable under the scheme and has accrued at the time of making the order, and

(*b*) with a calculation of the amount of the contingent benefit that is payable or that would have been payable, under the scheme.

Mediation and other alternatives to proceedings.

193.— (1) The court may adjourn or further adjourn proceedings under *section 173* at any time for the purpose of enabling the cohabitants to attempt, if they both so wish, with or without the assistance of a third party—

(*a*) to reconcile, or

(*b*) to reach agreement on some or all of the terms of a possible settlement between them.

(2) Either or both of the cohabitants may at any time request that the hearing of proceedings adjourned under *subsection (1)* be resumed as soon as may be and, if a

request is made, the court shall, subject to any other power of the court to adjourn proceedings, resume the hearing.

(3) The powers conferred by this section are additional to any other power of the court to adjourn proceedings.

(4) The court may, at its discretion when adjourning proceedings under this section, advise the cohabitants to seek the assistance of a mediator or other third party in relation to the cohabitants' proposed reconciliation or reaching of an agreement between them on some or all of the terms of a possible settlement.

Application for provision from estate of deceased cohabitant.

194.— (1) A qualified cohabitant may, after the death of his or her cohabitant but not more than 6 months after representation is first granted under the Succession Act 1965 in respect of that cohabitant's estate, apply for an order under this section for provision out of the net estate.

(2) Notwithstanding *subsection (1)*, a qualified cohabitant shall not apply for an order under this section where the relationship concerned ended 2 years or more before the death of the deceased, unless the applicant—

(*a*) was in receipt of periodical payments from the deceased, whether under an order made under *section 175* or pursuant to a cohabitants' agreement or otherwise,

(*b*) had, not later than 2 years after that relationship ended, made an application for an order under *section 174*, *175* or *187* and either—

(i) the proceedings were pending at the time of the death, or

(ii) any such order made by the court had not yet been executed,

or

(*c*) had, not later than 2 years after the relationship ended, made an application for an order under *section 174*, *175* or *187* , the order was made, an application under *section 173(6)* was subsequently made in respect of that order and either—

(i) the proceedings in respect of that application were pending at the time of the death, or

(ii) any such order made by the court under *section 173(6)* in favour of the qualified cohabitant who is the applicant under this section had not yet been executed.

(3) The court may by order make the provision for the applicant that the court considers appropriate having regard to the rights of any other person having an interest in the matter, if the court is satisfied that proper provision in the circumstances was not made for the applicant during the lifetime of the deceased for any reason other than conduct by the applicant that, in the opinion of the court, it would in all the circumstances be unjust to disregard.

(4) In considering whether to make an order under this section, the court shall have regard to all the circumstances of the case, including—

(*a*) an order made under *section 173(6)*, *174* , *175* or *187* in favour of the applicant,

(*b*) a devise or bequest made by the deceased in favour of the applicant,

(*c*) the interests of the beneficiaries of the estate, and

(*d*) the factors set out in *section 173(3)*.

(5) The court shall not make an order under this section where the relationship concerned ended before the death of the deceased and—

(*a*) the court is not satisfied that the applicant is financially dependent on the deceased within the meaning of *section 173(2)*, or

(*b*) the applicant has married or registered in a civil partnership, or in a legal relationship of a class that is the subject of an order under *section 5*.

(6) The applicant shall give notice of an application under this section to the personal representative of the deceased, any spouse or civil partner of the deceased and to any other persons that the court may direct and, in deciding whether to make the order and in determining the provisions of the order, the court shall have regard to any representations made by any of those persons.

(7) The total value for the applicant of the provision made by an order referred to in *subsection (4)(a)* on the date on which that order was made and an order made under this section shall not exceed any share of the applicant in the estate of the deceased qualified cohabitant to which the applicant would have been entitled if the qualified cohabitants had been spouses or civil partners of each other.

(8) If the qualified cohabitant does not notify the personal representative as required by *subsection (6)*, the personal representative may distribute the assets of the deceased qualified cohabitant or any part of them amongst the persons entitled to them and is not liable to the qualified cohabitant for that distribution.

(9) Nothing in this section prejudices the rights of the qualified cohabitant to follow assets into the hands of a person who has received them.

(10) An order under this section shall not affect the legal right of a surviving spouse.

(11) For the purposes of this section, "net estate", with respect to the estate of a person, means the estate that remains after provision for the satisfaction of—

(*a*) other liabilities of the estate having priority over the rights referred to in *paragraphs (b)* and *(c)*,

(*b*) any rights, under the Succession Act 1965, of any surviving spouse of the person, and

(*c*) any rights, under the Succession Act 1965, of any surviving civil partner of the person.

Limitation period.

195.— Proceedings under this Part other than proceedings under *sections 173 (6)* and *194* , shall, save in exceptional circumstances, be instituted within 2 years of the time that the relationship between the cohabitants ends, whether through death or otherwise.

Jurisdiction and venue.

196.— (1) Subject to the other provisions of this section, the Circuit Court has concurrent jurisdiction with the High Court to hear and determine applications for orders for redress referred to in *section 173* and orders for provision from the estates of deceased cohabitants under *section 194*.

(2) The District Court, and the Circuit Court on appeal from the District Court, have concurrent jurisdiction with the High Court to hear and determine applications for orders for redress referred to in *section 173* and orders for provision from the estates of deceased cohabitants under *section 194*, except that—

(*a*) they do not have jurisdiction to make such an order for periodical payments at a rate greater than €500 per week,

(*b*) they do not have jurisdiction to make such an order in a matter in relation to which the High Court has made such an order, and

(*c*) the District Court does not have jurisdiction to make such an order in a matter in relation to which the Circuit Court has made such an order otherwise than on appeal from the District Court.

(3) The court shall only exercise its jurisdiction to hear and determine an application for an order for redress referred to in *section 173* if both of the cohabitants concerned were ordinarily resident in the State throughout the one-year period prior to the end of their relationship, and either of the cohabitants—

(*a*) is domiciled in the State on the date on which the application is made, or

(*b*) is ordinarily resident in the State throughout the one-year period that ends on that date.

(4) The court shall only exercise its jurisdiction to hear and determine an application for an order for provision from the estate of a deceased cohabitant under *section 194* if—

(*a*) in the case where the relationship concerned ended before the death of the deceased, each of the cohabitants concerned was ordinarily resident in the State throughout the one-year period prior to the end of their relationship and—

(i) each of the cohabitants concerned was ordinarily resident in the State throughout the one-year period that ended on the date of the death of the deceased,

(ii) on the date of the death of the deceased, the applicant was in receipt of periodical payments from the deceased, whether under an order made under *section 175* or pursuant to a cohabitants' agreement or otherwise,

(iii) the applicant had, not later than 2 years after that relationship ended, made an application for an order under *section 174*, *175* or *187* and either—

(I) the proceedings were pending at the time of the death, or

(II) any such order made by the court had not yet been executed,

or

(iv) the applicant had, not later than 2 years after the relationship ended, made an application for an order under *section 174*, *175* or *187* , the order was made, an application under *section 173(6)* was subsequently made in respect of that order and either—

(I) the proceedings were pending at the time of the death, or

(II) any such order made by the court under *section 173(6)* in favour of the applicant had not yet been executed,

and

(*b*) in any other case, each of the cohabitants concerned was ordinarily resident in the State throughout the one-year period that ended on the date of the death of the deceased.

(5) The jurisdiction conferred on the Circuit Court may be exercised by the judge of the circuit in which a party to the application ordinarily resides or carries on a business, profession or occupation.

F74**[**(6) The Circuit Court shall transfer, to the High Court, proceedings on applications for orders for redress referred to in *section 173* on application to it by a party to the proceedings, if land to which the proceedings relate has a market value that exceeds €3,000,000.

(6A) In *subsection (6)* and the following subsection, "market value" means, in relation to land, the price that would have been obtained in respect of the unencumbranced fee simple were the land to have been sold on the open market, in the year immediately preceding the making of the application concerned, in such manner and subject to such conditions as might reasonably be calculated to have resulted in the vendor obtaining the best price for the land.

(6B) Where an application, in relation to land, is brought in the Circuit Court for an order for redress referred to in *section 173*, and the applicant alleges that the market value of the land concerned does not exceed the monetary amount specified in *subsection (6)*, it shall be presumed, until the contrary is proved, that the market value of the land does not exceed the foregoing amount.**]**

(7) An order made or act done in the course of the proceedings before a transfer under *subsection (6)* is valid unless discharged or varied by the High Court.

F75**[**Orders under Family Law (Maintenance of Spouses and Children) Act 1976

196A.— The court may, on the application of a party to proceedings under this Part, make an order under section 5A or 5B of the Family Law (Maintenance of Spouses and Children) Act 1976, where applicable, in respect of the other party to the proceedings.**]**

Particulars of property.

197.— (1) In proceedings under this Part, each of the qualified cohabitants shall give to the other the particulars of his or her property or income that may be reasonably required for the purposes of the proceedings.

(2) The court may direct a person who fails or refuses to comply with *subsection (1)* to comply with it.

(3) A qualified cohabitant who fails or refuses to comply with *subsection (1)* or a direction under *subsection (2)* commits an offence and is liable on summary conviction to F76**[**a class C fine**]**, or to imprisonment for a term not exceeding 6 months, or to both.

Conduct of proceedings.

198.— (1) Proceedings under this Part shall be as informal as is practicable and consistent with the administration of justice.

(2) A judge sitting to hear and determine proceedings under this Part, and a barrister or solicitor appearing in the proceedings, shall not wear a wig or a gown.

Privacy.

199.— Subject to the provisions of section 40 of the Civil Liability and Courts Act 2004, proceedings under this Part shall be heard otherwise than in public.

Costs.

200.— The costs in proceedings under this Part are at the discretion of the court.

Rules of court.

201.— (1) Rules of court shall provide for the documentation required for the commencement of proceedings under this Part in a summary manner.

(2) Rules of court may make provision, in cases where one or both of the parties to an application under *section 175* or *187* , or to an application to vary an order under one of those sections, is or was married, for—

(*a*) the adjournment of those proceedings or any proceedings for the financial support of the person to whom the party is or was married,

(*b*) the postponement of an order made under any of the proceedings referred to in *paragraph (a)*, or

(*c*) any other procedure reasonably required in order to ensure that that party's financial circumstances are taken into account in the proceedings.

Validity of certain agreements between cohabitants.

202.— (1) Notwithstanding any enactment or rule of law, cohabitants may enter into a cohabitants' agreement to provide for financial matters during the relationship or when the relationship ends, whether through death or otherwise.

(2) A cohabitants' agreement is valid only if—

(*a*) the cohabitants—

(i) have each received independent legal advice before entering into it, or

(ii) have received legal advice together and have waived in writing the right to independent legal advice,

(*b*) the agreement is in writing and signed by both cohabitants, and

(*c*) the general law of contract is complied with.

(3) Subject to *subsection (4)*, a cohabitants' agreement may provide that neither cohabitant may apply for an order for redress referred to in *section 173*, or an order for provision from the estate of his or her cohabitant under *section 194*.

(4) The court may vary or set aside a cohabitants' agreement in exceptional circumstances, where its enforceability would cause serious injustice.

(5) An agreement that meets the other criteria of this section shall be deemed to be a cohabitants' agreement under this section even if entered into before the cohabitation has commenced.

Amendment of section 39 of Residential Tenancies Act 2004.

203.— Section 39(3)(*a*)(ii) of the Residential Tenancies Act 2004 is amended by substituting "was the tenant's cohabitant within the meaning of *section 172* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* and lived with the tenant" for "cohabited with the tenant as husband and wife".

Amendment of section 47 of Civil Liability Act 1961.

204.— The definition of "dependant" in section 47(1) (as substituted by section 1 of the Civil Liability (Amendment) Act 1996) of the Civil Liability Act 1961 is amended by substituting the following for paragraph (*c*):

"(*c*) a person who was not married to or a civil partner of the deceased but who, until the date of the deceased's death, had been living with the deceased as the deceased's cohabitant within the meaning of *section 172* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* for a continuous period of not less than three years,".

Amendment of Powers of Attorney Act 1996.

205.— Paragraph 3(1) of the First Schedule of the Powers of Attorney Act 1996 is amended—

(*a*) in subparagraph (*h*) by substituting "blood;" for "blood.", and

(*b*) by inserting the following:

"(*i*) the donor's qualified cohabitant, within the meaning of *section 172* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*.".

Transitional provision - redress orders.

206.— An order for redress referred to in *section 173* shall only be made if the application for it is made with respect to a relationship that ends, whether by death or otherwise, after the commencement of this section but the time during which two

persons lived as a couple before the commencement date is included for the purposes of calculating whether they are qualified cohabitants within the meaning of this Part.

Transitional provision - agreements.

207.— Nothing in *section 202(2)* prevents a court from enforcing an agreement entered into between two persons before the commencement of this Part.

PART 16

Miscellaneous

Saver in relation to rights of others.

208.— In making an order under this Act and in particular in making a maintenance order, lump sum order, property adjustment order, pension adjustment order or order for provision from the estate of a deceased person, the court shall have regard to the rights of any other person with an interest in the matter, including a spouse or former spouse and a civil partner or former civil partner.

SCHEDULE

CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

PART 1

CONFLICTS OF INTERESTS PROVISIONS

Section 97.

Item	Act	Provision	Amendment
1.	Companies Act 1963	Section 193(1)	substitute "himself or herself and to his or her spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "himself and to his spouse"
2.	Companies Act 1963	Section 301A(4)(*a*) (inserted by section 147 of Companies Act 1990)	insert "civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
3.	Companies Act 1963	Section 315(1)(*c*) (substituted by section 170 of Companies Act 1990)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
4.	Housing (Private Rented Dwellings) (Amendment) Act 1983	Section 14(5)	(*a*) substitute "he or she or his or her spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "he or his spouse" wherever it appears; (*b*) substitute "any" for "either" in paragraph (*b*)
5.	Farm Tax Act 1985	Paragraph 14(2) of the Schedule	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears
6.	Building Societies Act 1989	Section 52	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears
7.	Building Societies Act 1989	Section 87(2)(*e*)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" and "his spouse" wherever either of these expressions appear
8.	Trustee Savings Banks Act 1989	Section 21(5)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "trustee's spouse"
9.	Companies Act 1990	Section 72	(*a*) delete "family and corporate" from the shoulder note; (*b*) substitute "his or her spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "his spouse" in section 72(1)
10.	Companies Act 1990	Section 187	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears

Item	Act	Provision	Amendment
11.	Ethics in Public Office Act 1995	Section 2(1)	insert the following definition: " 'civil partner', in relation to a person, means a civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* but does not include a civil partner who is living separately and apart from the person;"
12.	Ethics in Public Office Act 1995	Section 13(5)	insert "or civil partner" after "spouse" wherever it appears
13.	Ethics in Public Office Act 1995	Section 15(2)(*b*)	insert "or civil partner" after "spouse"
14.	Ethics in Public Office Act 1995	Section 15(2)(ii)	insert "or civil partner" after "relative"
15.	Ethics in Public Office Act 1995	Section 15(4)(*a*)(ii)	insert "or civil partner" after "spouse"
16.	Ethics in Public Office Act 1995	Section 16(1)(*a*)	(*a*) insert "or civil partner" after "actual knowledge of his or her spouse" in subparagraph (ii); (*b*) substitute "spouse or civil partner or child a substantial benefit" for "spouse or child a substantial benefit"
17.	Ethics in Public Office Act 1995	Section 17(1)(*a*)	(*a*) insert "or civil partner" after "actual knowledge of his or her spouse" in subparagraph (ii); (*b*) substitute "spouse or civil partner or child a substantial benefit" for "spouse or child a substantial benefit"
18.	Ethics in Public Office Act 1995	Section 18(1)(*a*)	(*a*) insert "or civil partner" after "actual knowledge of his or her spouse" in subparagraph (ii); (*b*) substitute "spouse or civil partner or child a substantial benefit" for "spouse or child a substantial benefit"
19.	Ethics in Public Office Act 1995	Section 19(3)(*a*)(i)	(*a*) insert "or civil partner" after "actual knowledge of his or her spouse"; (*b*) substitute "spouse or civil partner or child a substantial benefit" for "spouse or child a substantial benefit"
20.	Ethics in Public Office Act 1995	Section 29(2)	(*a*) substitute "applies or of the spouse or civil partner of such a person" for "applies or of the spouse of such a person" in paragraph (*a*); (*b*) substitute "an interest of his or her spouse or civil partner" for "an interest of his or her spouse" in paragraph (*c*)(i)
21.	Ethics in Public Office Act 1995	Section 30	substitute "that his or her spouse or civil partner or a child" for "that his or her spouse or a child"
22.	Ethics in Public Office Act 1995	Paragraph 1 of the Second Schedule	(*a*) in subparagraph (4), substitute "private home of the person or of his or her spouse or civil partner," for "private home of the person or of his or her spouse,"; (*b*) in subparagraph (5) substitute "relative or civil partner or friend of the person or of his or her spouse or civil partner" for "relative or

Item	Act	Provision	Amendment
			friend of the person or of his or her spouse" wherever it appears; (*c*) in subparagraph (6)(*b*), substitute "relative or civil partner or friend of the person or of his or her spouse or civil partner" for "relative or friend of the person or of his or her spouse"
23.	Credit Union Act 1997	Section 35(10)	insert "or a civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," after "spouse"
24.	Credit Union Act 1997	Section 114(2)(*b*)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," after "spouse"
25.	Food Safety Authority of Ireland Act 1998	Paragraph (*f*) of definition of "interests" in section 41(7)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
26.	Planning and Development Act 2000	Section 148	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears
27.	Aviation Regulation Act 2001	Paragraph (*d*) of definition of "interests" in section 17(7)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
28.	Local Government Act 2001	Definition of "connected person" in section 166(1)	substitute "spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* of the person" for "spouse of the person"
29.	Local Government Act 2001	Section 175(*g*)(i)	substitute "relative or friend of the person or of his or her spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* or of a child of the person or his or her spouse for purely personal reasons only" for "relative or friend of the person or of his or her spouse or of a child of the person or his or her spouse for purely personal reasons only"
30.	Transport (Railway Infrastructure) Act 2001	Section 29(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "connected relative" wherever it appears
31.	Valuation Act 2001	Paragraph 13 of Schedule 2	(*a*) insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" in subparagraph (2) wherever it appears; (*b*) substitute the following for the definition of "relative" in subparagraph (10): " 'relative', in relation to a person, means a brother, sister, parent, spouse, or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, of the person or a child of the person or of the spouse."; (*c*) in subparagraph (11)(*b*), substitute "relative or civil partner or friend of the person or of his or her spouse or civil partner" for "relative or friend of the person or of his or her spouse"

Item	Act	Provision	Amendment
			(*c*) insert the following subparagraph after subparagraph (11): "(12) For the purposes of subparagraphs (2) and (9) of this paragraph, 'civil partner' in relation to a person, does not include a civil partner who is living separately and apart from the person.".
32.	Gas (Interim) (Regulation)Act 2002	Paragraph (*c*) of definition of "interests" in section 9(7)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
33.	National Development Finance Agency Act 2002	Section 17(10)(*a*)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
34.	Sustainable Energy Act 2002	Section 18(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "connected relative" wherever it appears
35.	Digital Hub Development Agency Act 2003	Paragraph (*e*) of definition of "interests" in section 24(5)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
36.	Industrial Development (Science Foundation Ireland) Act 2003	Section 16(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "connected relative" wherever it appears
37.	Private Security Services Act 2004	Section 17(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "connected relative" wherever it appears
38.	Grangegorman Development Agency Act 2005	Paragraph (*e*) of definition of "interests" in section 28(5)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
39.	Railway Safety Act 2005	Section 20(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "connected relative" wherever it appears
40.	National Sports Campus Development Authority Act 2006	Section 16(2)	(*a*) insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "connected relative" wherever it appears; (*b*) substitute "any" for "either" in paragraph (*a*)
41.	Registration of Deeds and Title Act 2006	Section 14(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "connected relative" wherever it appears
42.	Sea-Fisheries and Maritime Jurisdiction Act 2006	Section 57(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "connected relative" wherever it appears
43.	Consumer Protection Act 2007	Section 25(2)	(*a*) insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and*

Item	Act	Provision	Amendment
			Obligations of Cohabitants Act 2010" after "connected relative" wherever it appears; (*b*) substitute "any" for "either" in paragraph (*a*) of section 25(2)
44.	Pharmacy Act 2007	Definition of "beneficial interest" in section 63(5)(*a*)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
45.	Pharmacy Act 2007	Subparagraph 9(3) of Schedule 1	Substitute "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* of that member or a nominee of any of them" for "of that member or a nominee of either of them"
46.	Pharmacy Act 2007	Subparagraph 10(3) of Schedule 1	Substitute "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* of the employee or any of them" for "of the employee or either of them"

PART 2

PENSIONS PROVISIONS

Section 99.

Item	Act	Provision	Amendment
1.	Pilotage Order Confirmation Act 1927	Schedule	substitute "surviving spouse, or surviving civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," for "widow" wherever it appears
2.	Ministerial and Parliamentary Offices Act 1938	Section 20 (substituted by section 15 of the Ministerial, Parliamentaryand Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001)	(*a*) insert "or surviving civil partner" after "surviving spouse" wherever it appears; (*b*) insert "or surviving civil partner's" after "surviving spouse's" wherever it appears; (*c*) insert "or civil partner" after "spouse" wherever it appears; (*d*) in subsection (3), insert "or enters into a new civil partnership" after "remarries"; (*e*) in subsection (9), insert the following definition: " 'civil partner' has the meaning assigned to it in the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*."
3.	Ministerial and Parliamentary Offices Act 1938	Section 20C (inserted by section 16 of the Ministerial, Parliamentaryand Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001)	(*a*) in subsection (1), substitute "spouse's pension or surviving civil partner's (within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*) pension that has ceased to be payable because that person has married, remarried or entered into a civil partnership" for "spouse's pension that has ceased to be payable because that person has remarried"; (*b*) inserting "or civil partnership" after "marriage"

Item	Act	Provision	Amendment
4.	Ministerial and Parliamentary Offices Act 1938	Section 21(4)	substitute "surviving spouses' pensions, surviving civil partners' pensions" for "widows' pensions"
5.	Oireachtas (Allowances to Members) Act 1938	Section 6A(6)(*a*)(i) (inserted by section 1 of the Oireachtas (Allowances to Members) (Amendment) Act 1968)	substitute "surviving spouses or surviving civil partners, within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "widows"
6.	Presidential Establishment Act 1938	Section 4(1) (substituted by section 3 of the Presidential Establishment (Amendment) Act 1991)	insert ", or surviving civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," after "widower"
7.	Presidential Establishment Act 1938	Section 4(2) (substituted by section 3 of the Presidential Establishment (Amendment) Act 1991)	substitute "married, remarried or entered into a civil partnership within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* after the death of the spouse or civil partner" for "remarried after the death of the spouse"
8.	Presidential Establishment Act 1938	Section 4(3) (substituted by section 3 of the Presidential Establishment (Amendment) Act 1991)	substitute "spouse or civil partner until, in case the person marries, remarries or enters into a civil partnership, such marriage, remarriage or entry into a civil partnership, or, in case the person does not marry, remarry or enter into a civil partnership," for "spouse until, in case the person remarries, such remarriage or, in case the person does not remarry,"
9.	Garda Síochána (Compensa-tion) Act 1941	Section 12	substitute "surviving spouse or surviving civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "widow" wherever it appears
10.	Central Bank Act 1942	Definition of "superannuation benefit" in section 33AG(8) (inserted by section 26 of the Central Bank and Financial Services Authority of Ireland Act 2003)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
11.	Central Bank Act 1942	Paragraph 5(1) of Schedule 7 (inserted by section 22 of the Central Bank and Financial Services Authority of Ireland Act 2004)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
12.	Harbours Act 1946	Section 151(9)	substitute "surviving spouse or surviving civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "widow"

Item	Act	Provision	Amendment
13.	Great Southern Railways Company (Superannu-ation Scheme) Act 1947	Schedule	(*a*) substitute "surviving spouse, or surviving civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," for "widow" wherever it appears other than in paragraph 23(*a*)(ii); (*b*) in paragraph 23(*a*)(ii), substitute "surviving spouse or surviving civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," for "widower or widow"
14.	Electricity (Supply) (Amendment) Act 1958	Section 15(1)	substitute "to that person's spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for ", if the person making the surrender is a man, to his wife."
15.	Electricity (Supply) (Amendment) Act 1958	Section 15(3)	substitute "the dependant or wife, or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," for "the wife or dependant"
16.	Courts of Justice and Court Officers (Superannua-tion) Act 1961	Section 7	substitute "spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "wife" wherever it appears
17.	Companies Act 1963	Paragraph 90 of First Schedule	substitute "his or her surviving spouse or surviving civil partner, within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, or dependants" for "his widow or dependants"
18.	Electricity (Supply) (Amendment) Act 1970	Section 5(4)(*b*)	substitute "spouse, civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* or a dependent" for "wife or a dependent"
19.	Local Government (Superannua-tion) Act 1980	Section 5(4)(*b*)(ii)(II)	substitute "surviving spouses or surviving civil partners, within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "widows"
20.	Courts (Supplemental Provisions) (Amendment) Act 1991	Section 4(2)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," after "spouse"
21.	Courts (Supplemental Provisions) (Amendment) Act 1991	Section 7(1)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
22.	Air Navigation and Transport (Amendment) Act 1998	Section 32(12)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," after "spouse" wherever it appears
23.	Garda Síochána Act 2005	Section 122(1)(*i*)	insert "or civil partners within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouses"

PART 3

PROPERTY RIGHTS PROVISIONS

Section 168.

Item	Act	Provision	Amendment
1.	Land Act 1931	Section 35(3)(*a*)	substitute "spouse, civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "husband"
2.	Land Act 1933	Section 29(1)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "husband"
3.	Land Act 1936	Section 16(2)(*b*)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "husband" wherever it appears
4.	Companies Act 1963	Section 289(3)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
5.	Companies Act 1963	Section 300A(1)(*b*) (inserted by section 146 of the Companies Act 1990)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
6.	Land Act 1965	Section 6(3)	(*a*) insert "or who is a civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* whose civil partner (not being interested jointly or in common in the land) is alive on that date," after "on that date"; (*b*) insert "or civil partner" after "spouse" in paragraph (*a*); (*c*) insert "or civil partner" after "spouse" in paragraph (*b*) wherever it appears
7.	Land Act 1965	Section 6(4)	(*a*) substitute "unmarried," for "unmarried or"; (*b*) insert "or is a surviving civil partner" after "widow"; (*c*) insert "or civil partner" after "spouse"
8.	Agricultural Credit Act 1978	Section 31(2)(*a*)(i)(II)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "husband"
9.	Housing (Miscellaneous Provisions) Act 1979	Section 4(5) (inserted by section 25 of the Housing Act 1988)	(*a*) substitute "marriage or civil partnership within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "marriage" in paragraph (*a*)(i); (*b*) substitute "separated from his or her spouse or civil partner" for "separated from his spouse" in paragraph (*a*) (ii); (*c*) add "or civil partner" after "spouse" in paragraph (*c*)

Item	Act	Provision	Amendment
10.	Housing (Miscellaneous Provisions) Act 1979	Section 11(3)(*b*)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
11.	Occasional Trading Act 1979	Section 2(2)(*j*)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
12.	Abattoirs Act 1988	Section 13(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
13.	Abattoirs Act 1988	Section 28(2)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
14.	Bankruptcy Act 1988	Section 61(5)	(*a*) insert "or shared home within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "family home" wherever it appears; (*b*) insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
15.	Housing Act 1988	Section 3(2)(*e*)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
16.	Housing Act 1988	Section 4	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears
17.	Central Bank Act 1989	Paragraph (*a*) of the definition of "connected person" in section 53	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
18.	Companies Act 1990	Section 26(1)(*a*) (substituted by section 76 of the Company Law Enforcement Act 2001)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," after "spouse" wherever it appears
19.	Companies Act 1990	Section 64	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears
20.	Irish Horseracing Industry Act 1994	Section 48(21)(*a*)(i)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
21.	Consumer Credit Act 1995	Section 45(3)	insert the following paragraph after paragraph (*a*): "(*aa*) for the purposes of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, send any written communication connected with the agreement to the consumer's civil partner, or"

Item	Act	Provision	Amendment
22.	Investor Compensation Act 1998	Paragraph (*d*) of definition of "excluded investor" in section 2(1)	insert ", a civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "relative"

PART 4

REDRESS PROVISIONS

Section 169.

Item	Act	Provision	Amendment
1.	Garda Síochána (Compen-sation) Act 1941	Section 3(*a*)	substitute "surviving spouse or surviving civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "widow"
2.	Civil Liability Act 1961	Definition of "dependant" in section 47(1) (substituted by section 1 of the Civil Liability (Amendment) Act 1996)	(*a*) insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"; (*b*) delete "or" at the end of paragraph (*b*); (*c*) insert the following paragraph after paragraph (*b*): "(*ba*) a person whose civil partnership with the deceased has been dissolved by a decree of dissolution that was granted under the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* or under the law of a country or jurisdiction other than the State and is recognised in the State, or"
3.	Residential Institutions Redress Act 2002	Section 9(1) and (2)	substitute "the children, spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "the children or spouse" wherever it appears
4.	Air Navigation and Transport (International Conventions) Act 2004	Definition of "dependant" in section 7(1)	(*a*) insert ", or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "husband"; (*b*) insert the following paragraph after paragraph (*b*): "(*ba*) a person whose civil partnership with the deceased— (i) has been dissolved by a decree of dissolution that was granted under the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, or (ii) has been dissolved in accordance with the law of a country or jurisdiction (other than the State), but only if the

Item	Act	Provision	Amendment
			dissolution is recognised in the State;"
5.	Commission to Inquire into Child Abuse (Amendment) Act 2005	Section 27(1)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "relative"

PART 5

MISCELLANEOUS PROVISIONS

Section 170.

Item	Act	Provision	Amendment
1.	Enforcement of Court Orders Act 1926	Section 13(1)	insert ", or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*," after "husband"
2.	Aliens Act 1935	Section 5(4)	insert ", or the civil partner to whom an order made under *section 5* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* applies," after "spouse" wherever it appears
3.	Defence Act 1954	Section 161(4)(*a*)(ii) (inserted by section 18(*c*) of the Defence (Amendment) Act 2007)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "family"
4.	Local Authorities (Higher Education Grants) Act 1968	Section 2(1A)(*a*)(iii) (inserted by section 3 of the Local Authorities (Higher Education Grants) Act 1992)	insert "or civil partners within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouses"
5.	Health Act 1970	Section 45(2) (inserted by section 1 of the Health (Amendment) Act 2005), section 58(2) (inserted by section 5 of the Health (Amendment) Act 2005), section 1(1)(*b*) of the Health (Miscellaneous Provisions) Act 2001, section 68(3)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse", wherever it appears

Item	Act	Provision	Amendment
6.	Prosecution of Offences Act 1974	Section 6(2)(*a*)(ii)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "family"
7.	Unfair Dismissals Act 1977	Section 2(1)(*c*)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
8.	Bankruptcy Act 1988	Section 45(1)	substitute "spouse or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "wife"
9.	Bankruptcy Act 1988	Section 59	(*a*) insert "or civil partnership within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "marriage" in subsection (1); (*b*) insert the following subsection after subsection (2): "(2A) A covenant or contract made by any person (in this section called the settlor) in consideration of his or her entry into civil partnership within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, either for the future payment of money for the benefit of the settlor's civil partner, or for the future settlement, on or for the settlor's civil partner, of property wherein the settlor had not at the date of the registration of the civil partnership any estate or interest, whether vested or contingent, in possession or remainder, shall, if the settlor is adjudicated bankrupt and the covenant or contract has not been executed at the date of the adjudication, be void as against the Official Assignee, except so far as it enables the civil partner entitled under the covenant or contract to claim for dividend in the settlor's bankruptcy under or in respect of the covenant or contract, but any such claim to dividend shall be postponed until all the claims of the other creditors for valuable consideration in money or money's worth have been satisfied."
10.	Health (Nursing Homes) Act 1990	Section 2(1)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" before "or of a parent"
11.	Health (Nursing Homes) Act 1990	Section 7B (substituted by section 3 of the Health (Nursing Homes) (Amendment) Act 2007)	(*a*) insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse" wherever it appears; (*b*) insert "civil partner, or a" before "married or cohabiting person" in subsection (4);

Item	Act	Provision	Amendment
			(*c*) substitute "applicant and his or her civil partner or spouse" for "married couple" in subsection (4)
12.	Electoral Act 1992	Section 12(2)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
13.	Statistics Act 1993	Section 27(1)(*a*)	replace "spouse or" with "spouse, civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*, or a"
14.	Solicitors (Amendment) Act 1994	Section 32(4)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
15.	Criminal Assets Bureau Act 1996	Sections 11(1), 13(1) and 15(1)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "family" wherever it appears
16.	Refugee Act 1996	Section 18(3)(*a*)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "family"
17.	Non-Fatal Offences Against the Person Act 1997	Sections 9(1) and 11(1)	insert "or the civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "family" wherever it appears
18.	Organisation of Working Time Act 1997	Section 3(2)(*b*)	(*a*) insert "or is employed by the person's civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "household" in subparagraph (i); (*b*) insert "or civil partner" after "relative" in subparagraph (ii)
19.	Criminal Justice Act 1999	Section 41(1)(*a*)	insert "or his or her civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "family"
20.	National Minimum Wage Act 2000	Section 5(*a*)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
21.	Housing (Miscellaneous Provisions) Act 2002	Section 13(2)(*a*)	substitute ", civil status within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" for "marital status"
22.	Health Act 2004	Sections 46(3)(*a*) and 46(4)	insert "or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "relative" wherever it appears
23.	Disability Act 2005	Section 9(2)(*a*)	insert ", civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "spouse"
24.	Registration of Deeds and Title Act 2006	Definition of " deed " in section 32(1)	(*a*) insert "or under *section 36* of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*" after "Act 1976" in paragraph (*j*); (*b*) insert "or under *section 28(12)* of the *Civil Partnership and Certain Rights and*

Item	Act	Provision	Amendment
			Obligations of Cohabitants Act 2010" after "Act 1976" in paragraph (*k*)

Number 24 *of* 2010

CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS ACT 2010

REVISED

Updated to 22 June 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.