# Civil Partnership Act 2014

**Principal Act**

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AN ACT TO MAKE PROVISION FOR AND IN CONNECTION WITH CIVIL PARTNERSHIP.

## PART 1
INTRODUCTION

**Title and commencement.**

1. This Act may be cited as the Civil Partnership Act 2014 and comes into operation on the day of publication.

**Interpretation.**

2. In this Act unless the context otherwise requires,

"authorised person" means a Government employee or officer or other person authorised by the Registrar to attest notices of the proposed civil partnership;

"child", except where used to express a relationship, means a person who is under 18;

"child of the family" means−

(a) a child of both the parties to a civil partnership; or

(b) any other child, not being a child who is placed with those parties as foster carers by the Care Agency under the Children Act 2009, who has been treated by both of those parties as a child of their family;

"Court" means the Supreme Court;

"marriage" includes a reference to marriage of a same sex couple;

"married" includes a reference to a married same sex couple;

"the Minister" means the Minister responsible for personal status;

"passenger ship" means any passenger vessel, wherever registered (save in sections 8(1)(d) and 12(1), in which cases it must be registered in Gibraltar), of over one hundred gross tons and carrying more than twelve passengers on a voyage during which they may embark or disembark in Gibraltar;

"Register" means the register of civil partnerships maintained by the Registrar;

"Registrar" means the person appointed as Civil Partnership Registrar pursuant to section 3 and includes a Deputy Registrar.

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**Appointment of Registrar and Deputies.**

3.(1) The Minister shall appoint a fit and proper person to be the Civil Partnership Registrar ("the Registrar"), who shall have a seal of such design as the Minister may direct.

(2) The Minister may appoint one or more Deputy Registrars and, subject to any directions given to a Deputy Registrar by the Registrar, any Deputy Registrar so appointed may exercise all the powers and perform all the duties of the Registrar.

**Civil partnership.**

4.(1) A civil partnership is a relationship between two people ("civil partners")−

(a) which is formed when they register as civil partners of each other in Gibraltar; or

(b) which they are treated under Chapter 1 of Part 3 as having formed (at the time determined under that Chapter) by virtue of having registered an overseas relationship.

(2) Subsection (1) is subject to the provisions of this Act under or by virtue of which a civil partnership is void.

(3) A civil partnership ends only on death, dissolution or annulment.

(4) The references in subsection (3) to dissolution and annulment are to dissolution and annulment having effect under or recognised in accordance with this Act.

(5) References in this Act to an overseas relationship are to be read in accordance with Chapter 1 of Part 3.

## PART 2
CIVIL PARTNERSHIP

### CHAPTER 1
REGISTRATION

*Formation, eligibility and parental etc. consent*

**Formation of civil partnership by registration.**

5.(1) For the purposes of section 4, two people are to be regarded as having registered as civil partners of each other once each of them has signed the civil partnership schedule−

(a) at the invitation of, and in the presence of, the Registrar, and

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(b) in the presence of each other and two witnesses.

(2) Subsection (1) applies regardless of whether subsections (3) and (4) are complied with.

(3) After the civil partnership schedule has been signed under subsection (1), it must also be signed, in the presence of the civil partners and each other, by−

(a) each of the two witnesses; and

(b) the Registrar.

(4) After the witnesses and the Registrar have signed the civil partnership schedule, the Registrar must ensure that–

(a) the fact that the two people have registered as civil partners of each other; and

(b) any other information prescribed by regulations,

is recorded in the Register as soon as is practicable.

(5) No religious service is to be used while the Registrar is officiating at the signing of a civil partnership schedule.

**Eligibility.**

6.(1) Two people are ineligible to register as civil partners of each other if−

(a) either of them is already a civil partner or lawfully married;

(b) either of them is under 16; or

(c) they are within prohibited degrees of relationship.

(2) Schedule 1 contains provisions for determining when two people are within prohibited degrees of relationship.

**Parental or Court consent where proposed civil partner under 18.**

7.(1) The consent of the appropriate persons is required before a child and another person may register as civil partners of each other.

(2) Schedule 2 contains provisions for determining who are the appropriate persons for the purposes of this section.

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(3) The requirement of consent under subsection (1) does not apply if the child is a surviving civil partner.

(4) Nothing in this section affects any need to obtain the consent of the Court before a ward of court and another person may register as civil partners of each other.

(5) Where in any case the consent of any person to a civil partnership is required and that person refuses to consent or that person's consent cannot be obtained by reason of absence, inaccessibility or by reason of being under any disability, the Court may, on application being made, consent to the civil partnership and the consent of the Court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained.

(6) The reference in subsection (5) to the consent of any person does not include the consent of a person in a case where, under Schedule 2, that consent can or must be dispensed with.

(7) The Chief Justice may make rules with respect to the practice and procedure to be followed in applications under subsection (5).

**Places of and preliminaries to civil partnership.**

8.(1) A civil partnership may be entered into−

(a) in the Registrar's Office; or

(b) in the case of persons who are disabled or housebound, at their residence, on the delivery of a licence by the Registrar authorising the same; or

(c) on board a passenger ship registered in Gibraltar on delivery of a Minister's special licence authorising the same,

and, in the case of (a) (b) or (c)−

(i) after due notice, or

(ii) after the issue of the Registrar's special certificate, or

(iii) on the delivery of a licence by the Minister.

(d) at any place on the delivery of a Minister's Special Licence.

**Notice to Registrar.**

9.(1) In every case of a civil partnership intended to be entered into under the authority of the Registrar's certificate, one of the parties, both having resided in Gibraltar for a period of

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not less than 7 days, shall give notice of the intended civil partnership in the prescribed form (making such declaration as may therein be prescribed) to the Registrar.

(2) A notice of proposed civil partnership must include a declaration, made and signed by the person giving the notice−

(a) at the time the notice is given; and

(b) in the presence of an authorised person,

and the authorised person must attest the declaration by adding the following particulars: name, description and place of residence.

(3) The necessary declaration is a solemn declaration in writing−

(a) that the proposed civil partner believes that there is no impediment of kindred or affinity or other lawful hindrance to the formation of the civil partnership; and

(b) that each of the proposed civil partners has had a usual place of residence in Gibraltar for at least 7 days immediately before giving the notice.

(4) Where a notice of proposed civil partnership is given to the Registrar in accordance with this section and upon payment of the prescribed fee, the Registrar must ensure that the following information is recorded in the register as soon as possible−

(a) the fact that the notice has been given and the information in it;

(b) the fact that the authorised person has attested to the declaration.

(5) On the receipt of a notice of an intended civil partnership and upon the payment of the prescribed fee, the Registrar shall also post a copy of that notice in a conspicuous place in his office for a period of not less than 21 days from the time of the receipt thereof.

(6) If, on application being made, the Registrar is satisfied that there are compelling reasons because of exceptional circumstances of the case for shortening the period of 21 days mentioned in subsection (5), the Registrar may shorten it to such period as the Registrar considers appropriate.

(7) The Register shall be open at all reasonable times, without fee, to all persons wanting to inspect it.

**Registrar's certificate.**

10.(1) Subject to subsection (3), if at any time not more than 3 months nor less than 21days after the giving of a notice under section 9(1), the Registrar is requested to do so by or on

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behalf of the party by whom the notice was given, then, upon the payment of the prescribed fee, the Registrar shall issue a certificate under subsection (3) with respect to that notice.

(2) A certificate under this subsection shall be in the prescribed form and shall−

(a) state the particulars set out in the notice and the date on which it was given; and

(b) state that the full period of 21 days has elapsed since the notice was given.

(3) No certificate shall be issued under subsection (1) if−

(a) any lawful impediment has been shown to the satisfaction of the Registrar why such a certificate should not issue; or

(b) a caveat has been entered against the civil partnership or the issue of such a certificate.

**Registrar's special certificate.**

11.(1) Subject to the restrictions mentioned below, it shall be lawful for the Registrar, at any time after the expiry of one clear day next after the date of the issue of a notice under section 9, but subject to the restrictions mentioned below, to issue a special certificate in the prescribed form which shall have the same effect as and shall be deemed to be a certificate issued under section 10.

(2) The Registrar shall not issue a special certificate−

(a) unless the notice under section 9 has been given to the Registrar by one of the parties to the intended civil partnership; and

(b) unless both of those parties shall have resided in Gibraltar for not less than 7 days; and

(c) except upon the payment of the prescribed fee,

but otherwise this section has effect notwithstanding any other provisions of this Act.

(3) No such special certificate shall be issued unless one of the parties to the intended civil partnership appears personally before the Registrar and produces an affidavit or statutory declaration made by each of the parties and containing the following particulars−

(a) the first or other names and surnames of the parties and their respective occupations;

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(b) whether the parties or either of them have or has been previously in a civil partnership or married;

(c) that there is no impediment of kindred or alliance or other lawful cause, nor any claim commenced in any court to bar or hinder the proceeding of the proposed civil partnership;

(d) the period during which one of the parties has had his or her usual place of abode within Gibraltar immediately preceding the date of the affidavit or statutory declaration;

(e) where either of the parties is under the age of 18 years, that the consent of the person or persons whose consent to the proposed civil partnership is required has been obtained and that the party who is under that age, is not under the age of 16.

**The Minister's special licence.**

12.(1) Subject to subsection (2), in the case of persons intending that a civil partnership be entered into in Gibraltar (or on a passenger ship registered in Gibraltar) between them, it shall be lawful for the Minister, if the Minister thinks fit, to dispense with−

(a) the giving of notice; and

(b) the issue of any certificate of the Registrar,

and to grant a special licence, in the prescribed or the like form, authorising the civil partnership between the parties named in the special licence at the place (including on a passenger ship registered in Gibraltar) therein stated within a period of 3 months from the date of issue of the licence.

(2) The Minister shall not issue a special licence except−

(a) upon presentation to the Minister of an affidavit or statutory declaration containing the particulars set out in paragraphs (a) to (e) of section 11(3); and

(b) upon receiving such other information the Minister may require; and

(c) upon the payment of the proper fee,

but otherwise this section has effect notwithstanding any other provisions of this Act.

(3) (a) Where the civil partnership is to be entered into in Gibraltar under a licence granted under this section, the parties to this civil partnership shall, before the ceremony takes place, present to the Registrar a statement in the following form-

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"We (names) confirm that we were/will be in Gibraltar last night/tonight. We understand that if the Registrar is not satisfied with the form of proof of an overnight stay that we have provided then the Registrar will not be able to register our civil partnership. (Date and signature of the parties).";

(b) the forms of proof include the following–

(i) a hotel bill covering the night before or of the entering into the civil partnership;

(ii) a hotel booking form confirming that the night of the entering into the civil partnership is paid for;

(iii) a statement by a resident of Gibraltar, confirming that the parties spent the night before the entering into the civil partnership or will spend the night that the civil partnership is entered into as his guest at the relevant address (which must be specified);

(iv) another form of proof that the parties were or will be in Gibraltar on the night before or of the date they are entering the civil partnership,

alternatively, a similar statement confirming, to the satisfaction of the Registrar, that the parties to the proposed civil partnership have spent or will spend at least one night in Gibraltar immediately prior to or immediately following the entering into the civil partnership.

(4) Where both parties to the civil partnership to be entered into under this section are–

(a) passengers or crew on a passenger ship;

(b) the passenger ship on which they are passengers or crew calls at Gibraltar;

(c) the parties are to enter the civil partnership ashore in Gibraltar; and

(d) the parties present to the Registrar a letter or other official document from the passenger ship's purser or other officer or administrator attesting to (a) and (b),

the requirement that the parties have spent or will spend at least one night in Gibraltar immediately prior to or immediately following the date they enter the civil partnership in subsection (3) shall not apply.

**Caveats.**

13.(1) Any person whose consent to a civil partnership is required by this Act, or who may know of just cause why a civil partnership should not take place, may enter a caveat against the civil partnership being entered into at any time before the issue of a certificate under section

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10 or 11 or before the civil partnership is entered into, by writing the word "Forbidden" opposite to the entry of the notice in the Register, and adding the person's name, address and the grounds upon which the person objects to the civil partnership.

(2) The Registrar shall not issue his certificate or proceed with the civil partnership until any such caveat has been removed as mentioned below.

(3) Whenever a caveat is entered against a civil partnership taking place or the issue of the Registrar's certificate, the Registrar shall forthwith refer the matter to the Court.

(4) If the Court holds that there is no legal ground in the caveat for forbidding the civil partnership or the issue of the certificate, the Registrar may remove the caveat in the manner set out below without requiring any of the parties to appear.

(5) In other cases, the Court shall summon the parties to the intended civil partnership and the person who entered the caveat and shall require the last-named person to show cause why the Registrar should not in due course issue his certificate or proceed with the civil partnership.

(6) Proceedings under subsection (5) shall be heard and determined in a summary way, and the Court may award compensation and costs to the party against whom the caveat was entered, if it appears that the caveat was entered on insufficient grounds.

(7) If the Court shall so decide, a declaration shall be made that the intended civil partnership is proper and may be entered into and a certified copy of that declaration shall be forwarded to the Registrar.

(8) On the removal of the caveat, the Registrar may issue the certificate and proceed with the civil partnership as if the caveat had not been entered, but the time which has elapsed between the entering and removal of the caveat shall not be computed in the period of 3 months specified in section 12.

(9) The Registrar must provide a system for keeping any records that relate to civil partnerships and are required by this Chapter to be made.

**Offences relating to the Registrar's licence.**

14.(1) A person who knowingly issues a civil partnership schedule–

(a) before the waiting period in relation to each notice of proposed civil partnership has expired;

(b) after the end of the applicable period; or

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(c) at a time when its issue has been forbidden under Schedule 2 by a person entitled to forbid its issue,

commits an offence.

(2) A person who officiates at the signing of a civil partnership schedule by proposed civil partners, whether it be in an actual or purported capacity as Registrar, and does so–

(a) at a place other than the place specified in the notices of proposed civil partnership and the civil partnership schedule;

(b) in the absence of the Registrar;

(c) before the waiting period in relation to each notice of proposed civil partnership has expired; or

(d) even though the civil partnership is void under section 30 (b) or (c),

commits an offence.

(3) A person who gives information pursuant to section 9(3) knowing that information to be false commits an offence.

**Criminal Offences.**

15.(1) A person guilty of an offence under section 14 shall be liable on conviction on indictment to imprisonment for a term not exceeding 2 years or to a fine of £100 (or both).

(2) A prosecution under this section may not be commenced more than 3 years after the commission of the offence.

**Offences relating to the recording of civil partnerships.**

16.(1) A Registrar who refuses or fails to comply with the provisions of this Chapter or of any regulations made under section 17 commits an offence.

(2) A Registrar guilty of an offence under subsection (1) is liable–

(a) on conviction on indictment, to imprisonment for a term not exceeding the statutory maximum;

(b) on summary conviction, to a fine not exceeding the statutory maximum,

and on conviction shall cease to be a Registrar.

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(3) If a person–

(a) under arrangements made for the purposes of section 5(4), is under a duty to record information required to be recorded under that provision; but

(b) refuses or without reasonable cause omits to do so,

that person commits an offence.

**Regulations and orders.**

17. The Minister may make regulations as follows−

(a) with respect to the retention of documents relating to civil partnerships;

(b) prescribing the duties of civil partnership registrars;

(c) prescribing duties of persons in whose presence any declaration is made for the purposes of this Chapter;

(d) for the issue by the Registrar of guidance supplementing any provision made by the regulations;

(e) with respect to allowing persons to search entries in the Register or any file of statements kept by the Registrar or under the hand of the Minister or person having the lawful custody of the Register, as the case may be;

(f) for the issue by the Registrar of certified copies of entries in the register and for such copies to be received in evidence;

(g) for prescribing forms and fixing fees;

(h) for such other matters as may be necessary for carrying the purposes of this Act into effect.

## CHAPTER 2
DISSOLUTION, NULLITY AND OTHER PROCEEDINGS

*Introduction*

**Powers to make orders and effect of orders.**

18.(1) The Court may, in accordance with this Chapter−

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(a) make an order which dissolves a civil partnership on the ground that it has broken down irretrievably (a "dissolution order");

(b) make an order which annuls a civil partnership which is void or voidable (a "nullity order");

(c) make an order which dissolves a civil partnership on the ground that one of the civil partners is presumed to be dead (a "presumption of death order");

(d) make an order which provides for the separation of the civil partners (a "separation order").

(2) Every dissolution, nullity or presumption of death order−

(a) is, in the first instance, a conditional order; and

(b) may not be made final before the end of the prescribed period (see section 19),

and any reference in this Chapter to a conditional order is to be read accordingly.

(3) A nullity order made where a civil partnership is voidable annuls the civil partnership only as respects any time after the order has been made final, and the civil partnership is to be treated (despite the order) as if it had existed up to that time.

(4) This Chapter is subject to sections 99 to 101 (jurisdiction of the court).

**The period before conditional orders may be made final.**

19.(1) Subject to subsection (2), the prescribed period for the purposes of section 18 is–

(a) 6 months from the making of the conditional order; or

(b) if the 6 week period would end on a day on which the registry of the court dealing with the case is closed, the period of 6 months is extended to the end of the first day on which the registry is next open.

(2) If in any particular case the Court thinks it appropriate it may by order shorten the prescribed period.

**Intervention of the Attorney General.**

20.(1) This section applies if an application has been made for a dissolution, nullity or presumption of death order.

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(2) If it thinks fit, the Court may direct that all necessary papers in the matter are to be sent to the Attorney General who may argue before the Court any question in relation to the matter which the Court considers it necessary or expedient to have fully argued.

(3) If any person at any time–

(a) during the progress of the proceedings; or

(b) before the conditional order is made final,

gives information to the Attorney General on any matter material to the due decision in the case, the Attorney General may take such steps as the Attorney General considers necessary or expedient.

(4) If the Attorney General intervenes or shows cause against the making of the conditional order in any proceedings relating to its making, the Court may make such order as may be just as to–

(a) the payment by other parties to the proceedings of the costs incurred by the Attorney General in doing so; or

(b) the payment by the Attorney General of any costs incurred by any of those parties because of his doing so.

**Proceedings before order has been made final.**

21.(1) This section applies if–

(a) a conditional order has been made; and

(b) the Attorney General, or any person who has not been a party to proceedings in which the order was made, show cause why the order should not be made final on the ground that material facts have not been brought before the Court.

(2) This section also applies if–

(a) a conditional order has been made;

(b) 3 months have elapsed since the earliest date on which an application could have been made for the order to be made final;

(c) no such application has been made by the civil partner who applied for the conditional order; and

(d) the other civil partner makes an application to the Court under this subsection.

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(3) The Court may–

(a) make the order final;

(b) rescind the order;

(c) require further inquiry; or

(d) otherwise deal with the case as it thinks fit.

(4) Subsection (3)(a) applies despite section 19 (period before conditional orders may be made final).

**Time bar on applications for dissolution orders.**

22.(1) No application for a dissolution order may be made to the Court before the end of the period of 1 year from the date of the formation of the civil partnership (in this section called "the specified period").

(2) The court may, on an application made to it, allow the application for dissolution within the specified period–

(a) on the ground that the case is one of exceptional hardship suffered by the applicant or of exceptional depravity on the part on the respondent; or

(b) in any case where the applicant was under the age of 16 years at the date of the civil partnership–

but in determining any application on the ground in paragraph (a), the court shall have regard to the interests of any child of the family, and in determining any application under this subsection it shall in every case have regard to the question whether there is a reasonable probability of a reconciliation of the parties during the specified period.

(3) If it appears to the court, at the hearing of an application for dissolution presented pursuant to leave granted under subsection (2), that the leave was obtained by the applicant by any misrepresentation or concealment of the nature of the case the court may–

(a) dismiss application, without prejudice to any application that may be brought after the expiration of the specified period; or

(b) if it grants the order, direct that no application to make the order final shall be made during the specified period.

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(4) Nothing in this section prevents the making of an application based on matters which occurred before the end of the specified period.

**Attempts at reconciliation of civil partners.**

23.(1) This section applies in relation to cases where an application is made for a dissolution or separation order.

(2) Where any person in contemplation of proceedings for dissolution, nullity or separation consults a lawyer, it shall be the duty of that lawyer, before advising the person to commence such proceedings to advise the person specifically to consider the possibility of a reconciliation with his or her civil partner and provide names of contact details of appropriate mediators.

(3) If despite subsection (2) proceedings are commenced, the applicant should certify that advice concerning the possibility of a reconciliation has been received by the applicant.

(4) If at any stage of proceedings for the order it appears to the Court that there is a reasonable possibility of a reconciliation between the civil partners, the court may adjourn the proceedings for such period as it thinks fit to enable attempts to be made to effect a reconciliation between them.

(5) The power to adjourn under subsection (4) is additional to any other power of adjournment.

**Consideration by the Court of certain agreements or arrangements.**

24.(1) This section applies in relation to cases where–

(a) proceedings for a dissolution or separation order are contemplated or have begun; and

(b) an agreement or arrangement is made or proposed to be made between the civil partners which relates to, arises out of, or is connected with, the proceedings.

(2) Rules of court may make provision for enabling–

(a) the civil partners, or either of them, to refer the agreement or arrangement to the Court; and

(b) the Court–

(i) to express an opinion, if it thinks it desirable to do so, as to the reasonableness of the agreement or arrangement; and

(ii) to give such directions, if any, in the matter as it thinks fit.

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*Dissolution of Civil Partnership*

**Dissolution of Civil Partnership which has broken down irretrievably.**

25.(1) Subject to section 22, an application for a dissolution order may be made to the Court by either civil partner on the ground that the civil partnership has broken down irretrievably.

(2) *Repealed*

(3) The Court hearing an application for a dissolution order shall not hold the civil partnership to have broken down irretrievably unless the applicant has filed with the Court, a notice of intention to dissolve the civil partnership which includes a statement of irretrievable breakdown in such form (if any) as may be prescribed.

(4) If the Court is satisfied that a notice of intention to dissolve the civil partnership, which includes a statement of irretrievable breakdown in such form (if any) as may be prescribed, has been filed and the rules of court complied with insofar as they relate to dissolution proceedings, it shall, subject to section 19 and section 42, grant a dissolution order.

26. *Repealed*

**Applications for dissolution orders.**

27.(1) Subsections (2) and (3) apply if any of the following orders has been made in relation to a civil partnership–

(a) a separation order;

(b) an order under sections 64-84 (financial relief etc.).

(2) Nothing prevents–

(a) either civil partner from applying for a dissolution order; or

(b) the court from making a dissolution order.

28. *Repealed*

29. *Repealed*

*Nullity*

**Grounds on which civil partnership is void.**

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30. Where two people register as civil partners of each other in Gibraltar the civil partnership is void if–

(a) at the time when they do so, they are not eligible to register as civil partners of each other under Chapter 1 (see section 6);

(b) at the time when they do so they both know−

(i) that due notice of proposed civil partnership has not been given;

(ii) that the civil partnership schedule has not been duly issued;

(iii) that the civil partnership schedule is void under section 18(1);

(iv) that the place of registration is a place other than that specified in the notices (or notice) of proposed civil partnership and the civil partnership schedule; or

(v) that a Registrar is not present; or

(c) the civil partnership schedule is void under paragraph 6(5) of Schedule 2 (civil partnership between child and another person forbidden).

**Grounds on which civil partnership is voidable.**

31.(1) Where two people register as civil partners of each other in Gibraltar the civil partnership is voidable if–

(a) either of them did not validly consent to its formation (whether as result of duress, mistake, unsoundness of mind or otherwise);

(b) at the time of its formation either of them, though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder of such a kind or to such an extent as to be unfit for civil partnership; or

(c) at the time of its formation, the respondent was pregnant by some person other than the applicant;

(2) In this section and section 32 "mental disorder" has the same meaning as in the Mental Health Act 2016.

**Bars to relief where civil partnership is voidable.**

32.(1) The Court must not make a nullity order on the ground that a civil partnership is voidable if the respondent satisfies the court–

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(a) that with knowledge that it was open to the applicant to obtain a nullity order, the applicant conducted himself or herself in relation to the respondent in such a way as to lead the respondent reasonably to believe that the applicant would not seek to do so; and

(b) that it would be unjust to the respondent to make the order.

(2) Without prejudice to subsection (1), the Court must not make a nullity order by virtue of section 31(1)(a), (b) or (c) unless–

(a) it is satisfied that proceedings were instituted within 3 years from the date of the formation of the civil partnership; or

(b) permission for the institution of proceedings after the end of that 3 year period has been granted under subsection (3).

(3) The Court may, on an application made to it, grant permission for the institution of proceedings if it–

(a) is satisfied that the applicant has at some time during the 3 year period suffered from mental disorder; and

(b) considers that in all the circumstances of the case it would be just to grant permission for the institution of proceedings.

(4) An application for permission under subsection (3) may be made after the end of the 3 year period.

(5) Without prejudice to subsection (1) and (2), the Court must not make a nullity order by virtue of section 31(1)(c) unless it is satisfied that the applicant was at the time of the formation of the civil partnership ignorant of the facts alleged.

**Proof of certain matters not necessary to validity of civil partnership.**

33.(1) Where two people have registered as civil partners of each other in Gibraltar it is not necessary in support of the civil partnership to give any proof–

(a) that any person whose consent to the civil partnership was required by section 7 (parental etc. consent) had given consent; or

(b) that the Registrar was properly designated;

and no evidence is to be given to prove the contrary in any proceedings touching the validity of the civil partnership.

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(2) Subsection (1)(a) is subject to section 30 (c) (civil partnership void if forbidden).

*Presumption of death orders*

**Presumption of death orders.**

34.(1) The Court may, on an application made by a civil partner, make a presumption of death order if it is satisfied that reasonable grounds exist for supposing that the other civil partner is dead.

(2) In any proceedings under this section the fact that–

(a) for a period of 7 years or more the other civil partner has been continually absent for the applicant; and

(b) the applicant has no reason to believe that the other civil partner has been living within that time,

is evidence that the other civil partner is dead until the contrary is proved.

(3) The Court has jurisdiction to entertain proceedings for a presumption of death order if (and only if)–

(a) the applicant is domiciled in Gibraltar on the date when the proceedings are begun;

(b) the applicant was habitually resident in Gibraltar throughout the period of 1 year ending with that date; or

(c) the two people concerned registered as civil partners of each other in Gibraltar and it appears to the Court to be in the interests of justice to assume jurisdiction in the case.

*Separation orders*

**Separation orders.**

35.(1) An application for a separation order may be made to the Court by either civil partner and such application shall include a notice of intention to separate in such form (if any) as may be prescribed.

(2) On an application for a separation order the Court shall not be concerned to consider whether the civil partnership has broken down irretrievably and if it is satisfied that the application for a separation order has been made with a notice of intention to separate shall

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include a notice of intention to judicially separate, in such form (if any) as may be prescribed, it shall, subject to section 42, grant a separation order.

**Effect of separation order.**

36. If either civil partner dies intestate as respects all or any of his or her real or personal property while–

(a) a separation order is in force; and

(b) the separation is continuing,

the property as respects which he or she died intestate devolves as if the other civil partner had then been dead.

*Declarations*

**Declarations.**

37.(1) Any person may apply to the Court for one or more of the following declarations in relation to a civil partnership specified in the application–

(a) a declaration that the civil partnership was at its inception a valid civil partnership;

(b) a declaration that the civil partnership subsisted on a date specified in the application;

(c) a declaration that the civil partnership did not subsist in a date so specified;

(d) a declaration that the validity of a dissolution, annulment or legal separation obtained outside Gibraltar in respect of the civil partnership is entitled to recognition in Gibraltar;

(e) a declaration that the validity of a dissolution, annulment or legal separation so obtained in respect of the civil partnership is not entitled to recognition in Gibraltar.

(2) Where an application under subsection (1) is made to the Court by a person other than a civil partner in the civil partnership to which the application relates, the court must refuse to hear the application if it considers that the applicant does not have a sufficient interest in the determination of that application.

(3) The Court has jurisdiction to entertain an application under subsection (1) and (2) if (and only if)–

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(a) either of the civil partners in the civil partnership to which application relates–

(i) is domiciled in Gibraltar on the date of the application;

(ii) has been habitually resident in Gibraltar throughout the period of 1 year ending with that date; or

(iii) died before that date and either was at death domiciled in Gibraltar or had been habitually resident in Gibraltar throughout the period of 1 year ending with the date of death; or

(b) the two people concerned registered as civil partners of each other in Gibraltar and it appears to the Court to be in the interests of justice to assume jurisdiction in the case.

**General provisions as to making and effect of declarations.**

38.(1) Where on an application for a declaration under section 37 the truth of the proposition to be declared is proved to the satisfaction of the Court, the Court must make the declaration unless to do so would be manifestly contrary to public policy.

(2) Any declaration under section 37 is binding on all persons.

(3) The court, on the dismissal of an application for a declaration under section 37, may not make any declaration for which an application has not been made.

(4) No declaration which may be applied for under section 37 may be made otherwise than under that section by any court.

(5) No declaration may be made by the court, whether under section 37 or otherwise, that a civil partnership was at its inception void.

(6) Nothing in this section affects the powers of any court to make a nullity order in respect of a civil partnership.

**The Attorney General and proceedings for declarations.**

39.(1) On an application for a declaration under section 37 the Court may at any stage of the proceedings, of its own motion or on the application of any party to the proceedings, direct that all necessary papers in the matter be sent to the Attorney General.

(2) In an application for a declaration under section 37, whether or not papers have been sent to the Attorney General in relation to that application, the Attorney General may–

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(a) intervene in the proceedings on that application in such manner as the Attorney General thinks necessary or expedient; and

(b) argue before the court dealing with the application any question in relation to the application which the court considers it necessary to have fully argued.

(3) Where any costs are incurred by the Attorney General in connection with any application for a declaration under section 37, the court may make such order as it considers just as to the payment of those costs by parties to the proceedings.

**Supplementary provisions as to declarations.**

40.(1) Any declaration made under section 37, and any application for such a declaration, shall be in the form prescribed by rules of court.

(2) Rules of court may make provision–

(a) as to the information required to be given by any applicant for a declaration under section 37; and

(b) requiring notice of an application under section 37 to be served on the Attorney General and on persons who may be affected by any declaration applied for.

(3) No proceedings under section 37 affect any final judgment or order already pronounced or made by any court of competent jurisdiction.

(4) The court hearing an application under section 37 may direct that the whole or any part of the proceedings shall be heard in private.

(5) An application for a direction under subsection (4) shall be heard in private unless the court otherwise directs.

41. *Repealed*

**Restrictions on making of orders affecting children.**

42.(1) In any proceedings for a dissolution, nullity or separation order, the court must consider–

(a) whether there are any children of the family to whom this section applies, and

(b) if there are any such children, whether (in the light of the arrangements which have been, or are proposed to be, made for their upbringing and welfare) it should exercise any of its powers under the Children Act 2009 with respect to any of them.

(2) If, in the case of any child to whom this section applies, it appears to the court that–

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(a) the circumstances of the case require it, or are likely to require it, to exercise any of its powers under the Children Act 2009 with respect to any such child;

(b) it is not in a position to exercise the power or (as the case may be) those powers without giving further consideration to the case; and

(c) there are exceptional circumstances which make it desirable in the interests of the child that the court should give a direction under this section,

it may direct that the order is not to be made final, or (in the case of a separation order) is not to be made, until the court orders otherwise.

(3) This section applies to–

(a) any child of the family who has not reached 16 at the date when the court considers the case in accordance with the requirements of this section; and

(b) any child of the family who has reached 16 at that date and in relation to whom the court directs that this section shall apply.

**Parties to proceedings under this Chapter.**

43.(1) Rules of court may make provision with respect to–

(a) the joinder as parties to proceedings under sections 25 to 35 of persons involved in allegations of improper conduct made in those proceedings;

(b) the dismissal from such proceedings of any parties so joined; and

(c) the persons who are to be parties to proceedings on an application under section 37.

(2) Rules of court made under this section may make different provision for different cases.

(3) In every case in which the Court considers, in the interest of a person not already a party to the proceedings, that the person should be made a party, the court may if it thinks fit allow the person to intervene upon such terms, if any, as the court thinks just.

## CHAPTER 3
FINANCIAL AGREEMENTS

**Interpretation and application.**

44.(1) In this Chapter–

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"dealt with" includes the meaning given by section 50; and

"civil partnership" includes a civil partnership which is void.

(2) Nothing in Part V of the Maintenance Act shall apply to any agreement made pursuant to any provisions of this Chapter.

**Financial agreements before civil partnership.**

45.(1) If–

(a) people who are contemplating entering into a civil partnership with each other make a written agreement with respect to any of the matters mentioned in subsection (2);

(b) at the time of the making of the agreement, the people are not the parties to any other binding agreement (whether made under this section or section 46 or 47 with respect to any of those matters; and

(c) the agreement is expressed to be made under this section,

the agreement is a financial agreement.

(2) The matters referred to in subsection (1)(a) are the following–

(a) how, in the event of the breakdown of the civil partnership of the property or financial resources of either or both of the civil partners at the time when the agreement is made, or at a later time and before dissolution, is to be dealt with;

(b) the maintenance of either of the civil partners–

(i) during the civil partnership;

(ii) after dissolution; or

(iii) both during the civil partnership and after dissolution.

(3) A financial agreement made as mentioned in subsection (1) may also contain–

(a) matters incidental or ancillary to those mentioned in subsection (2); and

(b) other matters.

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(4) A financial agreement (the new agreement) made as mentioned in subsection (1) may terminate a previous financial agreement (however made) if all of the parties to the previous agreement are parties to the new agreement.

**Financial agreements during civil partnership.**

46.(1) If−

(a) the parties to a civil partnership make a written agreement with respect to any of the matters mentioned in subsection (2);

(b) at the time of the making of the agreement, the parties to the civil partnership to any other binding agreement (whether made under this section or section 45 or 47 with respect to any of those matters; and

(c) the agreement is expressed to be made under this section,

the agreement is a financial agreement.

(2) The matters referred to in subsection (1)(a) are the following−

(a) how, in the event of the breakdown of the civil partnership, all or any of the property or financial resources of either or both of the civil partners at the time when the agreement is made, or at a later time and during the civil partnership, is to be dealt with;

(b) the maintenance of either of the civil partners−

(i) during the civil partnership;

(ii) after dissolution; or

(iii) both during the civil partnership and after dissolution.

(3) For the avoidance of doubt, a financial agreement under this section may be made before or after the civil partnership has broken down.

(4) A financial agreement made as mentioned in subsection (1) may also contain−

(a) matters incidental or ancillary to those mentioned in subsection (2); and

(b) other matters.

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(5) A financial agreement (the new agreement) made as mentioned in subsection (1) may terminate a previous financial agreement (however made) if all of the parties to the previous agreement are parties to the new agreement.

**Financial agreements after the dissolution of the civil partnership.**

47.(1) If−

(a) after the dissolution of a civil partnership (whether it has taken effect or not), the parties to the former civil partnership make a written agreement with respect to any of the matters mentioned in subsection (2);

(b) at the time of the making of the agreement, the parties to the civil partnership are not the civil partners to any other binding agreement (whether made under this section or section 45 or 46 with respect to any of those matters; and

(c) the agreement is expressed to be made under this section,

the agreement is financial agreement.

(2) The matters referred to in subsection (1)(a) are the following−

(a) how all or any of the property of financial resources that either or both of the civil partners had or acquired during the former civil partnership is to be dealt with; and

(b) the maintenance of either of the civil partners.

(3) A financial agreement made as mentioned in subsection (1) may also contain−

(a) matters incidental or ancillary to those mentioned in subsection (2); and

(b) other matters.

(4) A financial agreement (the new agreement) made as mentioned in subsection (1) may terminate a previous financial agreement (however made) if all of the parties to the previous agreement are parties to the new agreement.

**Need for a declaration of separation for certain provisions of financial agreement to take effect.**

48.(1) A financial agreement that is binding on the parties to the agreement, to the extent to which it deals with how, in the event of the breakdown of the civil partnership, all or any of the property or financial resources of either or both of the civil partners−

(a) at the time when the agreement is made; or

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(b) at a later time and before the termination of the civil partnership by dissolution,

are to be dealt with, is of no force or effect until a declaration of separation is made.

(2) Before the declaration of separation is made, the financial agreement will be of force and effect in relation to the other matters it deals with (except for any matters covered by section 49).

(3) Subsection (1) ceases to apply if−

(a) the civil partnership is dissolved;

(b) either or both of them die,

and in that case the financial agreement will be of force and effect in relation to the matters mentioned in subsection (1) from the time of the dissolution or death.

(4) In this Part, a declaration of separation is a written declaration of separation is a written declaration that complies with subsections (5) and (6), and may be included in the financial agreement to which it relates.

(5) The declaration of separation must be signed by both the civil partners to the financial agreement.

(6) The declaration of separation must state that−

(a) the civil partners have separated and are living separately and part at the time of declaration; and

(b) in the opinion of the civil partners making the declaration, there is no reasonable likelihood of cohabitation being resumed.

(7) In this section−

(a) "time of declaration" means the time when the declaration was signed by the parties to the financial agreement; and

(b) "separated" means that the parties separated and thereafter lived separately and apart immediately preceding the date of the filing of the application for dissolution, but the parties to a civil partnership may be held to have separated and to have lived separately and apart notwithstanding that they have continued to reside in the same residence or that either party has rendered some household services to the other.

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**Whether or when certain other provisions of financial agreements take effect.**

49.(1) A financial agreement that is binding on the parties to the agreement, to the extent to which it provides for a third party to contribute to the maintenance of a civil partner during the civil partnership is of no force or effect.

(2) A financial agreement that is binding on the parties to the agreement, to the extent to which it provides for matters covered by section 44 (3)(b) or 45 (3)(b), is of no force or effect unless and until the civil partnership breaks down.

**Certain provisions in agreements.**

50.(1) No provision of a financial agreement excludes or limits the power of a court to make an order in relation to the maintenance of a party to a civil partnership if subsection (2) applies.

(2) This subsection applies if the court is satisfied that, when the agreement came into effect, the circumstances of the party were such that, taking into account the terms and effect of the agreement, the party was unable to support himself or herself without an income, of pension, allowance or benefit.

(3) A provision in an agreement made as mentioned in section 45(1), 46 (1) or 47(1) that provides for property or financial resources owned by a civil partner to the agreement to continue in the ownership of that party is taken, for the purposes of that section, to be a provision with respect to how the property of financial resources are to be dealt with.

**When financial agreements are binding.**

51.(1) A financial agreement is binding on the parties to the agreement if−

(a) the agreement is signed by all parties;

(b) the agreement contains, in relation to each civil partner to the agreement, a statement to the effect that the party to whom the statement relates has been provided, before the agreement was signed by him or her, as certified in an annex to the agreement, with the independent legal advice from a legal practitioner as to the following matters−

(i) the effect of the agreement on the rights of that party;

(ii) the advantages and disadvantage, at the time that the advice was provided, to the party of making the agreement;

(c) the annex to the agreement contains a certificate signed by the person providing the independent legal advice stating that the advice was provided; and

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(d) the agreement has not been terminated and has not been set aside by a court.

(2) The court may make such orders for the enforcement of a financial agreement that is binding on the parties to the agreement as it thinks necessary.

**Effect of death of party to financial agreement.**

52. A financial agreement that is binding on the parties to the agreement continues to operate despite the death of a party to the agreement and operates in favour of, and is binding on, the legal representative of that party.

**Termination of financial agreement.**

53.(1) The parties to a financial agreement may terminate the agreement only by−

(a) including a provision to that effect in another financial agreement as mentioned in section 45(4), 46(4) or 47(4); or

(b) making a written agreement (a termination agreement) to that effect.

(2) A termination agreement is binding on the parties' if−

(a) the agreement is signed by all parties to the agreement; and

(b) the agreement contains, in relation to each civil partner to the agreement, a statement to the effect that the party to whom the statement relates has been provided, before the agreement was signed by him or her, as certified in an annex to the agreement, with independent legal advice from a legal practitioner as to the following matters−

(i) the effect of the agreement on the rights of that party; and

(ii) the advantages and disadvantages, at the time that the advice was provided, to the party of making the agreement; and

(c) the annex to the agreement contains a certificate signed by the person providing the independent legal advice stating that the advice was provided; and

(d) the agreement has not been set aside by a court.

(3) The court may, on an application by a person who was a party to the financial agreement that has been terminated, or by any other interested person, make such order or orders (including an order for the transfer of property) as it considers just and equitable for the purpose of preserving or adjusting the rights of persons who were parties to that financial agreement and any other interested persons.

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**Circumstances in which court may set aside a financial agreement or termination agreement.**

54.(1) A court may make an order setting aside a financial agreement or a termination agreement if the court is satisfied that−

(a) the agreement obtained by fraud (including non-disclosure of a material fact);

(b) a party to the agreement entered into the agreement−

(i) for the purpose, or for purposes that included the purpose, of defrauding or defeating a creditor or creditors of the party; or

(ii) with reckless disregard of the interests of a creditor or creditors of the party; or

(c) the agreement is void, voidable or unenforceable;

(d) in the circumstances that have arisen since the agreement was made it is impracticable for the agreement or a part of the agreement, to be carried out; or

(e) in respect of the making of a financial agreement, a party to the agreement engaged in conduct that was, in all circumstances, unconscionable.

(2) For the purposes of subsection (1)(b), creditor, in relation to a party to the agreement, includes a person who could reasonably have been foreseen by the party as being reasonably likely to become a creditor of the party.

(3) A court may, on an application by a person who was a party to the financial agreement that has been set aside, or by any other interested person, make such order or orders (including an order for the transfer of property) as it considers just and equitable for the purpose of preserving or adjusting the rights of persons who were parties to that financial agreement and any other interested persons.

(4) An order under subsection (1) or (4) may, after the death of a party to the proceedings in which the order was made, be enforced on behalf of, or against the estate of the deceased party.

(5) If a party to proceedings under this section dies before the proceedings are completed−

(a) the proceedings may be continued by or against the legal representative of the deceased party and the rules of court may make provision in relation to the substitution of the legal representative as a party to the proceedings; and

(b) if the court is of the opinion−

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(i) that it would have exercised its powers under this section if the deceased party has not died; and

(ii) that it is still appropriate to exercise those powers, the court may make an order that it could have made under subsection (1) or (4); and

(c) an order under paragraph (b) may be enforced on behalf of, or against the estate of the deceased party.

**Validity, enforceability and effect of financial agreements and termination agreements.**

55. The question whether a financial agreement or a termination agreement is valid, enforceable or effective is to be determined by the court according to the principles of law and equity that are applicable in determining the validity, enforceability and effect of contracts and purported contracts, and, in proceedings relating to such an agreement, the court−

(a) subject to paragraph (b), has the same powers, may grant the same remedies and must have the same regard to the rights of third parties as the Court has, may grant and is required to have in proceedings in connection with contracts or purported contracts, being proceedings in which the Court has original jurisdiction; and

(b) has power to make an order for the payment, by a party to the agreement to another party to the agreement, of interest on an amount payable under the agreement, form the time when the amount became or becomes due and payable, at a rate not exceeding the rate prescribed by the applicable rules of court; and

(c) in addition to, or instead of, making an order or orders under paragraph (a) or (b), may order that the agreement, or a specified part of the agreement, be enforced as if it were an order of the court.

## CHAPTER 4
PROPERTY AND FINANCIAL ARRANGEMENTS

**Contribution by civil partner to property improvement.**

56.(1) This section applies if–

(a) a civil partner contributes in money or money's worth to the improvement of real or personal property in which or in the proceeds of sale of which either or both of the civil partners has or have a beneficial interest; and

(b) the contribution is of a substantial nature.

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(2) The contributing partner is to be treated as having acquired by virtue of the contribution a share or an enlarged share (as the case may be) in the beneficial interest of such an extent–

(a) as may have been then agreed; or

(b) in default of such agreement, as may seem in all the circumstances just to any court before which the question of the existence or extent of the beneficial interest of either of the civil partners arises (whether in proceedings between them or in any other proceedings).

(3) Subsection (2) is subject to any agreement (express or implied) between the civil partners to the contrary.

**Disputes between civil partners about property.**

57.(1) In any question between the civil partners in a civil partnership as to title to or possession of property, either civil partner may apply to the Court.

(2) On such an application, the Court may make such order with respect to the property as it thinks fit (including an order for the sale of the property).

**Applications under section 45 where property not in possession etc.**

58.(1) The right of a civil partner ("A") to make an application under section 57 includes the right to make such an application where A claims that the other civil partner ("B") has had in his possession or under his control–

(a) money to which, or to a share of which, A was beneficially entitled; or

(b) property (other than money) to which, or to an interest in which, A was beneficially entitled,

and that either the money or other property has ceased to be in B's possession or under B's control or that A does not know whether it is still in B's possession or under B's control.

(2) For the purposes of subsection (1)(a) it does not matter whether A is beneficially entitled to the money or share–

(a) because it represents the proceeds of property to which, or to an interest in which, A was beneficially entitled; or

(b) for any other reason.

(3) Subsections (4) and (5) apply if, on such an application being made, the court is satisfied that B−

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(a) has had in his possession or under his control money or other property as mentioned in subsection (1)(a) or (b); and

(b) has not made to A, in respect of that money or other property, such payment or disposition as would have been appropriate in the circumstances.

(4) The power of the court to make orders under section 44 includes power to order B to pay to A–

(a) in a case falling within subsection (1)(a), such sum in respect of the money to which the application relates, or A's share of it, as the court considers appropriate; or

(b) in a case falling within subsection (1)(b), such sum in respect of the value of the property to which the application relates, or A's interest in it, as the court considers appropriate.

(5) If it appears to the Court that there is any property which–

(a) represents the whole or part of the money or property; and

(b) is property in respect of which an order could (apart from this section) have been made under section 44,

the court may (either instead of or as well as making an order in accordance with subsection (4)) make any order which it could (apart from this section) have made under section 56.

(6) Any power of the Court which is exercisable on an application under section 57 is exercisable in relation to an application made under that section as extended by this section.

**Applications under section 57 by former civil partners.**

59.(1) This section applies where a civil partnership has been dissolved or annulled.

(2) Subject to subsection (3), an application may be made under section 57 (including that section as extended by section 58) by either former civil partner despite the dissolution or annulment (and references in those sections to a civil partner are to be read accordingly).

(3) The application must be made within the period of 3 years beginning with the date of the dissolution or annulment.

**Actions in tort between civil partners.**

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60.(1) This section applies if an action in tort is brought by one civil partner against the other during the subsistence of the civil partnership.

(2) The Court may stay the proceedings if it appears–

(a) that no substantial benefit would accrue to either civil partner from the continuation of the proceedings; or

(b) that the question or questions in issue could more conveniently be disposed of on an application under section 45.

(3) Without prejudice to subsection (2)(b), the Court may in such an action–

(a) exercise any power which could be exercised on an application under section 57; or

(b) give such directions as it thinks fit for the disposal under that section of any question arising in the proceedings.

**Married Women Act.**

61. Schedule 3 amends the law relating to the capacity, property and liabilities of married women and for all matters incidental thereto in so far as it relates to civil partners.

**Wills, administration of estates and family provision.**

62. Schedule 4 amends enactments relating to wills, administration of estates and family provision so that they apply in relation to civil partnerships as they apply in relation to marriage.

**Financial relief abroad.**

63. Schedule 5 makes provision for financial relief in Gibraltar after a civil partnership has been dissolved or annulled, or civil partners have been legally separated, in a country or territory outside Gibraltar.

**Power to amend enactments relating to financial and other relief in the Supreme Court.**

64. Schedule 6 contains amendments to Acts relating to financial and other relief in the Supreme Court.

**Financial provision and property adjustment for parties to civil partnerships.**

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65.(1) The financial provision orders for the purposes of this Act are the following orders for periodical or lump sum provision available (subject to the provisions of this Act) under section 67 for the purpose of adjusting the financial position of the parties to a civil partnership and any children of the family in connection with proceedings for dissolution, annulment or legal separation and under section 74(5) on proof of neglect by one party to a civil partnership to provide, or to make a proper contribution towards, reasonable maintenance for the other or a child of the family−

(a) any order for periodical payments in favour of a party to a civil partnership under section 67(1)(a) or 74(5)(a) or in favour of a child of the family under section 67(1)(d), (2) or (4) or 74(7)(d);

(b) any order for secured periodical payments in favour of a party to a civil partnership under section 67(1)(b) or 74(5)(b) or in favour of a child of the family under section 67(1)(e), (2) or (4) or 74(7)(e); and

(c) any order for lump sum provision in favour of a party to a civil partnership under section 67(1)(c) or 74(5)(c) or in favour of a child of the family under section 67(1)(f), (2) or (4) or 74(7)(f).

and references in this Act to periodical payments orders, secured periodical payments orders, and orders for the payment of a lump sum are references to all or some of the financial provision orders requiring the sort of financial provision in question according as the context of each reference may require.

(2) The property adjustment orders for the purposes of this Act are the following orders dealing with property rights available (subject to the provisions of this Act) under section 69 for the purpose of adjusting the financial position of the parties to a civil partnership and any children of the family on or after the making of a dissolution order, nullity order or separation order−

(a) any order under subsection (1)(a) of that section for a transfer of property;

(b) any order under subsection (1)(b) of that section for a settlement of property; and

(c) any order under subsection (1)(c) or (1)(d) of that section for a variation of settlement.

**Maintenance pending suit.**

66. On an application for dissolution, annulment or legal separation, the court may make an order for maintenance pending suit that is an order requiring either party to the civil partnership to make to the other such periodical payments for his or her maintenance and for such term beginning not earlier than the date of the presentation of the application and ending with the date of the determination of the suit, as the court thinks reasonable.

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**Financial provision orders in connection with dissolution proceedings, etc.**

67.(1) On making a dissolution order, nullity order or a separation order or at any time thereafter (whether, in the case of a dissolution order or nullity order, before or after the order is made final), the court may make any one or more of the following orders−

(a) an order that either party to the civil partnership shall make to the other such periodical payments, for such term, as may be specified in the order;

(b) an order that either party to the civil partnership shall secure to the other to the satisfaction of the court such periodical payments, for such term, as may be so specified;

(c) an order that either party to the civil partnership shall pay to the other such lump sum or sums as may be so specified;

(d) an order that a party to the civil partnership shall make to such person as may be specified in the order for the benefit of a child of the family, or to such a child, such periodical payments, for such term, as may be so specified;

(e) an order that a party to the civil partnership shall secure to such person as may be so specified for the benefit of such a child, or to such a child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified; and

(f) an order that a party to a civil partnership shall pay to such person as may be specified for the benefit of such a child, or to such a child, such lump sum as may be so specified,

subject, however, in the case of an order under paragraph (d),(e) or (f), to the restrictions imposed by section imposed by section 76(1) and (3) on the making of financial provision orders in favour of children who have attained the age of 18.

(2) The court may also, subject to those restrictions, make any one or more of the orders mentioned in subsection (1)(d), (e) and (f)–

(a) in any proceedings for dissolution, annulment or separation, before granting an order; and

(b) where any such proceedings are dismissed after the beginning of the trial, wither forthwith or within a reasonable period after the dismissal.

(3) Without prejudice to the generality of subsection (1)(c) or (f)−

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(a) an order under this section that a party to a civil partnership shall pay a lump sum to the other party may be made for the purpose of enabling that other party to meet any liabilities or expenses reasonably incurred by him or her in maintaining himself or herself or any child of the family before making an application for an order under this section in his or her favour;

(b) an order under this section for the payment of a lump sum to or for the benefit of a child of the family may be made for the purpose of enabling any liabilities or expenses reasonably incurred by or for the benefit of that child before the making of an application for an order under this section in his favour to be met; and

(c) an order under this section for the payment of a lump sum may provide for the payment of that sum by instalments of such amount as 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 power of the court under subsection (1) or (3)(a) to make an order in favour of a child of the family shall be exercisable from time to time; and where the court makes an order in favour of a child under subsection (3)(b), it may from time to time, subject to the restrictions mentioned in subsection (1), make a further order in his favour of any of the kinds mentioned in subsection (1)(d), (e) or (f).

(5) Without prejudice to the power to give a direction under sections 77 for the settlement of an instrument by one of the lawyers of the court, where an order is made under subsection (1)(a), (b) or (c) on or after making a dissolution order or nullity order, neither the order shall take effect unless the dissolution order or nullity order has been made final.

(6) Where the court−

(a) makes an order under this section for the payment of a lump sum; and

(b) directs−

(i) that payment of that sum or any party of it shall be deferred; or

(ii) that that sum or any part of it shall be paid by instalments,

the court may order that the amount deferred of the instalments shall carry interest at such rate as may be specified by the order from such date, not earlier than the date of the order, as may be so specified, until the date when payment of it is due.

**Deduction of maintenance at source.**

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68.(l) An order for the payment of money made by the court under this Part shall be enforceable as a "maintenance order" within the meaning of section 2(l) of the Magistrates' Courts Act.

(2) If, on the application of the person entitled to receive payments in pursuance of any order for payment of money by the court under this Part, it appears to the court−

(a) that, at the time when the application was made, there was due under the order and unpaid an amount equal to not less than two of the payments required by the order; and

(b) that the respondent is a person to whom earnings fall to be paid,

then, the court may, if it thinks fit, make an attachment of earnings order.

(3) Where the court makes an order under subsection (2), the provisions of sections 48 to 56 of and the Schedule to the Maintenance Act shall apply as if the order has been made as an attachment of earnings order under that Act.

(4) In the exercise of its powers under this section the Supreme Court may exercise any of the powers exercisable by the Magistrates' Court under section 57 of the Magistrates' Court Act.

**Property adjustment orders in connection with dissolution proceedings, etc.**

69.(1) On making a dissolution order, nullity order or separation order or at any time thereafter (whether, in the case of a dissolution order or nullity order, before or after the order is made final), the court may make any one or more of the following orders−

(a) an order that a party to the civil partnership shall transfer to the other party, to any child of the family or to such person as may be specified in the order for the benefit of such a child such property as may be so specified, being property to which the first-mentioned party is entitled, either in possession or reversion;

(b) an order that a settlement of such property as may be so specified, being property to which a party to the civil partnership is so entitled, be made to the satisfaction of the court for the benefit of the other party to the civil partnership and of the children of the family or either or any of them;

(c) an order varying for the benefit of the children of the family any ante-nuptial or post-nuptial settlement (including such a settlement made by will or codicil) made on the parties to the civil partnership;

(d) an order extinguishing or reducing the interest of either of the parties to the civil partnership under any such settlement,

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subject, however in the case of an order under paragraph (a), to the restrictions imposed by section 76(1) and 76 (3) on the making of orders for a transfer of property in favour of children who have attained the age of 18.

(2) The court may make an order under subsection (1)(c) above notwithstanding that there are no children of the family.

(3) Without prejudice to the power to give a direction under section 77 for the settlement of an instrument by one of the lawyers of the court, where an order is made under this section on or after making a dissolution order or nullity order, neither the order nor any settlement made in pursuance of the order shall take effect unless the nullity or dissolution order has been made final.

**Orders for sale of property.**

70.(1) Where the court makes a secured periodical payments order, an order for the payment of a lump sum or a property adjustment order under any of sections 67 or 69, then, on making that order or at any time thereafter, the court may make a further order for the sale of such property as may be specified in the order, being property in which or in the proceeds of sale of which either or both of the parties to the civil partnership has or have a beneficial interest, either in possession or reversion.

(2) Any order made under subsection (1) may contain such consequential or supplementary provisions as the court thinks fit and, without prejudice to the generality of the foregoing provision, may include provision requiring−

(a) the making of a payment out of the proceeds of sale of the property to which the order relates; and

(b) any such property to be offered for sale to a person, or class of persons, specified in the order.

(3) Where an order is made under subsection (1) on or after the making of a dissolution order of nullity order, the order shall not take effect unless the dissolution or nullity order has been made final.

(4) Where an order is made under subsection (1), the court may direct that the order, or such provision thereof as the court may specify, shall not take effect until the occurrence of an event specified by the court or the expiration of a period so specified.

(5) Where an order under subsection (1) contains a provision requiring the proceeds of sale of the property to which the order relates to be used to secure periodical payments to a party to the civil partnership, the order shall cease to have effect on the death of that person or in the event of that person entering a marriage or subsequent civil partnership.

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(6) Where a party to a civil partnership has a beneficial interest in any property, or in the proceeds of sale thereof, and some other person who is not a party to the civil partnership also has a beneficial interest in that property or in the proceeds of sale thereof, then, before deciding whether to make an order under this section in relation to that property, it shall be the duty of the court to give that other person an opportunity to make representations with respect to the order; and any representations made by that other person shall be included among the circumstances to this the court is required to have regard under section 71(1).

**Matters to which court is to have regard in deciding how to exercise its powers under sections 67 to 70**

71.(1) It shall be the duty of the court in deciding whether to exercise its powers under any of sections 67 to 70 and, if so, in what manner, to have regard to all the circumstances of the case, first consideration being given to the welfare while any child of the family who has not attained the age of 18.

(2) As regards the exercise of the powers of the court under section 67(1) (a), (b) or (c) to make a financial provision order in favour of a party to a civil partnership or the exercise of its powers under section 69 or 70 in relation to a party to the civil partnership, the court shall in particular have regard to the following matters−

(a) the income, earning capacity, property and other financial resources which each of the parties to the civil partnership has or is likely to have in the foreseeable future, including in the case of earning capacity any increase in that capacity which it would in the opinion of the court be reasonable to expect a party to the civil partnership to take steps to acquire;

(b) the financial needs, obligations and responsibilities which each of the parties to the civil partnership has or is likely to have in the foreseeable future;

(c) the standard of living enjoyed by the family before the breakdown of the civil partnership;

(d) the age of each party to the civil partnership and the duration of the civil partnership;

(e) any physical or mental disability of either of the parties to the civil partnership;

(f) the contributions which each of the parties has made or is likely in the foreseeable future to make to the welfare of the family, including any contribution by looking after the home or caring for the family;

(g) the conduct of each of the parties, whatever the nature of the conduct and whether it occurred during the civil partnership or after the separation of the parties or

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dissolution or annulment of the civil partnership, if that conduct is such that it would in the opinion of the court be inequitable to disregard it;

(h) the value to each of the parties to the civil partnership of any benefit, which, by reason of the dissolution or annulment of the civil partnership, that party will lose the chance of acquiring.

(3) As regards the exercise of the powers of the court under section 67(1)(d), (e) or (f), (2) or (4) to make a financial provision order in favour of a child of the family or the exercise of its powers under section 69 or 70 in relation to a child of the family, 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) the manner in which the child was being and in which the parties to the civil partnership expected that child to be educated or trained;

(e) the considerations mentioned in relation to the parties to the civil partnership in paragraphs (a), (b), (c) and (e) of subsection (2).

(4) As regards the exercise of the powers of the court under section 67(1)(d), (e) or (f), (2) or (4) or 69 or 70 against a party to a civil partnership in favour of a child of the family who is not the child of that party, the court shall also have regard to−

(a) whether that party assumed any responsibility for the child's maintenance, and, if so, to the extent to which, and the basis upon which, that party assumed such responsibility and to the length of time for which that party discharged such responsibility;

(b) whether in assuming and discharging such responsibility that party did so knowing that the child was not his or her own; and

(c) the liability of any other person to maintain the child.

(5) In relation to any power of the court to make an interim periodical payments order or an interim order for the payment of a lump sum, the preceding provisions of this section, in imposing any obligation on the court with respect to the matters to which it is to have regard, shall not require the court to do anything which would cause such a delay as would, in the opinion of the court, be inappropriate having regard to−

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(a) any immediate need for an interim order;

(b) the matters in relation to which it is practicable for the court to inquire before making an interim order; and

(c) the ability of the court to have regard to any matter and to make appropriate adjustments when subsequently making a financial provision order which is not interim.

**Exercise of court's powers in favour of party to civil partnership on making of a dissolution or nullity order.**

72.(1) Where on after the making of a dissolution order or nullity order the court decides to exercise its powers under section 67(1)(a), (b) or (c), 69 or 70 in favour of a party to the civil partnership it shall be the duty of the court to consider whether it would be appropriate so to exercise those powers that the financial obligations of each party towards the other will be terminated as soon after the making of a dissolution order or nullity order as the court considers just and reasonable.

(2) Where the court decides in such a case to make a periodical payments or secured periodical payments order in favour of a party to the civil partnership, the court shall in particular consider whether it would be appropriate to require those payments to be made or secured only for such term as would in the opinion of the court be sufficient to enable the party in whose favour the order is made to adjust without undue hardship to the termination of that party's financial dependence on the other party.

(3) Where on or after the making of a dissolution order or nullity order an application is made by a party to the civil partnership for a periodical payments or secured periodical payments order in the applicant's favour, then, if the court considers that no continuing obligation should be imposed on either party to make or secure periodical payments in favour of the other, the court may dismiss the application with a direction that the applicant shall not be entitled to make any future application in relation to that civil partnership for an order under section 67(1)(a) or (b).

**Commencement of proceedings for financial relief. etc.**

73.(1) Where an application for a dissolution order, nullity order or separation order has been made, then, subject to subsection (2), proceedings for maintenance pending suit under section 66 for a financial provision order under section 67, or for a property adjustment order under section 69 may be commenced, subject to and in accordance with rules of court, at any time after the application for a dissolution order, nullity order or separation order has been made.

(2) Rules of court may provide, in such cases as may be prescribed by the rules that applications for any such relief–

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(a) as is mentioned in subsection (1) shall be made in the application for dissolution, nullity or separation, or answer; and

(b) which are not so made, or are not made until after the expiration of such period following the presentation of the application for dissolution, nullity or separation, or filing of the answer as may be so prescribed, shall be made only with the leave of the court.

**Financial provision orders, etc, in case or neglect by party to civil partnership to maintain other party or a child of the family.**

74.(1) Without prejudice to the generality of the provisions in Part III of the Maintenance Act either party to a civil partnership may apply to the court for an order under this section on the ground that the other party to the civil partnership (in this section referred to as the respondent)

(a) has failed to provide reasonable maintenance for the applicant; or

(b) has failed to provide, or to make a proper contribution towards reasonable maintenance for any child of the family.

(2) The court shall not entertain an application under this section unless−

(a) the applicant or the respondent is domiciled in Gibraltar on the date of the application;

(b) the applicant has been habitually resident there throughout the period of one year ending with that date; or

(c) the respondent is resident there on that date.

(3) Where an application under this section is made on the ground mentioned in subsection (1)(a), then, in deciding−

(a) whether the respondent has failed to provide reasonable maintenance for the applicant; and

(b) what order, if any, to make under this section in favour of the applicant,

the court shall have regard to all the circumstances of the case including the matters mentioned in section 71(2), and where an application is also made under this section in respect of a child of the family who has not attained the age of 18, first consideration shall be given to the welfare of the child while a minor.

(4) Where an application under this section is made on the ground mentioned in subsection (1)(b) then, in deciding−

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(a) whether the respondent has failed to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates; and

(b) what order, if any, to make under this section in favour of the child,

the court shall have regard to all the circumstances of the case including the matters mentioned in section 71(3)(a) to (e), and where the child of the family to whom the application relates is not the child of the respondent, including also the matters mentioned in section 71(4).

(5) In relation to an application under this section on the ground mentioned in subsection (1)(a), section 71(2)(c) shall have effect as if for the reference therein to the breakdown of the civil partnership there were substituted a reference to the failure to provide reasonable maintenance for the applicant, and in relation to an application under this section on the ground mentioned in subsection (1)(b), section 71(2)(c) shall have effect as if for the reference therein to the breakdown of the civil partnership there were substituted a reference to the failure to provide, or to make a proper contribution towards, reasonable maintenance for the child of the family to whom the application relates.

(6) Where on an application under this section it appears to the court that the applicant or any child of the family to whom the application relates is in immediate need of financial assistance, but it is not yet possible to determine what order, if any, should be made on the application, the court may make an interim order for maintenance, an order requiring the respondent−

(a) to make to the applicant until the determination of the application such periodical payments as the court thinks reasonable; or

(b) to pay to the applicant such lump sum or sums as the court thinks reasonable.

(7) Where on an application under this section the applicant satisfies the court of any ground mentioned in subsection (1), the court may make any one or more of the following orders−

(a) an order that the respondent shall make to the applicant such periodical payments, for such term, as may be specified in the order;

(b) an order that the respondent shall secure to the applicant, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;

(c) an order that the respondent shall pay to the applicant such lump sum as may be so specified;

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(d) an order that the respondent shall make to such person as may be specified in the order for the benefit of the child to whom the application relates, or to that child, such periodical payments, for such term, as may be so specified;

(e) an order that the respondent shall secure to such person as may be so specified for the benefit of that child, or to that child, to the satisfaction of the court, such periodical payments, for such term, as may be so specified;

(f) an order that the respondent shall pay to such person as may be so specified for the benefit of that child, or to that child, such lump sum as may be so specified;

subject, however, in the case of an order under paragraph (d), (e) or (f), to the restrictions imposed by section 77(1) and (3) on the making of financial provision orders in favour of children who have attained the age of 18.

(8) Without prejudice to the generality of subsection (7)(c) or (f), an order under this section for the payment of a lump sum−

(a) may be made for the purpose of enabling any liabilities or expenses reasonably incurred in maintaining the applicant or any child of the family to whom the application relates before the making of the application to be met; and

(b) may provide for the payment of that sum by instalments of such amount as may be specified in the order and may require the payment of the instalments to be secured to the satisfaction of the court.

**Duration of continuing financial provision orders in favour of a party to the civil partnership, and effect of entering into a subsequent civil partnership or marriage.**

75.(1) Subject, in the case of an order made on or after the making of a dissolution order or nullity order, to the provisions of section 72(2), the term to be specified in a periodical payments or secured periodical payments order in favour of a party to a civil partnership shall be such term as the court thinks fit, except that the term shall not begin before or extend beyond the following limits−

(a) in the case of a periodical payments order, the term shall begin not earlier than the date of the making of an application for the order, and shall be so defined as not to extend beyond the death of either of the parties to the civil partnership or, where the order is made on or after the making of a dissolution order or nullity order, the re-entering into a subsequent civil partnership or marriage of the party in whose favour the order is made; and

(b) in the case of a secured periodical payments order, the terms shall begin not earlier than the date of the making of an application for the order, and shall be so defined as not to extend beyond the death or, where the order is made on or after the making

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of such an order, the re-entering into a subsequent civil partnership or marriage of the party in whose favour the order is made.

(2) Where a periodical payments or secured periodical payments order in favour of a party to a civil partnership is made otherwise than on or after the making of a dissolution order or nullity order and the civil partnership in question is subsequently dissolved or annulled but the order continues in force, the order shall, notwithstanding anything in it, cease to have effect on the re-entering into a subsequent civil partnership or marriage of that party, except in relation to any arrears due under it on the date of the re-entering into a subsequent civil partnership or marriage.

(3) If after the making of a dissolution order or nullity order either party to that civil partnership enter into a subsequent civil partnership or marriage that party shall not be entitled to apply, by reference to the making of that order, for a financial provision order in that party's favour, or for a property adjustment order, against the other party to that civil partnership.

**Duration of continuing financial provision orders in favour of children, and age limit on making certain orders in their favour.**

76.(1) Subject to subsection (3), no financial provision order and no order for a transfer of property under section 69(1)(a) shall be made in favour of a child who has attained the age of 18.

(2) The term to be specified in a periodical payments or secured periodical payments order in favour of a child may begin with the date of the making of an application for the order in question or any later date but−

(a) shall not in the first instance extend beyond the date of the birthday of the child next following his attaining the upper limit of the compulsory school age unless the court considers that in the circumstances of the case the welfare of the child requires that it should extend to a later date; and

(b) shall not in any event, subject to subsection (3), extend beyond the date of the child's 18th birthday.

(3) Subsection (1), and paragraph (b) of subsection (2), shall not apply in the case of a child, if it appears to the court that−

(a) the child is, or will be, or if an order were made without complying with either or both of those provisions would be, receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not the child is also, or will also be, in gainful employment; or

(b) there are special circumstances which justify the making of an order without complying with either or both of those provisions.

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(4) Any periodical payments order in favour of a child shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order, except in relation to any arrears due under the order on the date of the death.

**Direction for settlement of instrument for securing payments or effecting property adjustment.**

77. Where the court decides to make a financial provision order requiring any payments to be secured or a property adjustment order−

(a) it may direct that the matter be referred to a lawyer of the court for him to settle a proper instrument to be executed by all necessary parties;

(b) where the order is to be made in proceedings for annulment of the civil partnership it may, if it thinks fit, defer the making of the nullity order in question until the instrument has been duly executed;

(c) the court may also make an order that the cost of executing the instrument is to be payable out of the Consolidated Fund; and

(d) where any of the parties fail to execute the instrument within the time fixed by the court, the court may execute a lien against the payments to be made or the property to be adjusted.

**Variation, discharge, etc, of certain orders for financial relief.**

78.(l) Where the court has made an order to which this section applies, then, subject to the provisions of this section, the court shall have power to vary or discharge the order or to suspend any provision thereof temporarily and to revive the operation of any provision so suspended.

(2) This section applies to the following orders−

(a) any order for maintenance pending suit and any interim order for maintenance;

(b) any periodical payments order;

(c) any secured periodical payments order;

(d) any order made by virtue of section 67(2)(b) or 74(7)(b) (provision for payment of a lump sum by instalments);

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(e) any order for a settlement of property under section 69(1)(b) or for a variation of settlement under section 69(1)(c) or (d), being an order made on or after the making of judicial separation order;

(f) any order made under section 70(1) for the sale of property; and

(g) a pension sharing order under section 118 which is made at a time before the order has been made absolute.

(3) The powers exercisable by the court under this section in relation to an order shall be exercisable also in relation to any instrument executed in pursuance of the order.

(4) The court shall not exercise the powers conferred by this section in relation to an order for a settlement under section 69(1)(b) or for a variation of settlement under section 69(1)(c) or (d) except on an application made in proceedings−

(a) for the rescission of the separation order by reference to which the order was made; or

(b) for the dissolution of the civil partnership in question.

(5) Subject to subsections (8) to (15) and without prejudice to any power exercisable by virtue of subsection (2)(d), (e) or (g) or otherwise than by virtue of this section, no property adjustment order or pension sharing order shall be made on an application for the variation of a periodical payments or secured periodical payments order made under section 67, and no order for the payment of a lump sum shall be made on an application for the variation of a periodical payments or secured periodical payments order in favour of a party to a civil partnership (whether made under section 67 or under section 74).

(6) Where the person liable to make payments under a secured periodical payments order has died, an application under this section relating to that order and to any order made under section 70(1) which requires the proceeds of sale of property to be used for securing those payments, may be made by the person entitled to payments under the periodical payments order or by the legal representatives of the deceased person, but no such application shall, except with the permission of the court, be made after the end of the period of 6 months from the date on which representation in regard to the estate of that person is first taken out.

(7) In exercising the powers conferred by this section the court shall have regard to all the circumstances of the case, first consideration being given to the welfare while a child of the family who has not attained the age of 18 and the circumstances of the case shall include any change in any of the matters to which the court was required to have regard when making the order to which the application relates, and−

(a) in the case of a periodical payments or secured periodical payments order made on or after the making of a dissolution order or nullity order, the court shall consider

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whether in all the circumstances and after having regard to any such change it would be appropriate to vary the order so that payments under the order are required to be made or secured only for such further period as will in the opinion of the court be sufficient (in the light of any proposed exercise by the court, where the civil partnership has been dissolved, of its powers under subsection (9)) to enable the party in whose favour the order was made to adjust without undue hardship to the termination of those payments;

(b) in a case where the party against whom the order was made has died, the circumstances of the case shall also include the changed circumstances resulting from the death of that party.

(8) Subsection (9) applies where, after the dissolution of a civil partnership, the court−

(a) discharges a periodical payments order or secured periodical payments order made in favour of a party to the civil partnership; or

(b) varies such an order so that payments under the order are required to be made or secured only for such further period as is determined by the court.

(9) The court has power, in addition to any power it has apart from this subsection, to make supplemental provision consisting of any of−

(a) an order for the payment of a lump sum in favour of a party to the civil partnership;

(b) one or more property adjustment orders in favour of a party to the civil partnership;

(c) one or more pension sharing orders;

(d) a direction that the party in whose favour the original order discharged or varied was made is not entitled to make any further application for−

(i) a periodical payments or secured periodical payments order, or

(ii) an extension of the period to which the original order is limited by any variation made by the court.

(10) An order for the payment of a lump sum made under subsection (9) may−

(a) provide for the payment of that sum by instalments of such amount as may be specified in the order; and

(b) require the payment of the instalments to be secured to the satisfaction of the court.

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(11) Section 67(5) applies where the court makes an order for the payment of a lump sum under subsection (9) as they apply where it makes such an order under sections 67.

(12) If under subsection (9) the court makes more than one property adjustment order in favour of the same party to the civil partnership, each of those orders must fall within a different paragraph of section 65(2).

(13) Sections 70 and 77 apply where the court makes a property adjustment order under subsection (9) as they apply where it makes such an order under section 69.

(14) Section 112 applies where the court makes a pension sharing order under subsection (9) as it applies where the court makes such an order under section 90.

(15) Subsections (3) to (5) of section 112 apply in relation to a pension sharing order under subsection (9) as they apply in relation to a pension sharing order under that section.

(16) The legal representatives of a deceased person against whom a secured periodical payments order was made shall not be liable for having distributed any part of the estate of the deceased after the expiration of the period of 6 months referred to in subsection (6) on the ground that they ought to have taken into account the possibility that the court might permit an application under this section to be made after that period by the person entitled to payments under the order; but this subsection shall not prejudice any power to recover any part of the estate so distributed arising by virtue of the making of an order in pursuance of this section.

(17) In considering for the purposes of subsection (6) the question when representation was first taken out, a grant limited to settled land or to trust property shall be left out of account and a grant limited to real estate or to personal estate shall be left out of account unless a grant limited to the remainder of the estate has previously been made or is made at the same time.

(18) Where the court, in exercise of its powers under this section, decides to vary or discharge a periodical payments or secured periodical payments order, then, subject to section 75(1) and (2), the court shall have power to direct that the variation or discharge shall not take effect until the expiration of such period as may be specified in the order.

(19) Where–

(a) a periodical payments or secured periodical payments order in favour of more than one child ("the order") is in force; and

(b) the order requires payments specified in it to be made for the benefit of more than one child without apportioning those payments between them,

the court may, in exercise of its powers under this section to vary or discharge the order, direct that the variation or discharge shall take effect from the date on which the assessment took effect or any later date.

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**Orders for repayment in certain cases of sums paid after cessation of order by reason of re-entering into a subsequent civil partnership or marriage.**

79.(1) Where−

(a) a periodical payments or secured periodical payments order in favour of a party to a civil partnership, hereafter in this section referred to as "a payments order", has ceased to have effect by reason of the re-entering into a subsequent civil partnership or marriage of that party; and

(b) the person liable to make payments under the order or his or her personal representatives made payments in accordance with it in respect of a period after the date of the re-entering into a subsequent civil partnership or marriage in the mistaken belief that the order was still subsisting,

the person so liable or that person's personal representatives shall not be entitled to bring proceedings in respect of a cause of action arising out of the circumstances mentioned in paragraphs (a) and (b) against the person entitled to payments under the order or her or his personal representatives, but may instead make an application against that person or her or his personal representatives under this section.

(2) On an application under this section the court may order the respondent to pay to the applicant a sum equal to the amount of the payments made in respect of the period mentioned in subsection (1)(b) or, if it appears to the court that it would be unjust to make that order, it may either order the respondent to pay to the applicant such lesser sum as it thinks fit or dismiss the application.

(3) An application under this section may be made in proceedings in the Supreme Court or a magistrates' court for leave to enforce, or the enforcement of, payment of arrears under the order in question, but when not made in such proceedings shall be made to a magistrates' court; and accordingly references in this section to the court are references to the Supreme Court or the magistrates' court, as the circumstances require.

(4) An order under this section for the payment of any sum may provide for the payment of that sum by instalments of such amount as may be specified in the order.

(5) The designated officer for a magistrates' court to whom any payments under a payments order are required to be made, and the collecting officer under an attachment of earnings order made to secure payments under a payments order, shall not be liable in the case of−

(a) the designated officer, for any act done in pursuance of the payments order after the date on which that order ceased to have effect by reason of the remarriage or entry into a subsequent civil partnership of the person entitled to payments under it; and

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(b) the collecting officer, for any act done after that date in accordance with any enactment or rule of court specifying how payments made to him in compliance with the attachment of earnings order are to be dealt with,

if, the act was one which he or she would have been under a duty to do had the payments order not so ceased to have effect and the act was done before notice in writing of the fact that the person so entitled had remarried or entered into a subsequent civil partnership was given to him or her by or on behalf of that person, the person liable to make payments under the payments order or the personal representatives of either of those persons.

(6) In this section "collecting officer", in relation to an attachment of earnings order, means the Registrar of the Supreme Court or the designated officer for a magistrates' court to whom a person makes payments in compliance with the order.

**Orders for repayment in certain cases of sums paid under certain orders.**

80.(1) Where on an application made under this section in relation to an order to which this section applies it appears to the court that by reason of−

(a) a change in the circumstances of the person entitled to, or liable to make, payments under the order since the order was made; or

(b) the changed circumstances resulting from the death of the person so liable,

the amount received by the person entitled to payments under the order in respect of a period after those circumstances changed or after the death of the person liable to make payments under the order, as the case may be, exceeds the amount which the person so liable or his or her personal representatives should have been required to pay, the court may order the respondent to the application to pay to the applicant such sum, not exceeding the amount of the excess, as the court thinks just.

(2) This section applies to the following orders−

(a) any order for maintenance pending suit and any interim order for maintenance;

(b) any periodical payments order; and

(c) any secured periodical payments order.

(3) An application under this section may be made by the person liable to make payments under an order to which this section applies or his or her personal representatives and may be made against the person entitled to payments under the order or her or his personal representatives.

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(4) An application under this section may be made in proceedings in the Supreme Court or magistrates' court for–

(a) the variation or discharge of the order to which this section applies; or

(b) leave to enforce, or the enforcement of, the payment of arrears under that order; but when not made in such proceedings shall be made to the magistrates' court, and accordingly references in this section to the court are references to the Supreme Court or a magistrates' court, as the circumstances require.

(5) The jurisdiction conferred on a magistrates' court by this section shall be exercisable notwithstanding that by reason of the amount claimed in the application the jurisdiction would not but for this subsection be exercisable by a magistrates' court.

(6) An order under this section for the payment of any sum may provide for the payment of that sum by instalments of such amount as may be specified in the order.

**Consent orders for financial provision on property adjustment.**

81.(1) Notwithstanding anything in the preceding sections of this Part, on an application for a consent order for financial relief the court may, unless it has reason to think that there are other circumstances into which it ought to inquire, make an order in the terms agreed on the basis only of the prescribed information furnished with the application.

(2) Subsection (1) applies to an application for a consent order varying or discharging an order for financial relief as it applies to an application for an order for financial relief.

(3) In this section–

"consent order", in relation to an application for an order, means an order in the terms applied for to which the respondent agrees;

"order for financial relief" means an order under any of sections 67, 69, 70, or 74 and

"prescribed" means prescribed by rules of court.

**Avoidance of transactions intended to prevent or reduce financial relief.**

82.(1) For the purposes of this section "financial relief" means relief under any of the provisions of sections 66, 67, 69, 74, 78 (except subsection(6)), and 112 and any reference in this section to defeating a person's claim for financial relief is a reference to preventing financial relief from being granted to that person, or to that person for the benefit of a child of the family, or reducing the amount of any financial relief which might be so granted, or

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frustrating or impeding the enforcement of any order which might be or has been made at his instance under any of those provisions.

(2) Where proceedings for financial relief are brought by one person against another, the court may, on the application of the first-mentioned person, if it is satisfied−

(a) that the other party to the proceedings is, with the intention of defeating the claim for financial relief, about to make any disposition or to transfer out of the jurisdiction or otherwise deal with any property, make such order as it thinks fit for restraining the other party from so doing or otherwise for protecting the claim;

(b) that the other party has, with that intention, made a reviewable disposition and that if the disposition were set aside financial relief or different financial relief would be granted to the applicant, make an order setting aside the disposition; or

(c) in a case where an order has been obtained under any of the provisions mentioned in subsection (1) by the applicant against the other party, that the other party has, with that intention, made a reviewable disposition, make an order setting aside the disposition,

and an application for the purposes of paragraph (b) shall be made in the proceedings for the financial relief in question.

(3) Where the court makes an order under subsection (2)(b) or (c) setting aside a disposition it shall give such consequential directions as it thinks fit for giving effect to the order, including directions requiring the making of any payments or the disposal of any property.

(4) Any disposition made by the other party to the proceedings for financial relief in question (whether before or after the commencement of those proceedings) is a reviewable disposition for the purposes of subsection (2)(b) and (c) unless it was made for valuable consideration, other than entering into a civil partnership, with a person who, at the time of the disposition, acted in relation to it in good faith and without notice of any intention on the part of the other party to defeat the applicant's claim for financial relief.

(5) Where an application is made under this section with respect to a disposition which took place less than three years before the date of the application or with respect to a disposition or other dealing with property which is about to take place and the court is satisfied in a case falling within−

(a) subsection (2)(a) or (b), that the disposition or other dealing would, apart from this section, have the consequence; or

(b) within subsection (2)(c), that the disposition has had the consequence,

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of defeating the applicant's claim for financial relief, it shall be presumed, unless the contrary is shown, that the person who disposed of or is about to dispose of or deal with the property did so or is about to do so, with the intention of defeating the applicant's claim for financial relief.

(6) In this section "disposition" does not include any provision contained in a will or codicil but, with that exception, includes any conveyance, assurance or gift of property of any description, whether made by an instrument or otherwise.

**Extension of Married Women Act.**

83.(l) Any right of a civil partner, under section 10 of the Married Women Act to make an application under that section, in any question between civil partners as to the title to or possession of property, shall include the right to make such an application where it is claimed by a civil partner ("A") that the corresponding civil partner ("B") has had in B's possession or under B's control−

(a) money to which, or to a share of which, A was beneficially entitled (whether by reason that it represented the proceeds of property to which, or to an interest in which, A was beneficially entitled, or for any other reason); or

(b) property (other than money) to which, or to an interest in which, A was beneficially entitled,

and that either that money or other property has ceased to be in B's possession or under B's control or that A does not know whether it is still in B's possession or under B's control.

(2) Where, on an application made under section 10 of the Married Women Act as extended by subsection (1) of this section, the Chief Justice or the judge is satisfied−

(a) that B has had in his possession or under B's control money or other property as mentioned in paragraph (a) or paragraph (b) of subsection (1) of this section; and

(b) that B has not made to A, in respect of that money or other property, such payment or disposition as would have been appropriate in the circumstances, the power to make orders under that section shall be extended in accordance with subsection (3) of this section.

(3) Where subsection (2) of this section applies, the power to make orders under the said section 10 shall include power for the Chief Justice or the judge to order B to pay to A−

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(a) in a case falling within paragraph (a) of subsection (1) of this section, such sum in respect of the money to which the application relates, or A's share thereof, as the case may be; or

(b) in a case falling within paragraph (b) of subsection (1) of this section, such sum in respect of the value of the property to which the application relates, or A's interest therein, as the case may be,

as the Chief Justice or the judge may consider appropriate.

(4) Where on an application under the said section 10 as extended by this section it appears to the Chief Justice or the judge that there is any property which−

(a) represents the whole or part of the money or property in question; and

(b) is property in respect of which an order could have been made under that section if an application had been made by the wife thereunder in a question as to the title to or possession of that property, the Chief Justice or the judge (either in substitution for or in addition to the making of an order in accordance with subsection (3) of this section) may make any order under that section in respect of that property which the Chief Justice or judge could have made on such an application as is mentioned in paragraph (b) of this subsection.

(5) Any power of the Chief Justice or the judge under the said section 10 to direct inquiries or give any other directions in relation to an application under that section shall be exercisable in relation to an application made under that section as extended by this section; and subsections (2) to (6) of that section (which relate to appeals and other matters) shall apply in relation to any order made under the said section 10 as extended by this section as they apply in relation to an order made under that section apart from this section.

(6) For the avoidance of doubt it is hereby declared that any power conferred by the said section 10 to make orders with respect to any property includes power to order a sale of the property.

**Vesting of possession in tenancy.**

84.(1) On making a dissolution order or nullity order final, or at any time thereafter, whether before or after the order has been made final, or on or at any time after an order for legal separation, where either or both of the parties are in possession of a dwelling house as a tenant or tenants under any tenancy, the court may if it thinks fit by order−

(a) vest in either party the right to possession of the dwelling house under the tenancy to the exclusion of the other party; and

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(b) require the other party to pay or to contribute, to such extent as the court may in the order specify, towards the payment of the rental under the tenancy.

(2) So long as an order remains in force under subsection (1) vesting in either party the right to possession of a dwelling house under a tenancy, the other party shall have no right by virtue of the tenancy to enter or be in possession of the dwelling house.

(3) Nothing in this section shall relieve any person of any liability as a tenant to his or her landlord.

*Inheritance*

**Power to bar applications under the Inheritance (Provision of Family and Dependants) Act.**

85.(1) On granting a dissolution order, a nullity order or a separation order or at any time thereafter, the court may, if the court considers it just to do so and the parties to the civil partnership agree, order that either party to the civil partnership shall not be entitled on the death of the other party to apply for an order under section 4 of the Inheritance (Provision for Family and Dependants) Act.

(2) In the case of a dissolution order or nullity order an order may be made under subsection (1) before or after the dissolution or nullity order is made absolute, but if it is made before the dissolution order or nullity order is absolute it shall not take effect unless the dissolution or nullity order is made absolute.

## CHAPTER 5
CIVIL PARTNERSHIP AGREEMENTS

**Civil partnership agreements unenforceable.**

86.(1) A civil partnership agreement does not under the law of Gibraltar have effect as a contract giving rise to legal rights.

(2) No action lies in Gibraltar for breach of a civil partnership agreement, whatever the law applicable to the agreement.

(3) In this section and section 87 "civil partnership agreement" means an agreement between two people to register as civil partners of each other in Gibraltar.

(4) This section applies in relation to civil partnership agreements whether entered into before or after this section comes into force, but does not affect any action commenced before it comes into force.

**Property where civil partnership agreement is terminated.**

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87.(1) This section applies if a civil partnership agreement is terminated.

(2) Section 56 (contributions by civil partner to property improvement) applies, in relation to any property in which either or both of the parties to the agreement had a beneficial interest while the agreement was in force, as it applies in relation to property in which a civil partner has a beneficial interest.

(3) Sections 57 and 58 (disputes between civil partners about property) apply to any dispute between or claim by one of the parties in relation to property in which either or both had a beneficial interest while the agreement was in force, as if the parties were civil partners of each other.

(4) An application made under section 57 and 58 by virtue of subsection (3) must be made within 3 years of the termination of the agreement.

(5) A party to a civil partnership agreement who makes a gift of property to the other party on the condition (express or implied) that it is to be returned if the agreement is terminated is not prevented from recovering the property merely because of his having terminated the agreement.

## CHAPTER 6
CHILDREN

**Children.**

88. Schedule 7 has effect for the purpose of amending the Acts (relating to children) referred to therein.

## CHAPTER 7
MISCELLANEOUS

**False statements etc. with reference to civil partnerships.**

89.(1) A person commits an offence if–

(a) for the purpose of procuring the formation of a civil partnership, or a document mentioned in subsection (2), that person–

(i) makes or signs a declaration required under this Part or Part 3, or

(ii) gives a notice or certificate so required,

knowing that the declaration, notice or certificate is false;

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(b) for the purpose of a record being made in any register relating to civil partnerships, that person–

(i) makes a statement as to any information which is required to be registered under this Part of Part 3, or,

(ii) causes such a statement to be made,

knowing that the statement is false;

(c) that person forbids the issue of a document mentioned in subsection (2) by representing himself or herself to be a person whose consent to a civil partnership between a child and another person is required under this Part or Part 3, knowing the representation to be false; or

(d) with respect to a declaration made under paragraph 5(1) of Schedule 1 that person makes a statement mentioned in paragraph 6 of that Schedule which that person knows to be false in a material particular.

(2) The documents are a civil partnership schedule or a Registrar's licence under Chapter 1.

(3) A person guilty of an offence under subsection (1) shall be liable–

(a) on conviction on indictment, to imprisonment for a term not exceeding 7 years or to a fine, or both;

(b) on summary conviction, to a fine not exceeding the statutory maximum.

(4) The Crimes Act 2011 has effect as if this section were contained in it.

**Housing and tenancies.**

90. Schedule 8 has effect for the purpose of amending the enactments (relating to housing and tenancies) referred to therein.

**Family homes and domestic violence.**

91. Schedule 9 has effect for the purpose of amending the Domestic Violence and Matrimonial Proceedings Act 1998 and related enactments (so that they apply in relation to civil partnerships as they apply in relation to marriages).

**Evidence.**

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92.(1) Any enactment or rule of law relating to the giving of evidence by a spouse applies in relation to a civil partner as it applies in relation to the spouse.

(2) Subsection (1) is subject to any specific amendment made by or under this Act which relates to the giving of evidence by a civil partner.

(3) For the avoidance of doubt, in any such amendment, references to a person's civil partner do not include a former civil partner.

(4) References in subsections (1) and (2) to giving evidence are to giving evidence in any way (whether by supplying information, making discovery, producing documents or otherwise).

(5) Any rule of law–

(a) which is preserved by section 9(3) and 9(4) of the Civil Evidence Act 1968 (applicable by virtue of the English Law (Application) Act) or section 393 of the Criminal Procedure and Evidence Act 2011; and

(b) under which in any proceedings evidence of reputation or family tradition is admissible for the purpose of proving or disproving the existence of a marriage,

is to be treated as applying in an equivalent way for the purpose of disproving the existence of a civil partnership.

## PART 3
CIVIL PARTNERSHIP FORMED OR DISSOLVED ABROAD ETC.

### CHAPTER 1
OVERSEAS RELATIONSHIPS TREATED AS CIVIL PARTNERSHIPS

**Meaning of "overseas relationship".**

93.(1) For the purposes of this Act an overseas relationship is a relationship which–

(a) is either a specified relationship or a relationship which meets the general conditions; and

(b) is registered (whether before or after the passing of this Act) with a responsible authority in a country or territory outside Gibraltar, by two people neither of whom is already a civil partner or lawfully married.

(2) In this Chapter, "the relevant law" means the law of the country or territory where the relationship is registered (including its rules of private international law).

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**Specified relationships.**

94.(1) A specified relationship is a relationship which is specified for the purposes of section 93 by Schedule 10.

(2) The Minister may by order amend Schedule 10 by−

(a) adding a relationship;

(b) amending the description of a relationship; or

(c) omitting a relationship.

(3) An order which contains any provision (whether alone or with other provisions) amending Schedule 10 by−

(a) amending the description of a relationship; or

(b) omitting a relationship,

may not be made unless the order is laid before, and approved by Parliament.

**The general conditions.**

95. The general conditions are that, under the relevant law–

(a) the relationship may not be entered into if either of the parties is already a party to a relationship of that kind or lawfully married;

(b) the relationship is of indeterminate duration; and

(c) the effect of entering into it is that the parties are–

(i) treated as a couple either generally or for specified purposes, or

(ii) treated as married.

**Overseas relationships treated as civil partnerships: the general rule.**

96.(1) Two people are to be treated as having formed a civil partnership as a result of having registered an overseas relationship if, under the relevant law, they–

(a) had capacity to enter into the relationship; and

(b) met all requirements necessary to ensure the formal validity of the relationship.

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(2) Subject to subsection (3), the time when they are to be treated as having formed the civil partnership is the time when the overseas relationship is registered (under the relevant law) as having been entered into.

(3) If the overseas relationship is registered (under the relevant law) as having been entered into before this section comes into force, the time when they are to be treated as having formed a civil partnership is the time when this section comes into force.

(4) But if–

(a) before this section comes into force, a dissolution or annulment of the overseas relationship was obtained outside Gibraltar, and

(b) the dissolution or annulment would be recognised under Chapter 2 if the overseas relationship had been treated as a civil partnership at the time of the dissolution or annulment,

subsection (3) does not apply and subsections (1) and (2) have effect subject to subsection (5).

(5) The overseas relationship is not be treated as having been a civil partnership for the purposes of any provisions except–

(a) Schedule 5 (financial relief in Gibraltar after dissolution or annulment obtained outside Gibraltar);

(b) such provisions as are specified (with or without modifications) in an order under section 122;

(c) Chapter 2 (so far as necessary for the purposes of paragraphs (a) and (b)).

(6) This section is subject to sections 97 and 98.

**Person domiciled in Gibraltar.**

97.(1) Subsection (2) applies if an overseas relationship has been registered by a person who was at the time mentioned in section 96(2) domiciled in Gibraltar.

(2) The two people concerned are not to be treated as having formed a civil partnership if, at the time mentioned in section 96(2)–

(a) either of them was under 16; or

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(b) they would have been within prohibited degrees of relationship under Part 1 of Schedule 1 if they had been registering as civil partners of each other in Gibraltar.

**The public policy exception.**

98. Two people are not to be treated as having formed a civil partnership as a result of having entered into an overseas relationship if it would be manifestly contrary to public policy to recognise the capacity, under the relevant law, of one or both of them to enter into the relationship.

## CHAPTER 2
DISSOLUTION ETC. JURISDICTION AND RECOGNITION

*Jurisdiction of court*

**Proceedings for dissolution, separation or nullity order.**

99. The court has jurisdiction to entertain proceedings for a dissolution order, nullity order or a separation order if (and only if)−

(a) at least one of the civil partners is domiciled in Gibraltar on the date when proceedings are begun; or

(b) the two persons concerned registered as civil partners of each other in Gibraltar and it appears to the court to be in the interests of justice to assume jurisdiction in the case.

**Proceedings for a presumption of death order.**

100. The court has jurisdiction to entertain proceedings for a presumption of death order if (and only if)−

(a) the applicant is domiciled in Gibraltar on the date when the proceedings are begun;

(b) the applicant was habitually resident in Gibraltar throughout the period of 1 year ending with that date; or

(c) the two people concerned registered as civil partners of each other in Gibraltar and it appears to the court to be in the interests of justice to assume jurisdiction in the case.

**Applications for declarations as to validity.**

101. The court has jurisdiction to entertain an application under section 37 if (and only if)–

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(a) either of the civil partners in the civil partnership to which the application relates–

(i) is domiciled in Gibraltar on the date of the application,

(ii) has been habitually resident in Gibraltar throughout the period of 1 year ending with that date, or

(iii) died before that date and either was at death domiciled in Gibraltar or had been habitually resident in Gibraltar throughout the period of 1 year ending with the date of death, or

(b) the two people concerned registered as civil partners of each other in Gibraltar and it appears to the court to be in the interests of justice to assume jurisdiction in the case.

*Recognition of dissolution, annulment and separation*

**Recognition in Gibraltar of overseas dissolution, annulment or separation.**

102.(1) Subject to subsection (2), the validity of an overseas dissolution, annulment or legal separation is to be recognised in Gibraltar if, and only if, it is entitled to recognition by virtue of sections 103 to 105.

(2) For the purposes of subsection (1) and sections 104 and 105, an overseas dissolution, annulment or legal separation is a dissolution or annulment of a civil partnership or a legal separation of civil partners which has been obtained outside Gibraltar (whether before or after this section comes into force).

**Grounds for recognition.**

103.(1) The validity of an overseas dissolution, annulment or legal separation obtained by means of proceedings is to be recognised if–

(a) the dissolution, annulment or legal separation is effective under the law of the country in which it was obtained; and

(b) at the relevant date either civil partner–

(i) was habitually resident in the country in which the dissolution, annulment or legal separation was obtained,

(ii) was domiciled in that country, or

(iii) was a national of that country.

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(2) The validity of an overseas dissolution, annulment or legal separation obtained otherwise than by means of proceedings is to be recognised if–

(a) the dissolution, annulment or legal separation is effective under the law of the country in which it was obtained;

(b) at the relevant date–

(i) each civil partner was domiciled in that country, or

(ii) either civil partner was domiciled in that country and the other was domiciled in a country under whose law the dissolution, annulment or legal separation is recognised as valid, and

(c) neither civil partner was habitually resident in Gibraltar throughout the period of 1 year immediately preceding that date.

(3) In this section "the relevant date" means–

(a) in the case of an overseas dissolution, annulment or legal separation obtained by means of proceedings, the date of the commencement of the proceedings;

(b) in the case of an overseas dissolution, annulment or legal separation obtained otherwise than by means of proceedings, the date of which it was obtained.

(4) Where, in the case of an overseas annulment, the relevant date fell after the death of either civil partner, any reference in subsection (1) or (2) to that date is to be read in relation to that civil partner as a reference to the date of death.

**Refusal of recognition.**

104.(1) Recognition of the validity of an overseas dissolution, annulment or legal separation may be refused in Gibraltar if the dissolution, annulment or separation was obtained at a time when it was irreconcilable with a decision determining the question of the subsistence or validity of the civil partnership−

(a) previously given by a court of civil jurisdiction in Gibraltar; or

(b) previously given by a court elsewhere and recognised or entitled to be recognised in that part of Gibraltar.

(2) Recognition of the validity of an overseas dissolution or legal separation may be refused in Gibraltar if the dissolution or separation was obtained at a time when, according to the law of Gibraltar, there was no subsisting civil partnership.

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(3) Recognition of the validity of an overseas dissolution, annulment or legal separation may be refused if–

(a) in the case of a dissolution, annulment or legal separation obtained by means of proceedings, it was obtained–

(i) without such steps having been taken for giving notice of the proceedings to a civil partner as, having regard to the nature of the proceedings and all the circumstances, should reasonably have been taken; or

(ii) without a civil partner having been given (for any reason other than lack of notice) such opportunity to take part in the proceedings as, having regard to those matters, that civil partner should reasonably have been given; or

(b) in the case of a dissolution, annulment or legal separation obtained otherwise than by means of proceedings–

(i) there is no official document certifying that the dissolution, annulment or legal separation is effective under the law of the country in which it was obtained, or

(ii) where either civil partner was domiciled in another country at the relevant date, there is no official document certifying that the dissolution, annulment or legal separation is recognised as valid under the law of that other country, or

(c) in either case, recognition of the dissolution, annulment or legal separation would be manifestly contrary to public policy.

(4) In this section–

"official", in relation to a document certifying that a dissolution, annulment or legal separation is effective, or is recognised as valid, under the law of any country, means issued by a person or body appointed or recognised for the purpose under the law;

"the relevant date" has the same meaning as in section 93.

(5) Nothing in this Chapter is to be read as requiring the recognition of any finding of fault made in proceedings for dissolution, annulment or legal separation or of any maintenance, custody or other ancillary order made in any such proceedings.

**Non-recognition elsewhere of dissolution or annulment.**

105.(1) This section applies where, in Gibraltar–

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(a) a dissolution or annulment of a civil partnership has been granted by a court of civil jurisdiction; or

(b) the validity of a dissolution or annulment of the civil partnership is recognised by virtue of this Chapter.

(2) The fact that the dissolution or annulment would not be recognised outside Gibraltar does not−

(a) preclude either party from forming a subsequent civil partnership or marriage; or

(b) cause the subsequent civil partnership or marriage of either party (wherever it takes place) to be treated as invalid in that part.

## PART 4
RELATIONSHIPS ARISING THROUGH CIVIL PARTNERSHIP

**Interpretation of statutory references to stepchildren etc.**

106.(1) In any provision to which this section applies, references to a stepchild or step-parent of a person ("A") and cognate expressions, are to be read as follows−

A's stepchild includes a person who is the child a A's civil partner (but is not A's child);

A's step-parent includes a person who is the civil partner of A's parent (but is not A's parent);

A's stepdaughter includes a person who is the daughter of A's civil partner (but is not A's daughter);

A's stepson includes a person who is the son of A's civil partner (but is not A's son);

A's stepfather includes a person who is the civil partner of A's father (but is not A's parent);

A's stepmother includes a person who is the civil partner of A's mother (but is not A's parent);

A's stepbrother includes a person who is the son of the civil partner of A's parent (but is not the son of either of A's parents);

A's stepsister includes a person who is the daughter of the civil partner of A's parent (but is not the daughter of either of A's parents).

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(2) For the purposes of any provision to which this section applies–

"brother-in-law" includes civil partner's brother,

"daughter-in-law" includes daughter's civil partner,

"father-in-law" includes civil partner's father,

"mother-in-law" includes civil partner's mother,

"parent-in-law" includes civil partner's parent,

"sister-in-law" includes civil partner's sister, and

"son-in-law" includes son's civil partner.

(3) Section 106(1) and (2) applies to–

(a) any provision listed in Schedule 13 (references to stepchildren, in-laws etc., in existing Acts);

(b) except in so far as otherwise provided, any provision made by a further Act; and

(c) except in so far as otherwise provided, any provision made by future subordinate legislation.

## PART 5
MISCELLANEOUS

**Immigration Control, Gibraltarian Status and formation of civil partnerships.**

107. Schedule 11 has effect for the purpose of amending the enactments referred to therein (it contains provisions relating to the formation of civil partnerships in Gibraltar by persons subject to immigration control and in relation to Gibraltarian status).

**Discrimination against civil partners in the employment field.**

108. The grounds under which discrimination under the Equal Opportunities Act is prohibited shall be interpreted as including a prohibition on discriminating against a person if that discrimination is based on the fact that that person will or has entered into a civil partnership, and any remedies provided under that Act shall be available to such a person.

**Civil partners to have unlimited insurable interest in each other.**

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109.(1) Where two people are civil partners, each of them is to be presumed for the purposes of section 1 of the Life Assurance Act 1774 (applicable by virtue of English Law (Application) Act) to have an interest in the life of the other.

(2) For the purposes of section 3 of the 1774 Act, there is no limit on the amount of value of the interest.

**Social security and tax.**

110. Schedule 12 has effect for the purpose of amending the enactments referred to therein (amendments relating to social security and tax).

**Enactments relating to pensions.**

111.(1) Schedule 13 has effect for the purpose of amending the enactments referred to therein (it amends certain enactments relating to pensions).

(2) The Government may make such amendments, repeals or revocations in any enactment relating to pensions, allowances or gratuities as it considers appropriate for the purpose of, or in connection with, making provision with respect to pensions, allowances or gratuities for the surviving civil partners or dependants of civil partners.

**Pension sharing orders.**

112.(1) For the purposes of this Part, a pension sharing order is an order which−

(a) provides that one party's shareable rights under a specified pension arrangement, be subject to pension sharing for the benefit of the other party; and

(b) specifies the percentage value to be transferred.

(2) Pension sharing is available under this Part in relation to a person's shareable rights under any pension arrangement other than an excepted public service pension scheme.

(3) For the purposes of this Part, a person's shareable rights under a pension arrangement are any rights of his under the arrangement, other than rights of a description specified by regulations made by the Minister with responsibility for finance.

(4) For the purposes of subsection (1), a public service pension scheme is excepted if it is specified by order made by the Minister with responsibility for finance.

(5) In subsection (1) “party” means a party to a civil partnership.

**Pension sharing orders in connection with dissolution proceedings etc.**

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113.(l) On granting a dissolution order or a nullity order of civil partnership or at any time thereafter (whether before or after the order is made absolute), the court may, on an application made under this section, make one or more pension sharing orders in relation to the civil partnership.

(2) A pension sharing order under this section is not to take effect unless the dissolution order or nullity order on or after which it is made has been made final.

(3) A pension sharing order under this section may not be made in relation to a pension arrangement which−

(a) is the subject of a pension sharing order in relation to the civil partnership; or

(b) has been the subject of pension sharing between the parties to the civil partnership.

(4) A pension sharing order under this section may not be made in relation to shareable state scheme rights if such rights−

(a) are the subject of a pension sharing order in relation to the civil partnership; or

(b) have been the subject of pension sharing between the parties to the civil partnership by virtue of any other statutory provisions or otherwise.

(5) A pension sharing order under this section may not be made in relation to the rights of a person under a pension arrangement if there is in force a requirement imposed by virtue of section 94 or 95 which relates to benefits or future benefits to which that person is entitled under the pension arrangement.

**Pension sharing orders: nullity of civil partnership.**

114.(l) On or after granting a nullity order (whether before or after the order is made final), the court may, on an application made under this section, make one or more pension sharing orders in relation to the civil partnership.

(2) The court shall exercise its powers under this section, so far as is practicable, by making on one occasion all such provision as can be made by way of one or more pension sharing orders in relation to the civil partnership as it thinks fit.

(3) Where a pension sharing order is made under this section on or after the granting of a nullity order, the pension sharing order is not to take effect unless the nullity order has been made final.

(4) This section is to be read subject to any restrictions imposed by section 115.

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**Restrictions affecting section 114.**

115.(l)A pension sharing order under section 114 may not be made in relation to a pension arrangement which−

(a) is the subject of a pension sharing order in relation to the civil partnership; or

(b) have been the subject of pension sharing between the parties to the civil partnership by virtue of any other statutory provisions or otherwise.

(2) A pension sharing order under section 114 may not be made in relation to shareable state scheme rights if such rights−

(a) are the subject of a pension sharing order in relation to the civil partnership; or

(b) have been the subject of pension sharing between the parties to the civil partnership by virtue of any other statutory provision or otherwise.

(3) A pension sharing order under section 114 may not be made in relation to the rights of a person under a pension arrangement if there is in force a requirement imposed by virtue of section 117 or 118 which relates to benefits or future benefits to which that person is entitled under the pension arrangement.

**Pension sharing orders: duty to stay.**

116. No pension sharing order may be made so as to take effect before the end of such period after the making of the order as may be prescribed by regulations made by the Minister with responsibility for finance.

**Pensions.**

117.(1)The matters to which the court is to have regard under section 71(2) include−

(a) in the case of paragraph (a), any benefits under a pension arrangement which a party to the civil partnership has or is likely to have; and

(b) in the case of paragraph (h), any benefits under a pension arrangement which, by reason of the dissolution or annulment of the civil partnership, a party to the civil partnership will lose the chance of acquiring,

and, accordingly, in relation to benefits under a pension arrangement, section 71(2)(a) shall have effect as if "in the foreseeable future" were omitted.

(2) The following provisions apply where, having regard to any benefits under a pension arrangement, the court determines to make an order under section 67.

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(3) To the extent to which the order is made having regard to any benefits under a pension arrangement, the order may require the person responsible for the pension arrangement in question, if at any time any payment in respect of any benefits under the arrangement becomes due to the party with pension rights, to make a payment for the benefit of the other party.

(4) The order must express the amount of any payment required to be made by virtue of subsection (3) as a percentage of the payment which becomes due to the party with pension rights.

(5) Any such payment by the person responsible for the arrangement−

(a) shall discharge so much of his liability to the party with pension rights as corresponds to the amount of the payment; and

(b) shall be treated for all purposes as a payment made by the party with pension rights in or towards the discharge of his liability under the order.

(6) Where the party with pension rights has a right of commutation under the arrangement, the order may require that party to exercise it to any extent; and this section applies to any payment due in consequence of commutation in pursuance of the order as it applies to other payments in respect of benefits under the arrangement.

(7) The power conferred by subsection (6) may not be exercised for the purpose of commuting a benefit payable to the party with pension rights to a benefit payable to the other party.

(8) The power conferred by subsection (3) or (6) may not be exercised in relation to a pension arrangement which−

(a) is the subject of a pension sharing order in relation to the civil partnership; or

(b) has been the subject of pension sharing between the parties to the civil partnership by virtue of any other statutory provisions or otherwise.

(9) In subsection (1), references to benefits under a pension arrangement include any benefits by way of pension, whether under a pension arrangement or not.

**Pensions: lump sums.**

118.(1) The power of the court under section 67 to order a party to a civil partnership to pay a lump sum to the other party includes, where the benefits which the party with pension rights has or is likely to have under a pension arrangement include any lump sum payable in respect of his death, power to make any of the provisions under this section by the order.

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(2) The court may−

(a) if the person responsible for the pension arrangement in question has power to determine the person to whom the sum, or any part of it, is to be paid, require that person to pay the whole or part of that sum, when it becomes due, to the other party;

(b) if the party with pension rights has power to nominate the person to whom the sum, or any part of it, is to be paid, require the party with pension rights to nominate the other party in respect of the whole or part of that sum; and

(c) in any other case, require the person responsible for the pension arrangement in question to pay the whole or part of that sum, when it becomes due, for the benefit of the other party instead of to the person to whom, apart from the order, it would be paid.

(3) Any payment by the person responsible for the arrangement under an order made under section 67 by virtue of this section shall discharge so much of his viability in respect of the party with pension rights as corresponds to the amount of the payment.

(4) The powers conferred by this section may not be exercised in relation to a pension arrangement which−

(a) is the subject of a pension sharing order in relation to the civil partnership; or

(b) has been the subject of pension sharing between the parties to the civil partnership by virtue of any other statutory provisions or otherwise.

**Pensions: supplementary.**

119.(1) Where−

(a) an order made under section 67 by virtue of section 117 or 118 imposes any requirement on the person responsible for a pension arrangement ("the first arrangement") and the party with pension rights acquires rights under another pension arrangement ("the new arrangement") which are derived (directly or indirectly) from the whole of his rights under the first arrangement; and

(b) the person responsible for the new arrangement has been given notice in accordance with regulations made by the Minister with responsibility for finance,

the order shall have effect as if it had been made instead in respect of the person responsible for the new arrangement.

(2) The Minister with responsibility for finance may by regulations−

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(a) in relation to any provision of section 117 or 118 which authorises the court making an order under section 67 to require the person responsible for a pension arrangement to make a payment for the benefit of the other party, make provision as to the person to whom, and the terms on which, the payment is to be made or prescribe the rights of the other party under the pension scheme;

(b) make, in relation to payment under a mistaken belief as to the continuation in force of a provision included by virtue of section 117 or 118 in an order under section 67, provision about the rights or liabilities of the payer, the payee or the person to whom the payment was due;

(c) require notices to be given in respect of changes of circumstances relevant to such orders which include provision made by virtue of sections 117 and 118;

(d) make provision for the person responsible for a pension arrangement to be discharged in prescribed circumstances from a requirement imposed by virtue of section 117 or 118;

(e) make provision about calculation and verification in relation to the valuation of−

(i) benefits under a pension arrangement, or

(ii) shareable state scheme rights,

for the purposes of the court's functions in connection with the exercise of any of its powers under this Part of this Act;

(f) make provision imposing on the person responsible for a pension arrangement, requirements with respect to the supply of information relevant to any power with respect to financial relief under this Chapter or sections 65 to 85 of this Act;

(g) make provision about calculation and verification in relation to the valuation of benefits under a pension arrangement for the purposes of Regulations made under paragraph (f);

(h) make provision about calculation and verification in relation to the valuation of benefits under a pension arrangement for the purposes of such Regulations, so far as relating to the making of orders under this Part or sections 65 to 85 of this of this Act;

(i) make provision for the purpose of enabling the person responsible for a pension arrangement to recover prescribed charges in respect of providing information in accordance with regulations made under paragraph (f); and

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(j) make provision for the purpose of enabling the person responsible for a pension arrangement to recover prescribed charges in respect of complying with an order under section 67 so far as it includes provision made by virtue of section 117 or 118.

(3) Regulations made under subsection (2)(e), (g) or (h) may include provision for calculation or verification in accordance with guidance from time to time prepared by a person designated for the purpose by the Minister with responsibility for finance.

(4) Regulations made under subsection (2) may make different provision for different cases.

(5) The Minister with responsibility for finance may by regulations make provision for the purpose of enabling the person responsible for a pension arrangement involved in pension sharing to recover from the parties to pension sharing prescribed charges in respect of prescribed descriptions of pension sharing activity.

(6) Regulations made under subsection (5) may include−

(a) provision for the start of the implementation period for a pension credit to be postponed in prescribed circumstances;

(b) provision, in relation to payments in respect of charges recoverable under the regulations, for reimbursement as between the parties to pension sharing; and

(c) provision for the recovery in prescribed circumstances of such additional amounts as may be determined in accordance with the regulations.

(7) In subsection (6)−

(a) the reference to the relevant order or provision is to the order or provision which gives rise to the pension sharing; and

(b) the reference to the transferor is to the person to whose rights that order or provision relates.

(8) For the purposes of subsection (5), a pension arrangement is involved in pension sharing where any regulation made under this section in respect of the creation, calculation and verification of pension debit and pension credit applies by virtue of an order or provision which relates to the arrangement.

(9) In subsection (5), the reference to pension sharing activity is to activity attributable (directly or indirectly) to the involvement in pension sharing.

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(10) The Minister with responsibility for finance may by Regulations make provision about the calculation and verification of cash equivalents.

(11) The power conferred by subsection (10) includes power to provide for calculation or verification−

(a) in such manner as may, in the particular case, be approved by a person prescribed by the regulations; or

(b) in accordance with guidance from time to time prepared by a person so prescribed.

(12) For the purposes of this Act or any regulations made under this section, the implementation period for a pension credit is the period of 4 months beginning with the later of−

(a) the day on which the relevant order or provision takes effect; and

(b) the first day on which the person responsible for the pension arrangement to which the relevant order or provision relates is in receipt of−

(i) the relevant documents, and

(ii) such information relating to the transferor and transferee as the Minister with responsibility for finance may prescribe by regulations.

(13) The reference in subsection (12)(b)(i) to the relevant documents is to copies of−

(a) the relevant order or provision; and

(b) the order responsible for the dissolution, or annulment of the civil partnership to which it relates.

(14) Subsection (12) is subject to any provision made by Regulations under subsection (6)(c).

(15) The Minister with responsibility for finance may by Regulations−

(a) make provision requiring a person subject to liability in respect of a pension credit to notify the transferor and transferee of the day on which the implementation period for the credit begins; and

(b) provide for subsection (12) to have effect with modifications where the pension credit depends on a pension sharing order and the order is the subject of an application for leave to appeal out of time.

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(16) In subsections (12) and (13)−

"relevant order or provision", in relation to a pension credit, means the pension sharing order or provision on which the pension credit depends;

"transferor" means the person to whose rights the relevant order or provision relates;

"transferee" means the person for whose benefit the relevant order or provision is made.

(17) In this section "prescribed" means prescribed in Regulations made under subsection (5), (11) or (12)(b)(ii).

(18) In this section and sections 116 and 117−

"the party with pension rights" means the party to the civil partnership who has or is likely to have benefits under a pension arrangement and "the other party" means the other party to the civil partnership;

"pension arrangement" means−

(a) an occupational pension scheme;

(b) a personal pension scheme;

(c) a retirement annuity contract; and

(d) an annuity or insurance policy purchased, or transferred, for the purpose of giving effect to rights under an occupational pension scheme or a personal pension scheme;

and for the purposes of this Part, "pension arrangement" may include any gratuity that is part of the retirement benefits.

"prescribed" means prescribed by Regulations;

"trustees or managers", in relation to an occupational pension scheme or a personal pension scheme, means−

(a) in the case of a scheme established under a trust, the trustees of the scheme; and

(b) in any other case, the managers of the scheme.

(19) In this section and sections 116 and 117, references to the person responsible for a pension arrangement are−

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(a) in the case of an occupational pension scheme or a personal pension scheme, to the trustees or managers of the scheme;

(b) in the case of a retirement annuity contract or an annuity falling within paragraph (d) of the definition of "pension arrangement" mentioned in subsection (18), the provider of the annuity; and

(c) in the case of an insurance policy falling within paragraph (d) of the definition of that expression, the insurer.

**Discharge of pension sharing orders on making of separation order.**

120. Where, after the making of a pension sharing order under section 94 in relation to a civil partnership, a separation order is made in relation to the civil partnership, the pension sharing order is discharged.

**Appeals relating to pension sharing orders which have taken effect.**

121.(1) Subsection (2) applies where an appeal against a pension sharing order is begun on or after the day on which the order takes effect.

(2) If the pension sharing order relates to a person's rights under a pension arrangement, the appeal court may not set aside or vary the order if the person responsible for the pension arrangement has acted to his detriment in reliance on the taking effect of the order.

(3) In determining for the purposes of subsection (2) whether a person has acted to his detriment in reliance on the taking effect of the order, the appeal court may disregard any detriment which in its opinion is insignificant.

(4) Where subsection (2) applies, the appeal court may make such further orders (including one or more pension sharing orders) as it thinks fit for the purpose of putting the parties in the position it considers appropriate.

(5) Section 116 only applies to a pension sharing order under this section if the decision of the appeal court can itself be the subject of an appeal.

**Power to make further provision in connection with civil partnership.**

122. The Government may make such further provision (including supplementary, incidental, consequential, transitory, transitional or saving provision) as it considers appropriate–

(a) for the general purpose, or any particular purpose of this Act;

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(b) in consequence of any provision made by or under this Act; or

(c) for giving full effect to this Act or any provision of it.

**Rules.**

123. The Chief Justice may make rules for the better carrying out of the purposes and provisions of this Act and in particular, but without prejudice to the generality of the foregoing, may make rules–

(a) as to all matters of procedure under this Act;

(b) prescribing the forms to be used and in proceedings under this Act;

(c) with regard to any matter as to which rules may be made under this Act.

**Fees.**

124. The Minister with responsibility for personal status may by regulations prescribe any fees to be paid in connection with any proceedings or related matters under this Act.

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**SCHEDULE 1**

Section 6(2)

**PROHIBITED DEGREES OF RELATIONSHIP**

**PART 1**
THE PROHIBITIONS

*Absolute prohibitions*

1.(1) Two people are within prohibited degrees of relationship if one falls within the list below in relation to the other.

Adoptive child

Adoptive parent

Child

Former adoptive child

Former adoptive parent

Grandparent

Grandchild

Parent

Parent's sibling

Sibling

Sibling's child

(2) In the list "sibling" means a brother, sister, half-brother or half-sister.

*Qualified prohibitions*

2.(1) Two people are within prohibited degrees of relationship if one of them falls within the list below in relation to the other, unless−

(a) both of them have reached 21 at the time when they register as civil partners of each other; and

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(b) the younger has not at any time before reaching 18 been a child of the family in relation to the other.

Child of former civil partner

Child of former spouse

Former civil partner of grandparent

Former civil partner of parent

Former spouse of grandparent

Former spouse of parent

Grandchild of former civil partner

Grandchild of former spouse

(2) "Child of the family", in relation to another person, means a person who−

(a) has lived in the same household as that other person; and

(b) has been treated by that other person as a child of his family.

3. Two people are within prohibited degrees of relationship if one falls within column 1 of the table below in relation to the other, unless−

(a) both of them have reached 21 at the time when they register as civil partners of each other; and

(b) the persons who fall within column 2 are dead.

| *Relationship* | *Relevant deaths* |
|---|---|
| Former civil partner of child | The child |
| | The child's other parent |
| Former spouse of child | The child |
| | The child's other parent |
| Parent of former civil partner | The former civil partner |

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| | |
|---|---|
| Parent of former spouse | The former civil partner's other parent<br>The former spouse<br>The former spouse's other parent |

**PART 2**
SPECIAL PROVISIONS RELATING TO QUALIFIED PROHIBITIONS

*Provisions relating to paragraph 2*

4. Paragraphs 5 to 7 apply where two people are subject to paragraph 2 but intend to register as civil partners of each other by signing a civil partnership schedule.

5.(1) The fact that a notice of proposed civil partnership has been given must not be recorded in the register unless the Registrar−

(a) is satisfied by the production of evidence that both the proposed civil partners have reached 21; and

(b) has received a declaration made by each of the proposed civil partners−

(i) specifying their affinal relationship, and

(ii) declaring that the younger of them has not at any time before reaching 18 been a child of the family in relation to the other.

(2) Sub-paragraph (1) does not apply if a declaration is obtained under paragraph 7.

(3) A declaration under sub-paragraph (1)(b) must contain such information and must be signed and attested in such manner as may be prescribed by regulations.

(4) The fact that the Registrar has received a declaration under sub-paragraph (1)(b) must be recorded in the register.

(5) A declaration under sub-paragraph (1)(b) must be filed and kept by the Registrar.

6.(1) Sub-paragraph (2) applies if−

(a) the Registrar receives from a person who is not one of the proposed civil partners a written statement signed by that person which alleges that a declaration made under paragraph 5 is false in a material particular; and

(b) the register shows that such a statement has been received.

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(2) The Registrar must not issue a civil partnership schedule unless a declaration is obtained from the Court under paragraph 7.

7.(1) Either of the proposed civil partners may apply to the Court for a declaration that, given that−

(a) both of them have reached 21; and

(b) the younger of those persons has not at any time before reaching 18 been a child of the family in relation to the other,

there is no impediment of affinity to the formation of the civil partnership.

(2) Such an application may be made whether or not any statement has been received by the Registrar under paragraph 6.

8. Section 13 (objection to proposed civil partnership) does not apply in relation to a civil partnership to which paragraphs 5 to 7 apply, except so far as an objection to the issue of a civil partnership schedule is made under that section on a ground other than the affinity between the proposed civil partners.

*Provisions relating to paragraph 3*

9.(1) This paragraph applies where two people are subject to paragraph 3 but intend to register as civil partners of each other by signing a civil partnership schedule.

(2) The fact that a notice of proposed civil partnership has been given must not be recorded in the register unless the Registrar is satisfied by the production of evidence−

(a) that both the proposed civil partners have reached 21; and

(b) that the persons referred to in paragraph 3(b) are dead.

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**SCHEDULE 2**

Sections 7, 14, 30

**CIVIL PARTNERSHIPS OF PERSONS UNDER 18**

**PART 1**
APPROPRIATE PERSONS

1. Column 2 of the table specifies the appropriate persons (or person) to give consent to a child whose circumstances fall within column 1 and who intends to register as the civil partner of another−

| *Case* | *Appropriate persons* |
|---|---|
| 1. The circumstances do not fall within any of items 2 to 8. | Each of the following−<br>(a) any parent of the child who has parental responsibility for that child, and<br>(b) any guardian of the child. |
| 2. A special guardianship order is in force with respect to the child and the circumstances do not fall within any of items 3 to 7. | Each of the child's special guardians. |
| 3. A care order has effect with respect to the child. | Each of the following−<br>(a) the local authority designated in the order, and<br>(b) each parent, guardian or special guardian (in so far as their parental responsibility has not been restricted under the 2009 Act). |
| 4. A residence order has effect with respect to the child. | Each of the persons with whom the child lives, or is to live, as a result of the order. |
| 5. An adoption agency is authorised to place the child for adoption under the Adoption Act 2023. | Either–<br>(a) the adoption agency, or<br>(b) if a care order has effect with respect to the child, the local authority designated in the order. |

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| | |
|---|---|
| 6. A placement order is in force with respect to the child. | The local authority authorised by the placement order to place the child for adoption. |
| 7. The child has been placed for adoption with prospective adopters. | The prospective adopters (in so far as their parental responsibility has not been restricted under the Adoption Act 2023, in addition to any person specified in relation to item 5 or 6. |
| 8. The circumstances do not fall within any of items 2 to 4, but a residence order was in force with respect to the child immediately before he reached 16. | The persons with whom the child lived, or was to live, as a result of the order. |

2. In the table–

"the 2009 Act" means the Children Act 2009 and "guardian of a child", "parental responsibility", "residence order", "special guardian", "special guardianship order" and "care order" have the same meaning as in that Act;

"adoption agency", "placed for adoption", "placement order" and "local authority" have the same meaning as in the Adoption Act 2023;

"appropriate local authority" means the local authority authorised by the placement order to place the child for adoption.

**PART 2**

*Section* 7(2)

**OBTAINING CONSENT: GENERAL**

*Consent of appropriate person unobtainable*

3.(1) This paragraph applies if–

(a) a child and another person intend to register as civil partners of each other under any procedure other than the special procedure; and

(b) the Registrar to whom the child gives a notice of proposed civil partnership is satisfied that the consent of a person whose consent is required ("A") cannot be obtained because A is absent, inaccessible or under a disability.

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(2) If there is any other person whose consent is also required, the Registrar must dispense with the need for A's consent.

(3) If no other person's consent is required−

(a) the Registrar may dispense with the need for any consent, or

(b) the Court may, on an application being made to it, consent to the child registering as the civil partner of the other person mentioned in sub-paragraph (1)(a).

(4) The consent of the Court under sub-paragraph (3)(b) has the same effect as if it had been given by A.

*Consent of appropriate person refused*

4.(1) This paragraph applies if−

(a) a child and another person intend to register as civil partners of each other under any procedure other than the special procedure; and

(b) any person whose consent is required refuses his consent.

(2) The Court may, on an application being made to it, consent to the child registering as the civil partner of the person mentioned in sub-paragraph (1)(a).

(3) The consent of the court under sub-paragraph (2) has the same effect as if it had been given by the person who has refused his consent.

*Declaration*

5. If one of the proposed civil partners is a child and is not a surviving civil partner, the necessary declaration under section 9 must also−

(a) state in relation to each appropriate person−

(i) that that person's consent has been obtained,

(ii) that the need to obtain that person's consent has been dispensed with under paragraph 3, or

(iii) that the court has given consent under paragraph 3 or 4, or

(b) state that no person exists whose consent is required to a civil partnership between the child and another person.

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*Forbidding proposed civil partnership*

6.(1) This paragraph applies if it has been recorded in the register that a notice of proposed civil partnership between a child and another person has been given.

(2) Any person whose consent is required to a child and another person registering as civil partners of each other may forbid the issue of a civil partnership schedule by giving the Registrar written notice that he forbids it.

(3) A notice under sub-paragraph (2) must specify−

(a) the name of the person giving it;

(b) his place of residence; and

(c) the capacity, in relation to either of the proposed civil partners, in which he forbids the issue of the civil partnership schedule.

(4) On receiving the notice, the Registrar must as soon as is practicable record in the register the fact that the issue of a civil partnership schedule has been forbidden.

(5) If the issue of a civil partnership schedule has been forbidden under this paragraph, the notice of proposed civil partnership and all proceedings on it are void.

(6) Sub-paragraphs (2) and (5) do not apply if the court has given its consent under paragraph 3 or 4.

*Evidence*

7.(1) This paragraph applies if, for the purpose of obtaining a civil partnership schedule, a person declares that the consent of any person or persons whose consent is required under section 4 has been given.

(2) The Registrar may refuse to issue the civil partnership schedule unless satisfied by the production of written evidence that the consent of that person or those persons has in fact been given.

*Issue of civil partnership schedule*

8. The duty in section 14(1) to issue a civil partnership schedule does not apply if its issue has been forbidden under paragraph 6.

9. If a proposed civil partnership is between a child and another person, the civil partnership schedule must contain a statement that the issue of the civil partnership schedule has not been forbidden under paragraph 6.

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**PART 3**
OBTAINING CONSENT: SPECIAL PROCEDURE

*Consent of appropriate person unobtainable or refused*

10.(1) Sub-paragraph (2) applies if−

(a) a child and another person intend to register as civil partners of each other under the special procedure; and

(b) the Registrar is satisfied that the consent of a person ("A") whose consent is required cannot be obtained because A is absent, inaccessible, or under a disability.

(2) If this sub-paragraph applies−

(a) the Registrar may dispense with the need for A's consent (whether or not there is any other person whose consent is also required); or

(b) the Court may, on application being made, consent to the child registering as the civil partner of the person mentioned in sub-paragraph (1)(a).

(3) The consent of the Court under sub-paragraph (2)(b) has the same effect as if it had been given by A.

(4) Sub-paragraph (5) applies if−

(a) a child and another person intend to register as civil partners of each other under the special procedure; and

(b) any person whose consent is required refuses his consent.

(5) The Court may, on application being made, consent to the child registering as the civil partner of the person mentioned in sub-paragraph (4)(a).

(6) The consent of the Court under sub-paragraph (5) has the same effect as if it had been given by the person who has refused his consent.

*Declaration*

11. If one of the proposed civil partners is a child and is not a surviving civil partner, the necessary declaration under section 9 must also−

(a) state in relation to each appropriate person−

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(i) that that person's consent has been obtained,

(ii) that the need to obtain that person's consent has been dispensed with under paragraph 10(2), or

(iii) that the court has given consent under paragraph 10(2) or (5), or

(b) state that no person exists whose consent is required to a civil partnership between the child and another person.

*Forbidding proposed civil partnership*

12. Paragraph 6 applies in relation to the special procedure as if–

(a) any reference to forbidding the issue of a civil partnership schedule were a reference to forbidding the Registrar to give authority for the issue of his licence; and

(b) sub-paragraph (6) referred to the Court giving its consent under paragraph 10(2) or (5).

*Evidence*

13.(1) This paragraph applies–

(a) if a child and another person intend to register as civil partners of each other under the special procedure; and

(b) the consent of any person ("A") is required to the child registering as the civil partner of that person.

(2) The person giving the notice (under section 9) of a proposed civil partnership to the Registrar must produce to the authority such evidence as the Registrar may require to satisfy him that A's consent has in fact been given.

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## SCHEDULE 3

Section 61

## AMENDMENTS TO THE MARRIED WOMEN ACT

**Amendments to the Married Women Act.**

1. In the short title after "women" insert "and civil partners".

2. In section 2 (Interpretation), at subsection (2)−

   (a) after "married women" (in each place) insert "or civil partner";

   (b) after "marriage" insert "or in the case of civil partners, either before or after his or her civil partnership",

   (c) after "husband" insert "or his or her civil partner"; and

   (d) after "he" insert "or in the case of civil partners, he or she".

3. In section 3 (Stock, etc., to which married woman is entitled)−

   (a) insert "or civil partner" after "woman" in title;

   (b) after "standing in her name" insert "or in the case of civil partners, his or her name";

   (c) after "married woman" (in each place) insert "or civil partner";

   (d) after "evidence that she" insert "or he or she in the case of civil partners";

   (e) after "empower her" insert "or him or her in the case of civil partners"; and

   (f) after "husband" insert "or civil partner".

4. In section 4 (Stock, etc. to be transferred, etc. to a married woman)−

   (a) insert "or civil partner" after "woman" in title;

   (b) after "married woman" insert "or civil partner";

   (c) after "to be her property" insert "or in the case of civil partners, his or her property"; and

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(d) after “thereto” insert “he or”.

5. In section 5 (Investments in joint names of married woman and others)−

(a) insert “or civil partners” after “woman” in the title;

(b) after “of a married woman” (in each place) insert “or civil partner”;

(c) after “of the married woman”, insert “or civil partner”; and

(d) after “husband” insert “or in the case of civil partners, any civil partner jointly with any person other than their civil partner”.

6. In section 6 (Stock, etc., to be transferred, etc ., to a married woman)−

(a) insert “or civil partner” after “woman” in the title;

(b) after “married woman” (in each place except for after “husband of any married woman”) insert “or civil partner”;

(c) after “husband of any married woman” insert “or civil partners”;

(d) after “her interest” insert “or in the case of civil partners, his or her interest”; and

(e) after “her husband” insert “or his or her civil partner”.

7. In section 7 (Fraudulent investments with money of husbands)−

(a) insert “or civil partner” after “husband” in title;

(b) after “married woman” insert “or civil partner”;

(c) after “without his consent” insert, or in the case of civil partners, by a civil partner by means of money of his or her civil partner, without his or her consent”;

(d) after “the husband” (in each place) insert “or the relevant civil partner”;

(e) after “by a husband to his wife” insert “or by a civil partner to their civil partner”; and

(f) after “the name of his wife” insert “or corresponding civil partner”.

8. In section 8 (Moneys payable under policy of assurance not to form part of estate of the insured)−

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(a) in subsection (1), after "married woman" insert "or civil partner",

(b) in subsection (1), after "policy upon" insert "his or",

(c) in subsection (1), after "for" insert "his or",

(d) after "husband" (in each place) insert "or his or her civil partner",

(e) in subsection (2), after "benefit of his wife" insert "or civil partner", and

(f) in subsection (2), after "benefit of her husband" insert "or civil partner".

9. In section 9 (Wife's antenuptial debts and liabilities)−

(a) insert "or civil partner's" after "Wife's" in title, and

(b) after "marriage" (in each place) insert "or civil partnership".

10. In section 10 (Questions between husband and wife as to property to be decided in a summary way)−

(a) insert "or civil partner" after "wife" in title, and

(b) in subsection (1) after "wife" insert "or civil partners".

11. In section 11 (Actions in tort between husband and wife)−

(a) insert "or civil partners" after "wife" in title,

(b) after "marriage" (in each place)insert "or civil partnership", and

(c) in subsection (1), after "married" insert "or in a civil partnership".

12. In section 12 (Married woman as executrix or trustee)−

(a) insert "or civil partners" after "woman" in title;

(b) after "married woman" insert "or civil partner"; and

(c) after "feme sole" insert "or in the case of civil partners, without his or her civil partner, as if he or she was not in a civil partnership".

13. In section 13 (Saving of power to make settlements)−

(a) after "marriage" insert "or civil partnership";

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(b) after "married woman" insert "or civil partner";

(c) after "such woman" insert "or man, in the case of a civil partnership"; and

(d) after "by a man" insert "or woman, in the case of a civil partnership".

14. In section 14 (Married woman entitled to prior estate to be protector of settlement alone)−

(a) insert "or civil partners" after "woman" in title; and

(b) in subsection (1), after "woman" insert "or civil partner".

15. In section 15 (Capacity of married women)−

(a) insert "or civil partners" after "women" in title;

(b) after "married woman" insert "or civil partner"; and

(c) in subsection (b), after "rendering herself" insert "or in the case of civil partners, himself or herself".

16. In section 17 (Abolition of husband's liability for wife's torts and antenuptial contracts, debts and obligations)−

(a) insert "or civil partner's" after "husband's" in title;

(b) insert "or civil partner's" after "wife's" in title;

(c) after "married woman" insert "or a civil partner";

(d) after "her husband" insert "or his or her civil partner";

(e) in subsection (a), after "committed by her" insert "or in the case of civil partners, by him or her",

(f) in subsection (a), after "marriage" insert "or civil partnership"; and

(g) in subsection (a), after "marriage" insert "or him or her before the civil partnership".

17. In section 19 (Savings), after "wife", (in each place) insert "or civil partners".

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**SCHEDULE 4**

Section 62

**WILLS, ADMINISTRATION OF ESTATES AND FAMILY PROVISION**

**PART 1**
WILLS

**Amendments to the Wills Act 2009.**

1. In section 14 (Gifts to an attesting witness is void), in subsection (1), after "wife or husband" (in each place) insert "or civil partner".

2. In section 15 (Creditor attesting to be admitted as a witness), after "wife or husband" insert "or civil partner".

3. In section 17 (Revocation of wills by marriage, except in certain cases)−

(a) insert "and civil partnership's" after "marriage" in title;

(b) after "marriage" (in each place except for the title) insert "or civil partnership"; and

(c) in subsection (3) after "married" insert "or enter into a civil partnership".

4. In section 18 (Effect of dissolution or annulment of marriage on wills)−

(a) after "marriage" (in each place including the title) insert "or civil partnership"; and

(b) after "spouse" (in each place) insert "or civil partner".

**PART 2**
ADMINISTRATION OF ESTATES

**Amendments to the Public Trustee Act.**

1. In section 10(1), after "widower, widow" (in both places) insert "surviving partner".

**Amendments to the Administration of Estates Act.**

1. In section 2 (interpretation), in subsection (1), after marriage (in definition of "purchaser") insert "or civil partnership".

2. In section 51 (Succession to real and personal estate on intestacy)−

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(a) for “husband or wife” (in each place) substitute “husband, wife or civil partner”; and

(b) in subsection (2), after “wife” insert “or civil partners”.

3. In section 52 (Statutory trusts in favour of issue and other classes of relatives of intestate)−

(a) after “marry” (in each place) insert “or enter into a civil partnership”;

(b) in subsection (2)(b), after “married” insert “or enters into a civil partnership”; and

(c) in subsection (2)(c), after “marriage” insert “or civil partnership”.

4. In section 53 (Powers of personal representative in respect of interest of surviving spouse), for “husband or wife” (in each place) substitute “husband, wife or civil partner”.

5. In section 56 (Savings), in subsection (3), after “married” insert “or in a civil partnership”.

6. In section 59 (Revocation of nomination), in subsection (1)(b), after “marriage” insert “or civil partnership”.

7. In section 60 (Operation of nomination), in subsection (3), after “marriage” insert “or civil partnership”.

8. In the Second Schedule (Nomination for benefit under section 57), in subsection (2)−

(a) after “marry” insert “or enter into a civil partnership”; and

(b) after “marriage” (in each place) insert “or civil partnership”.

**Amendments to the Inheritance (Provisions for family and dependants) Act.**

1. In the Long Title insert “civil partner, former civil partner” after “spouse”.

2. In section 2 (Interpretation)−

(a) in subsection (1), after “former wife made under the Matrimonial Causes Act” insert ““former civil partner” means a person whose civil partnership with the deceased was during the deceased’s lifetime dissolved or annulled under the Civil Partnership Act 2014;”;

(b) in subsection (1), after “marriage” (definition of “Valuable Consideration”) insert “or civil partnership or a promise of civil partnership”;

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(c) in subsection (4), after "husband" insert "or civil partner";

(d) in subsection (4), after "marriage" (in each place) insert "or civil partnership",

(e) in subsection (5), after "remarried" insert "or entered into a subsequent civil partnership";

(f) in subsection (5), after "marriage" (in each place) insert "or civil partnership"; and

(g) in subsection (5), after "remarriage" insert "or subsequent civil partner".

3. In section 3 (Application for financial provision from deceased's estate)−

(a) in subsection (1)(a), for "wife or husband" substitute "wife, husband or civil partner";

(b) in subsection (1)(b), for "former wife or former husband" substitute "former wife, former husband or former civil partner";

(c) in subsection (1)(d), after "marriage" (in each place) insert "or civil partnership";

(d) in subsection (2)(a), for "husband or wife" (in each place) substitute husband, wife or civil partner";

(e) in subsection (2)(a), after "marriage" insert "or civil partnership";

(f) in subsection (2)(a), after "judicial separation" insert "or separation order"; and

(g) in subsection (2)(a), after "decree" insert "or order".

4. In section 4 (Powers of court to make orders), in subsection (1)(f), after "marriage" (in each place) insert "or civil partnership".

5. In section 4A (Orders for maintenance of surviving party to void marriage)−

(a) after "marriage" (in each place including the title) insert "or civil partnership";

(b) in subsection (2), after "remarries" insert "or enters into a civil partnership"; and

(c) after "remarriage" (in each place) insert "or civil partnership".

6. In section 5 (Matters to which the court is to have regard in exercising powers under section 4), in subsection (2)−

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(a) after "marriage" (in each place) insert "or civil partnership";

(b) for "wife or husband" substitute "wife, husband or civil partner";

(c) after "decree" insert "or order"; and

(d) after "divorce" insert "or dissolution order".

7. In section 8 (Variation, discharge, etc. of orders for periodical payments), in subsection (10)−

(a) after "marriage" insert "or civil partnership"; and

(b) for "former wife or former husband" (in each case) substitute "former wife, former husband or former civil partner".

8. In section 16 (Provisions as to cases where no financial relief was granted in divorce proceedings, etc.)−

(a) insert "or dissolution" after "divorce" in title;

(b) in subsection (1), for "decree of divorce or nullity of marriage" substitute (in each place) "decree of divorce, nullity of marriage or dissolution of a civil partnership";

(c) in subsection (1), after "absolute" (in each place) insert "or final";

(d) in subsection (1), after "decree" (in each place) insert "order";

(e) in subsection (1), after "judicial separation" (in each place) insert "or separation order";

(f) in subsection (1), after "marriage" (in each place) insert "or civil partnership;

(g) in subsection (1)(a), after "Matrimonial Causes Act" insert ", Civil Partnership Act 2014"; and

(h) in subsection (2), after "matrimonial" insert "or civil partnership".

9. In section 17 (Restriction imposed in divorce proceedings etc. on application under this Act)−

(a) after "Matrimonial Causes Act" (in each place) insert "or section 85 of the Civil Partnership Act 2014";

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(b) in subsection (1), for "decree of divorce or nullity of marriage" substitute "decree of divorce, nullity of marriage or dissolution of a civil partnership;

(c) after "party to a marriage" (in each place) insert "or civil partnership",

(d) after "party to that marriage" (in each place) insert "or civil partnership", and

(e) in subsection (2), after "decree" (in each place) insert "or order".

10. In section 18 (Variation and discharge of secured periodical payments orders made under the Matrimonial Causes Act), after "Matrimonial Causes Act" insert (in each place including the title) "or Civil Partnership Act 2014".

11. In section 19 (Variation and revocation of maintenance agreements), in subsection (4), after "marriage" (in each place) insert "or civil partnership".

12. In section 20 (Effect, duration and form orders), in section 2−

(a) in subsection (a), substitute "former husband or former wife" for "former husband, former wife or former civil partner",

(b) in subsection (b), substitute "husband or wife" for "husband, wife or civil partner",

(c) in subsection (b), after "marriage" insert "or civil partner",

(d) in subsection (b), after "decree" (in each place) insert "or order", and

(e) after "remarriage" insert "or civil partner".

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**SCHEDULE 5**

Section 63

**FINANCIAL RELIEF IN GIBRALTAR AFTER OVERSEAS DISSOLUTION ETC. OF A CIVIL PARTNERSHIP**

**PART 1**
FINANCIAL RELIEF

**Part applies where civil partnership has been dissolved etc. overseas**

1.(1) This Part of this Schedule applies where−

(a) a civil partnership has been dissolved or annulled, or the civil partners have been legally separated, by means of judicial or other proceedings in an overseas country, and

(b) the dissolution, annulment or legal separation is entitled to be recognised as valid in Gibraltar.

(2) This Part of this Schedule applies even if the date of the dissolution, annulment or legal separation is earlier than the date on which the Part comes into force.

(3) In this Schedule "overseas country" means a country or territory outside Gibraltar.

(4) In this Part of this Schedule "child of the family" means-

(a) child of both of the civil partners, and

(b) any other child, other than a child placed with them as foster parents or by a local authority or voluntary organisation, who has been treated by both the civil partners as a child of their family.

**Either civil partner may make application for financial relief.**

2.(1) Either of the civil partners may make an application to the court for an order under paragraph 9 or 13.

(2) The rights conferred by sub-paragraph (1) are subject to−

(a) paragraph 3 (civil partner may not apply after forming subsequent civil partnership etc.), and

(b) paragraph 4 (application may not be made until leave to make it has been granted).

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(3) An application for an order under paragraph 9 or 13 must be made in a manner prescribed by rules of court.

**No application after formation of subsequent civil partnership or marriage.**

3.(1) If–

(a) the civil partnership has been dissolved or annulled, and

(b) after the dissolution or annulment, one of the civil partners forms a subsequent civil partnership or marriage,

that civil partner shall not be entitled to make, in relation to the civil partnership, an application for an order under paragraph 9 or 13.

(2) The reference in sub-paragraph (1) to the forming of a subsequent civil partnership or marriage includes a reference to the forming of a civil partnership or marriage which is by law void or voidable.

**Leave of court required for making of application.**

4.(1) No application for an order under paragraph 9 or 13 shall be made unless the leave of the court has been obtained in accordance with rules of court.

(2) The court shall not grant leave under this paragraph unless it considers that there is substantial ground for the making of an application for such an order.

(3) The Court may grant leave under this paragraph notwithstanding that an order has been made by a court in a country outside Gibraltar requiring the other civil partner to make any payment, or transfer any property, to the applicant.

(4) Leave under this paragraph may be granted subject to such conditions as the court thinks fit.

**Interim orders for maintenance.**

5.(1) Where–

(a) leave is granted under paragraph 4, and

(b) it appears to the court that the civil partner who applied for leave, or any child of the family, is in immediate need of financial assistance,

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the court may, subject to sub-paragraph (4), make an interim order for maintenance.

(2) An interim order for maintenance is one requiring the other civil partner to make–

(a) to the applicant,

such periodical payments as the court thinks reasonable for such term as the court thinks reasonable.

(3) The term must be one–

(a) beginning not earlier than the date of the grant of leave, and

(b) ending with the date of the determination of the application made under the leave.

(4) If it appears to the court that the court will, in the event of an application being made under the leave, have jurisdiction to entertain the application only under paragraph 7(4), the court shall not make an interim order under this paragraph.

(5) An interim order under this paragraph may be made subject to such conditions as the court thinks fit.

**Paragraphs 7 and 8 apply where application made for relief under paragraph 9 or 13.**

6. Paragraphs 7 and 8 apply where–

(a) one of the civil partners has been granted leave under paragraph 4, and

(b) acting under the leave, that civil partner makes an application for an order under paragraph 9 or 13.

**Jurisdiction of the court.**

7.(1) The court shall have jurisdiction to entertain the application only if one or more of the following jurisdictional requirements is satisfied.

(2) The first requirement is that either or the civil partners–

(a) was domiciled in Gibraltar on the date when the leave was applied for, or

(b) was domiciled in Gibraltar on the date when the dissolution, annulment or legal separation took effect in the overseas country in which it was obtained.

(3) The second is that either of the civil partners–

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(a) was habitually resident in Gibraltar throughout the period of one year ending with the date when the leave was applied for; or

(b) was habitually resident in Gibraltar throughout the period of one year ending with the date on which the dissolution, annulment or legal separation took effect in the overseas country in which it was obtained.

(4) The third is that either or both of the civil partners had, at the date when the leave was applied for, a beneficial interest in possession in a dwelling-house situated in Gibraltar which was at some time during the civil partnership a civil partnership home of the civil partners.

(5) In sub-paragraph (4) "possession" includes receipt of, or the right to receive, rents and profits, but here "rent" does not include mortgage interest.

**Duty of the court to consider whether Gibraltar is appropriate venue for application.**

8.(1) Before deciding the application, the court must consider whether in all the circumstances of the case it would be appropriate for an order of the kind applied for to be made by a court in Gibraltar.

(2) If the court is not satisfied that it would be appropriate, the court shall dismiss the application.

(3) The court must, in particular, have regard to the following matters–

(a) the connection which the civil partners have with Gibraltar;

(b) the connection which the civil partners have with the country in which the civil partnership was dissolved or annulled or in which they were legally separated;

(c) the connection which the civil partners have with any other country outside Gibraltar;

(d) any financial benefit which, in consequence of the dissolution, annulment or legal separation–

(i) the applicant, or

(ii) a child of the family,

has received, or is likely to receive, by virtue of any agreement or the operation of the law of a country outside Gibraltar;

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(e) in a case where an order has been made by a court in a country outside Gibraltar requiring the other civil partner–

(i) to make any payment, or

(ii) to transfer any property,

for the benefit of the applicant or a child of the family, the financial relief given by the order and the extent to which the order has been complied with or is likely to be complied with;

(f) any right which the applicant has, or has had, to apply for financial relief from the other civil partner under the law of any country outside Gibraltar and, if the applicant has omitted to exercise that right, the reason for that omission;

(g) the availability in Gibraltar of any property in respect of which an order under this Schedule in favour of the applicant could be made;

(h) the extent to which any order made under this Schedule is likely to be enforceable;

(i) the length of time which has elapsed since the date of the dissolution, annulment or legal separation.

**Orders for financial provision, property adjustment and pension sharing.**

9.(1) Sub-paragraphs (2) and (3) apply where one of the civil partners has made an application for an order under this paragraph.

(2) If the civil partnership has been dissolved or annulled, the court may on the application make any one or more of the orders which it could make under sections 65 to 84 and sections 112 to 121 (financial provision, property adjustment and pension sharing) if a dissolution order or nullity order had been made in respect of the civil partnership under Chapter 2 of Part 2 of this Act.

(3) If the civil partners have been legally separated, the court may on the application make any one or more of the orders which it could make under sections 65 to 84 (financial provision and property adjustment) if a separation order had been made in respect of the civil partners under Chapter 2 of Part 2 of this Act.

(4) Where under sub-paragraph (2) or (3) the court makes–

(a) an order which, if made under sections 65 to 84, would be a secured periodical payments order;

(b) an order for the payment of a lump sum, or

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(c) an order which, if made under Sections 65 to 84 of the Act, would be a property adjustment order,

then, on making that order or at any time afterwards, the court may make any order which it could make under 70 of the Act (sale of property) if the order under sub–paragraph (2) or (3) had been made under that section.

(5) The powers under sub-paragraphs (2) to (4) are subject to paragraph 11.

**Matters to which court is to have regard in exercising its powers under paragraph 9.**

10.(1) The court, in deciding–

(a) whether to exercise its powers under paragraph 9, and

(b) if so, in what way,

must act in accordance with this paragraph.

(2) The court must have regard to all the circumstances of the case, giving first consideration to the welfare, while under 18, of any child of the family who has not reached 18.

(3) The court, in exercising its powers under paragraph 9 in relation to one of the civil partners–

(a) must in particular have regard to the matters mentioned in paragraph 71(2) of the Act, and

(b) shall be under duties corresponding to those imposed by sub-paragraphs 72(1) and (2) of the Act where it decides to exercise under paragraph 9 powers corresponding to the powers referred to in those sub-paragraphs.

(4) The matters to which the court is to have regard under sub paragraph (3)(a), so far as relating to paragraph 71(2)(a) of the Act (regard to be had to financial resources) are any benefits under a pension arrangement which either of the civil partners has or is likely to have, whether or not in the foreseeable future.

(5) The matters to which the court is to have regard under sub paragraph (3)(a), so far as relating to paragraph 71(2)(H) of the Act (regard to be had to benefits that cease to be acquirable), are any benefits under a pension arrangement which, because of the dissolution or annulment of the civil partnership, one of the civil partners will lose the chance of acquiring.

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(6) The court, in exercising its powers under paragraph 9 in relation to a child of the family must in particular have regard to the matters mentioned in section 71(3) of the Civil Partnership Act 2014.

(7) The court, in exercising its powers under paragraph 9 against a civil partner ("A") in favour of a child of the family who is not A's child, must also have regard to the matters mentioned in section 71(4) of the Civil Partnership Act 2014.

(8) Where an order has been made by a court outside Gibraltar for–

(a) the making of payments; or

(b) the transfer of property,

by one of the civil partners, the court in considering in accordance with this paragraph the financial resources of the other civil partner, or a child of the family, shall have regard to the extent to which that order has been complied with or is likely to be complied with.

(9) In this paragraph–

(a) "pension arrangement" has the same meaning as in Section 112 of the Act; and

(b) references to benefits under a pension arrangement include any benefits by way of pension, whether under a pension arrangement or not.

**Restriction of powers under paragraph 9 where jurisdiction depends on civil partnership home in Gibraltar.**

11.(1) Sub-paragraphs (2) to (4) apply where the court has jurisdiction to entertain an application for an order under paragraph 9 only because a dwelling-house which was a civil partnership home of the civil partners is situated in Gibraltar.

(2) The court may make under paragraph 9 any one or more of the following orders (but no other)−

(a) an order that one of the civil partners shall pay to the other a specified lump sum;

(b) an order that one of the civil partners shall pay to a child of the family, or to a specified person for the benefit of a child of the family, a specified lump sum;

(c) an order that one of the civil partners shall transfer that civil partner's interest in the dwelling-house, or a specified part of that interest –

(i) to the other,

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(ii) to a child of the family,

(iii) to a specified person for the benefit of a child of the family;

(d) an order that a settlement of the interest of one of the civil partners in the dwelling-house, or a specified part of that interest, be made to the satisfaction of the court for the benefit of any one or more of–

(i) the other civil partner, or

(ii) either of them;

(e) an order varying for the benefit of any one or more of–

(i) the civil partners, or

(ii) either of them,

a relevant settlement so far as that settlement relates to an interest in the dwelling-house;

(f) an order extinguishing or reducing the interest of either of the civil partners under a relevant settlement so far as that interest is an interest in the dwelling-house;

(g) an order for the sale of the interest of one of the civil partners in the dwelling-house.

(3) Where under paragraph 9 the court makes just one order for the payment of a lump sum by one of the civil partners, the amount of the lump sum must not exceed the amount specified in sub-paragraph (5).

(4) Where under paragraph 9 the court makes two or more orders each of which is an order for the payment of a lump sum by the same civil partner, the total of the amounts of the lump sums must not exceed the amount specified in sub-paragraph (5).

(5) That amount is−

(a) if the interest of the paying civil partner in the dwelling-house is sold in pursuance of an order made under sub-paragraph (2)(g), the amount of the proceeds of sale of that interest after deducting from those proceeds any costs incurred in the sale of that interest;

(b) if that interest is not so sold, the amount which in the opinion of the court represents the value of that interest.

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(6) Where the interest of one of the civil partners in the dwelling-house is held jointly or in common with any other person or persons–

(a) the reference in sub-paragraph (2)(g) to the interest of one of the civil partners shall be construed as including a reference to the interest of that other person, or the interest of those other persons, in the dwelling-house, and

(b) the reference in sub-paragraph (5)(a) to the amount of the proceeds of a sale ordered under sub-paragraph (2)(g) shall be construed as a reference to that part of those proceeds which is attributable to the interest of that civil partner in the dwelling-house.

(7) In sub-paragraph (2)–

"relevant settlement" means a settlement made, during the subsistence of the civil partnership or in anticipation of its formation, on the civil partners, including one made by will or codicil;

"specified" means specified in the order.

**Consent orders under paragraph 9.**

12.(1) On an application for a consent order under paragraph 9, the court may make an order in the terms agreed on the basis only of the prescribed information furnished with the application.

(2) Sub-paragraph (1) does not apply if the court has reason to think that there are other circumstances into which it ought to inquire.

(3) Sub-paragraph (1) applies to an application for a consent order varying or discharging an order under paragraph 9 as it applies to an application for such an order.

(4) Sub-paragraph (1) applies despite paragraph 10.

(5) In this paragraph–

"consent order", in relation to an application for an order, means an order in the terms applied for to which the respondent agrees;

"prescribed" means prescribed by rules of court.

**Orders for transfers of tenancies of dwelling-houses.**

13 (1) This paragraph applies if-

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(a) an application is made by one of the civil partners for an order under this paragraph, and

(b) one of the civil partners is entitled, either in his own right or jointly with the other civil partner, to occupy a dwelling-house in Gibraltar by virtue of tenancy.

(2) The court may make in relation to that dwelling-house any order which it could make under section 84 of this Act if it had power to make a property adjustment order under section 69 of this Act with respect to the civil partnership.

**Application to orders under paragraphs 5 and 9 of provisions of Schedule 5.**

14.(1) The following sections of the Civil Partnership Act 2014 apply in relation to an order made under paragraph 5 or 9 of this Schedule as they apply in relation to a like order made under that section–

(a) sections 67(1) and (2) of the Act (lump sums);

(b) sections 70(2), 70(4), 70(5) and 70(6) of the Act (orders for sale);

(c) sections 113(3) to (5) and 116 of the Act (pension sharing);

(d) sections 117(2) to (8) and 67 of the Act;

(e) sections 75(1), (2), (8), (9), (10), 76, 78(6) and (7) of the Act;

(f) sections 79 and 80 of the Act;

(g) Sections 77 and 121 of the Act.

(2) Sub-paragraph (1)(d) does not apply where the court has jurisdiction to entertain an application for an order under paragraph 9 only because a dwelling-house which was a civil partnership home of the civil partners is situated in Gibraltar.

(3) Section 119 of the Act applies in relation to an order made under paragraph 9 of this Schedule by virtue of sub-paragraph (1)(d) above as it applies to an order made under section 65 to 84 by virtue of section 117 or 118 of the Act.

(4) The Minister may by regulations make for the purposes of this Schedule provision corresponding to any provision which may be made by him under section 119(2) of the Act.

(5) The power to make regulations under this section is exercisable by statutory instrument which is subject to annulment in pursuance of a resolution of Parliament.

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**Avoidance of transactions designed to defeat claims under paragraphs 5 and 9.**

15.(1) Sub-paragraphs (2) and (3) apply where one of the civil partners ("A") is granted leave under paragraph 4 to make an application for an order under paragraph 9.

(2) If the court is satisfied, on application by A, that the other civil partner ("B") is, with the intention of defeating a claim by A, about to–

(a) make any disposition; or

(b) transfer out of the jurisdiction, or otherwise deal with, any property, it may make such order as it thinks fit for restraining B from doing so or otherwise for protecting the claim.

(3) If the court is satisfied, on application by A–

(a) that the other civil partner ("B") has, with the intention of defeating a claim by A, made a reviewable disposition; and

(b) that, if the disposition were set aside–

(i) financial relief under paragraph 5 or 9, or

(ii) different financial relief under paragraph 5 or 9, would be granted to A,

it may make an order setting aside the disposition.

(4) If–

(a) an order under paragraph 5 or 9 has been made by the court at the instance of one of the civil partners ("A"), and

(b) the court is satisfied, on application by A, that the other civil partner ("B") has, with the intention of defeating a claim by A, made a reviewable disposition,

the court may make an order setting aside the disposition.

(5) Where the court has jurisdiction to entertain an application for an order under paragraph 9 only under paragraph 7(4), it shall not make any order under sub-paragraph (2), (3) or (4) in respect of any property other than the dwelling-house concerned.

(6) Where the court makes an order under sub-paragraph (3) or (4) setting aside a disposition, it shall give such consequential directions as it thinks fit for giving effect to the order (including directions requiring the making of any payments or the disposal of any property).

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(7) For the purposes of sub-paragraphs (3) and (4), but subject to sub-paragraph (8), any disposition made by B is a "reviewable disposition" (whether made before or after the commencement of A's application under that sub-paragraph).

(8) A disposition made by B is not a reviewable disposition for those purposes if made for valuable consideration (other than formation of a civil partnership) to a person who, at the time of the disposition, acted in relation to it in good faith and without notice of any intention on the part of B to defeat A's claim.

(9) A reference in this paragraph to defeating a claim by one of the civil partners is a reference to–

(a) preventing financial relief being granted, or reducing the amount of financial relief which might be granted, under paragraph 5 or 9 at the instance of that civil partner, or

(b) frustrating or impeding the enforcement of any order which might be, or has been, made under paragraph 5 or 9 at the instance of that civil partner.

**Presumptions for the purposes of paragraph 15.**

16.(1) Sub-paragraph (3) applies where–

(a) an application is made under paragraph 15(2) or (3) by one of the civil partners which respect to–

(i) a disposition which took place less than 3 years before the date of the application, or

(ii) a disposition or other dealing with property which is about to take place, and

(b) the court is satisfied that the disposition or other dealing would (apart from paragraph 15 and this paragraph of this Schedule) have the consequence of defeating a claim by the applicant.

(2) Sub-paragraph (3) also applies where–

(a) an application is made under paragraph 15(4) by one of the civil partners with respect to a disposition which took place less than 3 years before the date of the application, and

(b) the court is satisfied that the disposition has had the consequence of defeating a claim by the applicant.

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(3) It shall be presumed, unless the contrary is shown, that the person who–

(a) disposed of, or

(b) is about to dispose of or deal with the property,

did so, or (as the case may be) is about to do so, with the intention of defeating the applicant's claim.

(4) A reference in this paragraph to defeating a claim by one of the civil partners has the meaning given by paragraph 15(9).

**PART 2**
STEPS TO PREVENT AVOIDANCE PRIOR TO APPLICATION FOR LEAVE UNDER PARAGRAPH 4

**Prevention of transactions intended to defeat prospective claims under paragraphs 5 and 9.**

17.(1) If it appears to the court, on application by one of the persons ("A") who formed a civil partnership–

(a) that the civil partnership has been dissolved or annulled, or that the civil partners have been legally separated, by means of judicial or other proceedings in an overseas country,

(b) that A intends to apply for leave to make an application for an order under paragraph 9 as soon as he or she has been habitually resident in Gibraltar for the period of one year, and

(c) that the other civil partner ("B") is, with the intention of defeating A's claim, about to–

(i) make any disposition, or

(ii) transfer out of the jurisdiction, or otherwise deal with, any property,

the court may make such order as it thinks fit for restraining B from taking such action as is mentioned in paragraph (c).

(2) Sub-paragraph (1) applies even if the date of the dissolution, annulment or legal separation is earlier than the date on which that sub-paragraph comes into force.

(3) Sub-paragraph (4) applies where–

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(a) an application is made under sub-paragraph (1) with respect to–

(i) a disposition which took place less than 3 years before the date of the application, or

(ii) a disposition or other dealing with property which is about to take place, and

(b) the court is satisfied that the disposition or other dealing would (apart from this paragraph of this Schedule) have the consequence of defeating a claim by the applicant.

(4) It shall be presumed, unless the contrary is shown, that the person who–

(a) disposed of, or

(b) is about to dispose of or deal with the property,

did so, or (as the case may be) is about to do so, with the intention of defeating the applicant's claim.

(5) A reference in this paragraph to defeating a person's claim is a reference to preventing financial relief being granted, or reducing the amount of financial relief which might be granted, under paragraph 5 or 9 at the instance of that person.

**PART 3**
SUPPLEMENTARY

**Paragraphs 15 to 17: meaning of "disposition" and saving.**

18.(1) In paragraphs 15 to 17 "disposition" does not include any provision contained in a will or codicil but, with that exception, includes any conveyance, assurance or gift of property of any description, whether made by an instrument or otherwise.

(2) The provisions of paragraphs 15 to 17 are without prejudice to any power of the Supreme Court to grant injunctions under section 12 of the Supreme Court Act.

**Interpretation of Schedule.**

19. In this Schedule–

"the court" means the Supreme Court or, where a magistrates court has jurisdiction by virtue of sections 79 or 80 of the Civil Partnership Act 2014, the magistrates court.

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"dwelling-house" includes−

(a) any building, or part of a building, which is occupied as a dwelling, and

(b) any yard, garden, garage or outhouse belonging to, and occupied with, the dwelling-house;

"overseas country" has the meaning given by paragraph 1(3).

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**SCHEDULE 6**

Section 64

**FINANCIAL AND OTHER RELIEF IN THE SUPREME COURT**

**Amendments to the Maintenance Act.**

1. In the Long Title−

(a) after "matrimonial" insert "and civil partnership", and

(b) after "spouses" insert "civil partners".

2. In section 2 (Interpretation)−

(a) after "marriage" in the definition of "child" (in each place), insert "or a civil partnership";

(b) after "marriage" in the definition of "child of the family" insert "or a civil partnership";

(c) after "wife" in definition for "Cohabitees" insert "or two persons living together as civil partners"; and

(d) for "matrimonial order" substitute "matrimonial or civil partnership order".

3. In section 2A (Application of agreement under Part VIA of the Matrimonial Causes Act)−

(a) after "Matrimonial Causes Act" (in each place) insert "or Chapter 3 of the Civil Partnership", and

(b) for "that Part" substitute "the said Acts".

4. In the heading "Part IA *Matrimonial Orders",* after "*Matrimonial"* insert "or Civil Partnership".

5. In section 3 (Grounds of application for a matrimonial order)−

(a) after "matrimonial" (in each place including the title) insert "or civil partnership"; and

(b) after "marriage" (in each place) insert "or civil partnerships (as applicable)".

6. In section 4 (Powers of court to make matrimonial orders)−

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

(b) in subsection (1)(e), after "Act" insert "or Separation Order under the Civil Partnership Act 2014".

7. In section 5 (Matters to which the court is to have regard in exercising its powers under section 4)−

(a) in subsection (2), after "marriage" (in each place) insert "or civil partnership";

(b) in subsection (3)(e), after "marriage" insert "or civil partnership";

(c) in subsection (3)(f), after "marriage" insert "or civil partnership".

8. In section 6 (Duration of orders for financial provision for a party to a marriage)−

(a) after "marriage" (in each place including the title) insert "or civil partnership"; and

(b) after "remarriage" (in each place) insert "or subsequent civil partnership".

9. In section 8 (Orders for payments which have been agreed by the parties), after "marriage" (in each place) insert "or civil partnership".

10. In section 9 (Powers of court when parties are living apart by agreement), after "marriage" (in each place) insert "or civil partnership".

11. In section 10 (Restrictions on making of orders under this Act: welfare of children) after "marriage" insert "or civil partnership".

12. In section 11 (Interim Orders), in subsection (3), after "marriage" insert "or civil partnership".

13. In section 12 (Variation and revocation of orders for periodical payments) after "marriage" (in each place) insert "or civil partnership".

14. In section 15 (Effect on certain orders of parties living together), after "marriage" (in each place) insert "or civil partnership".

15 In section 16 (Reconciliation), after "marriage" (in each place) insert "or civil partnership".

16. In section 16C (Orders for repayment in certain cases of sums paid after cessation of order by reason of remarriage)−

(a) after "remarriage" (in each place) insert "or subsequent civil partnership", and

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(b) in subsection (5), after "remarried" insert "or entered into a subsequent civil partnership".

17. In section 30 (Interpretation of Part III), after the definition of "spouse" add the following definition for civil partners-

""Civil Partners" means two people of in a relationship–

(a) which is formed when they register as civil partners of each other in Gibraltar; and

(b) which they are treated under Chapter 1 of Part 3 of the Civil Partnership Act 2014 as having formed (at the time determined by the Register) by virtue of having registered an overseas relationship;",

18. In section 31 (Duty of person to maintain dependants), in subsection (1)(a), after "(a) his spouse" insert "or civil partner".

19. In section 40 (No maintenance order in certain cases), in subsection (a), after "matrimonial" insert "or civil partnership".

20. In section 48 (Interpretation of Part IV), in subsection (1), after "(iv) the Matrimonial Causes Act" insert "(v) the Civil Partnership Act 2014".

21. In section 62 (Application of Part V)−

(a) after "Matrimonial Causes Act" insert "or Chapter 3 of the Civil Partnership Act"; and

(b) after marriage (in each place) insert "or civil partnership".

22. In section 63 (Interpretation of Part V)−

(a) after "a marriage" (definition of "financial arrangements") (in each place) insert "or civil partnership";

(b) after "child of the marriage" (definition of "Child of the marriage") insert "or civil partnership"; and

(c) after "any child adopted by both parties to the marriage" insert "or civil partnership".

23. In section 65 (Alteration of maintenance agreements), in subsection (1), after "marriage" (in each place), insert "or civil partnership".

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24. In section 69 (Powers of a court to make orders for protection of a cohabite or of a party to a marriage or a child of the family)−

(a) after "marriage" (in each place) insert "or civil partnership"; and

(b) after "matrimonial home" (in each place) insert "or home in which the civil partnership live".

25. In section 70 (Supplementary provisions with respect to orders under section 69)−

(a) in subsection (1), after "marriage" insert "or civil partnership", and

(b) in subsection (4), after "matrimonial home" (in each place) insert "or home in which the civil partnership live".

26. In section 71 (Powers of arrest for breach of section 69 order)−

(a) after "matrimonial home" (in each place) insert "or home in which the civil partnership live"; and

(b) in subsection (5), after "marriage" (in each place) insert "or civil partnership".

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**SCHEDULE 7**

Section 88

**CHILDREN**

1.(1) The Children Act 2009 ("the 2009 Act") is amended in accordance with the following paragraphs.

(2) In section 2 (Interpretation), for the definition of "child of the family", in relation to the parties to a marriage, substitute–

"child of the family", in relation to parties to a marriage, or to two people who are civil partners of each other, means–

(a) a child of both of them, and

(b) any other child, not being a child who is placed with those parties as foster carer by the Agency, who has been treated by both of those parties as a child of their family."

(3) In the definition of "relative" in section 2 (Interpretation) for "by affinity" substitute "by marriage or civil partnership".

(4) In section 14(1) (parental responsibility of step-parents) after "is married to" insert ", or a civil partner of,".

(5) In section 16 of the 2009 Act (revocation and disclaimer of guardianship) after subsection (4) insert–

"(4A) An appointment under section 15(3),(4) or (5) (including one made in an unrevoked will or codicil) is revoked if the person appointed is the civil partner of the person who made the appointment and either–

(a) the court by order dissolves, or by decree annuls, the civil partnership; or

(b) the civil partnership is dissolved or annulled and the dissolution or annulment is entitled to recognition in Gibraltar by virtue of the Matrimonial Causes Act,

unless a contrary intention appears by the appointment.".

(6) In section 27(5) of the 2009 Act (power of court to make orders under section 25) after paragraph (a) insert–

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"(aa) any civil partner in a civil partnership (whether or not subsisting) in relation to whom the child is a child of the family".

(7) In section 49(6), after paragraph (b), insert–

"(c) 65 or 74 of the Civil Partnership Act 2014".

(8) In section 60(2) (Care Agency contribution to child's maintenance), after "husband or wife" insert "or civil partner".

(9) In section 63(2) (Interpretation for Part VII) substitute–

"(2) In this Part, except paragraph sections 49 and 60, "parent" includes–

(a) any party to a marriage (whether or not subsisting) in relation to whom the child concerned is a child of the family; and

(b) any civil partner in a civil partnership (whether or not subsisting) in relation to whom the child concerned is a child of the family;

and for this purpose any reference to either parent or both parents shall read as a reference to any parent of his and to all of his parents".

2. The Adoption Act is amended in section 5(2) (Who may apply), by inserting "or two civil partners" after "spouses".

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## SCHEDULE 8

Section 90

## HOUSING AND TENANCIES

**Amendments to the Housing Act 2007.**

The Housing Act 2007 is amended in accordance with the provisions of this Schedule.

1. In section 7 (Tenants in ownership of residential property)–

(a) in subsection (1), after "spouse" insert "or civil partner"; and

(b) In subsection (1)(a), after "spouse's" insert "or civil partner's".

2. In section 12 (New Tenancy or licence agreement), in subsection (a) and (b), for "widow or widower," substitute "widow, widower or surviving civil partner,".

3. In section 34 (Definition of "tenant")–

(a) in subsection (b)(i) and (ii), for "widow or widower," substitute "widow, widower or surviving civil partner,"; and

(b) in subsection (b)(iii), after "spouse" insert "or civil partner".

4. In section 53 (Sub-tenant's option to take surrendered tenancy), in section (4)(b), after "wife" insert "or civil partner".

5. In Schedule 5 (Possession or ejectment without proof or alternative accommodation), in subsection (h)(ii), after "wife" insert "or civil partnership".

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## SCHEDULE 9

Section 91

## FAMILY HOMES AND DOMESTIC VIOLENCE

**Amendments to the Domestic Violence and Matrimonial Proceedings Act, 1988.**

The Domestic Violence and Matrimonial Proceedings is amended in accordance with the provisions in this Schedule.

1. In section 2 (Interpretation), after "wife" (in definition for "cohabitees") insert "or two people living together as civil partners,

2. In section 3 (Matrimonial injunctions)-

(a) insert "or civil partnership" after "matrimonial" in the title;

(b) in subsections (1) and (2), after "marriage" (in each place) insert "or civil partnership"; and

(c) in subsections (1) and (2), after "home" (in each place) insert "or home in which the civil partners live".

3. In section 4 (Arrest for breach of injunction)–

(a) in subsections (1) and (2), after "marriage" (in each place) insert "or civil partnerships", and

(b) in subsection (1)(c), after "matrimonial home" insert "or home in which the civil partners live".

4. In section 6 (Rights concerning the matrimonial home)–

(a) in subsections (1) and (2), after "marriage" (in each place) insert "or civil partnerships"; and

(b) in subsections (1) and (2), after "home" (in each place) insert "or home in which the civil partners live".

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**SCHEDULE 10**

Section 93 and 94

**MEANING OF OVERSEAS RELATIONSHIPS; SPECIFIED RELATIONSHIPS**

A relationship is specified for the purposes of section 94 (meaning of "overseas relationship") if it is registered in a country or territory given in the first column of the table and fits the description given in relation to that country or territory in the second column−

| Country or territory | Description |
|---|---|
| Andorra | unió estable de parella |
| Argentina | marriage |
| Argentina: Autonomous City of Buenos Aires | unión civil |
| Australia: Australian Capital Territory | civil partnership |
| Australia: New South Wales | a relationship registered under the Relationships Register Act 2010 |
| Australia: Queensland | civil partnership |
| Australia: Tasmania | significant relationship |
| Australia: Victoria | registered domestic relationship |
| Austria | eingetragene Partnerschaft |
| Belgium | the relationship referred to as cohabitation légale, wettelijke samenwoning or gesetzliches zusammenwohnen |
| Belgium | marriage |
| Brazil | marriage |
| Brazil | união estável |
| Canada | marriage |
| Canada: Manitoba | the relationship referred to as common-law relationship or as union de fait |

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| | |
|---|---|
| Canada: Nova Scotia | domestic partnership |
| Canada: Quebec | the relationship referred to as union civile or as civil union |
| Colombia | unión de hecho |
| Czech Republic | registrované partnertsví |
| Denmark | marriage |
| Denmark | registreret partnerskab |
| Ecuador | unión civil |
| England & Wales, | marriage, civil partnership |
| Scotland | civil partnership |
| Northern Ireland | civil partnership |
| Finland | the relationship referred to as rekisteröity parisuhde or as registrerad partnerskap |
| France | pacte civil de solidarité |
| Germany | lebenspartnerschaft |
| Greenland | the relationship referred to as nalunaarsukkamik inooqatigiinneq or as registreret partnerskab |
| Hungary | bejegyzett élettársi kapcsolat |
| Iceland | marriage |
| Iceland | staðfesta samvist |
| Ireland | civil partnership |
| Isle of Man | civil partnership |
| Jersey | civil partnership |
| Liechtenstein | eingetragene Partnerschaft |
| Luxembourg | the relationship referred to as partenariat enregistré or eingetragene partnerschaft |
| Mexico: Coahuila | pacto civil de solidaridad |
| Mexico: Mexico City Federal District | Marriage |

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| | |
|---|---|
| Mexico: Mexico City Federal District | sociedad de convivencia |
| Netherlands | geregistreerd partnerschap |
| Netherlands | marriage |
| New Zealand | civil union |
| Norway | marriage |
| Norway | registrert partnerskap |
| Portugal | marriage |
| Slovenia | zakon o registraciji istospolne partnerske skupnosti |
| South Africa | civil partnership |
| South Africa | marriage |
| Spain | marriage |
| Sweden | marriage |
| Sweden | registrerat partnerskap |
| Switzerland | the relationship referred to as eingetragene partnerschaft, as partnenariat enregistré or as unione domestica registrata |
| United Kingdom | civil partnership |
| United States of America: California | domestic partnership |
| United States of America: California | marriage |
| United States of America: Colorado | the relationship between designated beneficiaries |
| United States of America: Connecticut | civil union |
| United States of America: Connecticut | marriage |
| United States of America: Delaware | civil union |

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| | |
|---|---|
| United States of America: District of Columbia | marriage |
| United States of America: Hawaii | civil union |
| United States of America: Hawaii | reciprocal beneficiary relationship |
| United States of America: Illinois | civil union |
| United States of America: Iowa | marriage |
| United States of America: Maine | domestic partnership |
| United States of America: Massachusetts | marriage |
| United States of America: Nevada | domestic partnership |
| United States of America: New Hampshire | marriage |
| United States of America: New Jersey | civil union |
| United States of America: New Jersey | domestic partnership |
| United States of America: New York | marriage |
| United States of America: Oregon | domestic partnership |

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| | |
|---|---|
| United States of America: Rhode Island | civil union |
| United States of America: Vermont | civil union |
| United States of America: Vermont | marriage |
| United States of America: Washington | state registered domestic partnership |
| United States of America: Wisconsin | domestic partnership |
| Uruguay | unión concubinaria |

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**SCHEDULE 11**

Section 107

**IMMIGRATION CONTROL, GIBRALTARIAN STATUS AND FORMATION OF CIVIL PARTNERSHIPS**

**Amendments to the Immigration, Asylum and Refugee Act.**

The Immigration, Asylum and Refugee Act is amended in accordance with the provisions in this Schedule.

1. In section 14 (Exemption for certain non-Gibraltarians), in subsection (1)(b), after "wife," insert "civil partner,".

2. In section 15 (Right of residence of men married to Gibraltarian women)−

(a) insert "or civil partners" after "women" in title;

(b) after "woman" (in each place other than subsection 15(3)(d)) insert "or has a Gibraltarian civil partner";

(c) in subsection (3)(b), after "marriage" insert "or civil partnership";

(d) in subsection (3)(b), and after "divorce" insert "or dissolution"; and

(e) in subsection (3)(d), after "woman" insert "or Gibraltarian civil partner".

3. In section 18 (Issue of permits of residence), in subsection (3)(a), after "spouse" insert "or civil partner".

4. In section 26 (Grants to men married to Gibraltarian women) after "woman" insert "or any person who is the civil partner of a Gibraltarian person."

5. In section 35 (Issue of certificates to grantee's spouse and children), in subsection (a), after "spouse" insert "or civil partner".

6. In section 55A (Interpretation), in the definition of "spouse", after "spouse" insert "or civil partner" and after "marriage" insert "or civil partnership".

7.In section 55F (Definition of Family Member) after "spouse" (in each place) insert "or civil partner".

8. In section 55G (Definition of Extended Family Member) after "spouse" (in each place) insert "or civil partner".

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9. In section 55H (Definition of "family member who has retained the right of residence")−

(a) after "spouse" (in each place) insert "or civil partner"; and

(b) after "marriage" (in each place) insert "or civil partnership".

10. In section 55I (Family members of Gibraltarians), in subsection (2)(b)−

(a) after "spouse" insert "or civil partnership"; and

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

11. In section 55N (Right of Permanent Residence), in subsection (2)(c)(iii)−

(a) after "spouse" insert "or civil partner"; and

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

12. In section 55O (Registration Certificates for EEA Nationals), in subsection (4)(b)(ii), after "spouse" insert "or civil partner".

**Amendments to the Gibraltarian Status Act.**

1. In section 5 (Persons entitled to be registered)−

(a) in subsection (1), after "spouse," (in each place) insert "or civil partner,";

(b) after "widower" (in each place other than subsection (1)(g)) insert "or surviving civil partner";

(c) in subsection (1)(g) after "person" insert "or surviving civil partner".

2. In section 7 (Married Gibraltarians)−

(a) after "marries" insert "or enters into a civil partnership"; and

(b) after "married" insert "or entered into a civil partnership with".

3. In section 8 (Registration of adopted children)–

(a) in subsection (b)(ii), for "an unmarried person who is Gibraltarian" substitute "an unmarried person who is not in a civil partnership; or"; and

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(b) in subsection (1)(b), after "(ii) an unmarried person or a person who is not in a civil partnership; or" insert "(iii) a couple in a civil partnership, one of whom is a Gibraltarian.".

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**SCHEDULE 12**

Section 110

**AMENDMENTS TO CERTAIN ACTS RELATING TO SOCIAL SECURITY AND TAX**

**PART 1**
SOCIAL SECURITY

**Amendments to the Social Security (Employment Injuries Insurance) Act.**

The Social Security (Employment Injuries Insurance) Act is amended in accordance with the provisions in this Schedule.

1. In section 2 (Interpretation), under the heading "child"−

(a) after "wife's" insert "or civil partner's";

(b) after "her illegitimate child" insert "or the child of her civil partner"; and

(c) after "wife" insert "or civil partner".

2. In section 3 (Insurable employment), in subsection (2)(iv), after "wife" insert "or civil partner".

3. In section 18 (Increase of injury benefit and disablement pension in respect of dependent children)−

(a) in subsection (1)(a), after "wife" insert "or civil partner"; and

(b) in subsection (1)(b), after "husband" insert "or civil partner".

4. In section 19 (Widows, widowers and children)−

(a) insert ", surviving civil partners" after "widowers" in the title;

(b) in subsection (1), after "widow" insert "or surviving civil partner,";

(c) in subsection (2)(a), after "remarries" insert "or enters into a civil partnership or a civil partnership subsequent to his or her marriage";

(d) in subsection (2)(a), after "marriage" insert "or civil partnership";

(e) in subsection (2)(b), after "widow" insert "or surviving civil partner"; and

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(f) in subsection (3), for "widow or widower" (in each place) substitute "widow, widower or surviving civil partner".

5. In section 20 (Orphans), in subsection (b), for "widow or widower" substitute "widow, widower or civil partner".

6. In section 21 (Parents), in subsection 2, after "marries" insert "or enters into a civil partnership".

7. In section 22 (Dependants), in subsection (1), after "widower," insert "civil partner".

8. In section 27 (Disqualifications), in subsection (3)−

(a) after "remarriage" insert "or civil partnership";

(b) after "marriage" insert "or civil partnership"; and

(c) after "wife" insert "or with a woman as her civil partner respectively."

**Amendments to the Social Security (Insurance) Act.**

1. In section 2 (Interpretation)-

(a) in subsection (3)(a), after "wife" insert "or civil partners";

(b) in subsection (4)(c), after "spouses" (in each place) insert "or civil partners";

(c) in subsection (4)(c), after "after their marriage" insert "or civil partnership, as the case may be;"

(d) in subsection (4)(c), after "issue of their marriage" insert "or civil partnership".

2. In section 11 (Maternity benefits), in subsection (1)(B),

(a) after "husband" insert "or civil partner"; and

(b) after "husband's" insert "or civil partner's".

3. In section 18 (Death grant), in subsection (1)(b)−

(a) after "wife," insert "civil partner,"; and

(b) after "widow" insert "surviving civil partner".

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4. In section 23 (Disqualification or suspension for absence aboard or imprisonment), after "husband" insert "or civil partner".

5. In section 27 (Proceedings by employees for benefit lost by employer's default)−

(a) in subsection (2), after "wife" insert "civil partner";

(b) in subsection (2), after "widow" insert or "or surviving civil partner";

(c) in subsection (4), after "wife" insert "or civil partner"; and

(d) in subsection (4), after "widow" insert "or surviving civil partner".

6. In section 28 (Provisions as to maintenance and incapacity for self-support), in subsection (2) after "wife" insert "civil partner".

7. In section 38 (Interim payments, arrears and repayments), in subsection (2)(d), after "husband" insert "or civil partner".

8. In section 41 (Information as to, and proof of, age, marriage and death)−

(a) insert ", civil partnership" after "marriage" in title;

(b) in subsection (1) for "and the Marriage Act" substitute ", the Marriage Act and the Civil Partnership Act 2014";

(c) in subsection (2), after "marriage" insert ", civil partnership";

(d) in subsection (2)(a), after "marriages" insert ", civil partnerships";

(e) in subsection (2)(a), after "marriage" insert ", civil partnership"; and

(f) in subsection (4) for "or the Marriage Registrar, appointed under the Marriage Act" substitute "the Marriage Registrar, appointed under the Marriage Act or the Civil Partnership Registrar appointed under the Civil Partnership Act".

9. In section 44 (General provisions as to prosecutions under Act), in subsection 5−

(a) for "or husband" substitute (in each place) for ", husband or civil partner", and

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

10. In section 49 (Reciprocal agreements with United Kingdom, dominions, and foreign countries), in subsection (1) after "widowhood," insert "surviving civil partners,".

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11. In section 2(Schedule 3. Part 1 Contribution Conditions. Maternity Grant.), in 2(b)−

(a) after "pensionable age" insert "or the civil partner, and she was dead or over pensionable age,"; and

(b) after "his" insert "or her".

**Amendments to the Social Security (Non-Contributory Benefits and Unemployment Insurance) Act.**

1. In section 2 (Interpretation)–

(a) in subsection (2)(a), after "wife" insert "or civil partners";

(b) in subsection (4)(c), after "spouses" (in each place) insert "or civil partners";

(c) in subsection (4)(c), after "after their marriage" insert "or civil partnership, as the case may be;"

(d) in subsection (4)(c), after "issue of their marriage" insert "or civil partnership".

2. In section 3 (Application of Act), in subsection (1), for "wives or widows" substitute "wives, widows, civil partners or surviving civil partners"

3. In section 11 (Increase of benefit for adult dependents)−

(a) after "wife" (in each place) insert "or civil partner";

(b) in subsection (2)(a), after "husband" insert "or civil partner"; and

(c) in subsection (3), after "marriage" insert ",civil partnership".

4. In section 13 (Application of Social Security (insurance) Act), after "marriage" insert ", civil partnership".

5. In Schedule 3 (Unemployment benefit Part I), after "wife" (in each place) insert "or civil partner".

6. In Schedule 3 (Unemployment benefit Part IA), after "wife" (in each place) insert "or civil partner".

**Amendment to the Social Security non-contributory benefits and unemployment insurance) Act.**

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1. In section 4 (Provisions as to maintenance), in subsection (4)(b), after "wife" insert "or civil partners".

**Amendment to the Social Security (Closed Long-Term Benefits and Scheme) Act 1996.**

1. In section 2 (Interpretation)−

(a) in subsection (3)(a), after "wife" insert ", or civil partners";

(b) in subsection (4)(c), after "spouses" (in each place) insert "or civil partners";

(c) in subsection (4)(c), after "after their marriage" insert "or civil partnership, as the case may be,"; and

(d) in subsection (4)(c), after "issue of their marriage" insert "or civil partnership";

(e) in subsection (6), after "wife" insert "or civil partners".

2. In section 8 (Survivor's benefit)−

(a) after "spouse" (in each case) insert "or civil partner";

(b) after "spouse's" (in each case) insert "or civil partner's";

(c) in subsection (1)(c), after "other" insert "or in a civil partnership";

(d) in subsection (3), after "remarriage" insert "or enters into a further civil partnership or a civil partnership subsequent to his or her marriage"; and

(e) in subsection (4), after "married" insert "or in a civil partnership".

3. In section 9 (Survivor's pension in special cases)−

(a) after "spouse" (in each place) insert "or civil partner";

(b) after "marriage" (in each place except for subsection (2)) insert "or civil partnership";

(c) in subsection (4), after "spouse's" insert "or civil partner's";

(d) and in subsection (5), after "married" insert "or in a civil partnership".

4. In section 11 (Guardian's Allowance)–

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(a) in subsection (2)(ii), after "marriage" insert "or civil partnership";

(b) in subsection (2)(ii), after "divorce" insert "or dissolution,";

(c) in subsection (3), after "his wife" insert "or of two civil partners"; and

(d) in subsection (3), after "the wife" insert "or one of the civil partners".

5. In section 12A (Old age pensions for persons whose marriages have been dissolved)−

(a) insert "or civil partnerships" after "marriages" in title;

(b) after "marriage" (in each place) insert "or civil partnership";

(c) after "spouse" (in each place) insert "or civil partner";

(d) in subsection (2)(a) and subsection (9), after "married" insert "or in a civil partnership";

(e) after "spouse's" (in each place) insert "or civil partner's";

(f) in subsection (10) after "decree" insert "or order";

(g) in subsection (10), after "divorce" insert "or dissolution"; and

(h) in subsection (10), after "absolute" insert "or final".

6. In section 13 (Special provisions as to men)−

(a) after "wife" (in each place except for subsection (1)(c)(iii)) insert "or civil partner";

(b) in subsection (1)(a), after "married" insert "or in a civil partnership";

(c) in subsection (1) (c), after "married" insert "or entered into a civil partnership";

(d) in subsection (1)(c)(i) and (ii), after "she" (in each place) insert "or he";

(e) in subsection (1)(c)(iii), for "the wife" substitute "or has entered into a civil partnership";

(f) after "wife's" (in each place) insert "or civil partner's",

(g) in subsection (4), after "remarries" insert "or enters into a further civil partnership or a civil partnership subsequent to his marriage";

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(h) in subsection (6), after "widower" insert "or surviving civil partner"; and

(i) in subsection (6), after "her" insert "or him".

7. In section 14 (Special provisions as to women)−

(a) after "husband" (in each place except for subsection (14)(c)(iii)) insert "or civil partner";

(b) in subsection (1)(a), after "married" insert "or in a civil partnership";

(c) in subsection 1(c) (i) and (ii) after "he" (in each place) insert "or she";

(d) in subsection (1)(c), after "married" insert "or entered into a civil partnership";

(e) in subsection (1)(c)(iii), for "the husband" substitute "or entered into a civil partnership",

(f) after "husband's" (in each place) insert "or civil partner's";

(g) in subsection (4) and (6), after "widow" insert "or surviving civil partner";

(h) in subsection (4), after "remarries" insert "or enters into a further civil partnership or a civil partnership subsequent to her marriage";

(i) in subsection (6)(a), after "marriage" insert "or civil partnership"; and

(j) in subsection (6), after "him" insert "or her,".

8. In section 15 (Increase of benefit for children)−

(a) in subsection (4)(a), after "wife" insert "or civil partners"; and

(b) in subsection (6), after "wife" insert "or civil partners".

9. In section 16 (Increase of old age pension)−

(a) in subsection (a), after "wife" insert "or civil partner"; and

(b) in subsection (b), after "husband" insert "or civil partner".

10. In section 18 (Claims and notices), in subsection (4), after "spouse" (in each place) insert "or civil partner".

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11. In section 19 (Disqualification for imprisonment), in subsection (1), for "wife or husband," substitute "wife, husband or civil partner,"

12. In section 20 (Overlapping benefits), in subsection (1)(a), for "wife or husband," substitute "wife, husband or civil partner,".

13. In section 23 (Provisions as to maintenance and incapacity for self-support), in subsection (2), after "wife" insert "or civil partner".

14. In section 32 (Interim payments, arrears, and repayments), in subsection (2)(d), after "husband" insert "or civil partner,".

15. In section 35 (General provisions as to prosecutions)−

(a) in subsection (5), for "wife, or husband" substitute "wife, husband or civil partner";

(b) in subsection (6), for "wife, or husband" substitute "wife, husband or civil partner"; and

(c) in subsection (6), after "marriage" insert "or civil partnership".

16. In section 37 (Reciprocal agreements with United Kingdom, dominions and foreign countries), in subsection (1), after "widowhood" insert "surviving civil partners,".

17. In Schedule 1, Part I (Standard rates of benefits and of increases for dependants)−

(a) in the heading "Increase for wife or adult dependant where payable", after "wife" insert ", civil partner";

(b) in subsection (3)(a), (Old age pensions), after "husband's" insert "or civil partner's"; and

(c) in subsection (3)(a), (Old age pensions), after "wife's" insert "or civil partner's".

18. In Schedule 1, Part II (Lower rates of benefits and of increases for dependents)−

(a) in the heading "Increase for wife or adult dependant where payable" after "wife" insert "or civil partner";

(b) in subsection (3)(a) (Old age pensions), after "husband's" insert "or civil partner's"; and

(c) in subsection (3)(a) (Old age pensions), after "wife's" insert "or civil partner's".

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19. In Schedule 2, Part I (Contribution Conditions)−

(a) in subsection (a) for "husband or wife" substitute "husband, wife or civil partner",

(b) in subsection (b) for "husband or wife" substitute "husband, wife or civil partner", and

(c) in subsection (c) for "husband or wife" substitute "husband, wife or civil partner".

**Amendment to the Social Security (Open Long-Term benefits Scheme) Act 1997.**

1. In section 2 (Interpretation)−

(a) in subsection (3)(a), after "wife" insert ", or civil partners";

(b) in subsection (4)(c), after "spouses" (in each place) insert "or civil partners";

(c) in subsection (4)(c), "after their marriage" insert "or civil partnership, as the case may be;"

(d) in subsection (4)(c), after "issue of their marriage" insert "or civil partnership"; and

(e) in subsection (6), after "wife" insert ", or civil partners".

2. In section 14 (Survivor's benefit)−

(a) after "spouse" (in each place) insert "or civil partner";

(b) after "spouse's" (in each place) insert "or civil partner's";

(c) in subsection (1)(c), after "other" insert "or in a civil partnership";

(d) in subsection (3), after "remarriage" insert "or enters into a further civil partnership or a civil partnership subsequent to his or her marriage"; and

(e) in subsection (4), after "married" insert "or in a civil partnership".

3. In section 15 (Survivor's pensions in special cases)−

(a) after "spouse" (in each place) insert "or civil partner";

(b) after "marriage" (in each place except for subsection (2)) insert "or civil partnership";

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(c) in subsection (4), after spouse's" insert "or civil partner's"; and

(d) in subsection (5), after "married" insert "or in a civil partnership".

4. In section 17 (Guardian's Allowance),–

(a) in subsection (2)(b), after "marriage" insert "or civil partnership";

(b) in subsection (2)(b), after "divorce" insert "or dissolution,";

(c) in subsection (3), after "his wife" insert "or of two civil partners"; and

(d) in subsection (3), after "the wife" insert "or one of the civil partners".

5. In section 18A (Old age pensions for persons whose marriages have been dissolved)−

(a) insert "or civil partnerships" after "marriages" in title;

(b) after "marriage" (in each place) insert "or civil partnership";

(c) after "spouse" (in each place) insert "or civil partner";

(d) after "married" (in each place) insert "or in a civil partnership";

(e) after "spouse's" (in each place) insert "or civil partner's";

(f) in subsection (10) after "decree" insert "or order";

(g) in subsection (10), after "divorce" insert "or dissolution"; and

(h) in subsection (10), after "absolute" insert "or final".

6. In section 19 (Special provisions as to men)−

(a) after "wife" (in each place except for subsection (1)(c)(iii)) insert "or civil partner";

(b) in subsection (1)(a), after "married" insert "or in a civil partnership";

(c) in subsection (1) (c), after "married" insert "or entered into a civil partnership";

(d) in subsection (1)(c)(i) and (ii), after "she" (in each place) insert "or he";

(e) in subsection (1)(c)(iii), for "the wife" substitute "or has entered into a civil partnership";

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(f) after “wife’s” (in each place) insert “or civil partner’s”;

(g) in subsection (4), after “remarries” insert “or enters into a further civil partnership or a civil partnership subsequent to his marriage”;

(h) in subsection (6), after “widower” insert “or surviving civil partner”; and

(i) in subsection (6), after “her” insert “or him”;

7. In section 20 (Special provisions as to women)−

(a) after “husband” (in each place except for subsection (14)(c)(iii)) insert “or civil partner”;

(b) in subsection (1)(a), after “married” insert “or in a civil partnership”;

(a) in subsection 1(c) (i) and (ii) after “he” (in each place) insert “or she”;

(d) in subsection (1)(c), after “married” insert “or entered into a civil partnership”;

(e) in subsection (1)(c)(iii), for “the husband” substitute “or entered into a civil partnership”;

(f) after “husband’s” (in each place) insert “or civil partner’s”;

(g) in subsection (4) and (6), after “widow” insert “or surviving civil partner”;

(h) in subsection (4), after “remarries” insert “or enters into a further civil partnership or a civil partnership subsequent to her marriage”;

(i) in subsection (6)(a), after “marriage” insert “or civil partnership”; and

(j) in subsection (6), after “him” insert “or her”.

8. In section 21 (Increase of benefit for children)−

(a) in subsection (5)(a), after “wife” insert “or civil partners”; and

(b) in subsection (6), after “wife” insert “or civil partners”.

9. In section 22 (Increase of old age pension)−

(a) in subsection (a), after “wife” insert “or civil partner”; and

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(b) in subsection (b), after "husband" insert "or civil partner".

10. In section 24 (Claims and notices), in subsection (3), after "spouse" (in each place) insert "or civil partner".

11. In section 25 (Disqualification for imprisonment), in subsection (1), for "wife or husband" substitute "wife, husband or civil partner".

12. In section 26 (Overlapping benefits), in subsection (1)(a), for "wife or husband" substitute "wife, husband or civil partner".

13. In section 29 (Provisions as to maintenance and incapacity for self-support), in subsection (2), after "wife" insert "or civil partner".

14. In section 35 (Interim payments, arrears and repayments), in subsection (2)(d), after "husband" insert "or civil partner".

15. In section 40 (General provisions as to prosecutions)−

(a) in subsection (5), for "wife or husband" substitute wife, husband or civil partner";

(b) in subsection (6), for "wife or husband" insert substitute "wife, husband or civil partner"; and

(c) in subsection (6) after "marriage" insert "or civil partnership".

16. In section 45 (Reciprocal agreements with United Kingdom, dominions and foreign countries), in subsection (1), after "widowhood," insert "surviving civil partners".

17. In Schedule 2 -Part I (Standard rates of benefits and increases for dependants)−

(a) in the heading "Increase for wife or adult dependant where payable", after "wife" insert ", civil partner";

(b) in subsection (3)(a), (Old age pensions), after "husband's" insert "or civil partner's"; and

(c) in subsection (3)(a), (Old age pensions), after "wife's" insert "or civil partner's".

18. In Schedule 2- Part II (Lower rates of benefits and increases for dependants)−

(a) in the heading "Increase for wife or adult dependant where payable", after "wife" insert ", civil partner";

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(b) in subsection (3)(a), (Old age pensions), after "husband's" insert "or civil partner's"; and

(c) in subsection (3)(a), (Old age pensions), after "wife's" insert "or civil partner's".

19. In Schedule 2- Part III (Additional contributions rates of benefits and of increases for dependants)−

(a) in the heading "Increase for wife or adult dependant where payable", after "wife" insert ", civil partner";

(b) in subsection (3)(a), (Old age pensions), after "husband's" insert "or civil partner's"; and

(c) in subsection (3)(a), (Old age pensions), after "wife's" insert "or civil partner's".

20. In Schedule 3- (Contribution Conditions-Survivor's benefit)−

(a) in subsection (1)(1)(a), for "husband, or wife" substitute "husband, wife or civil partner"; and

(b) in subsection (1)(2), for "husband, or wife" substitute "husband, wife or civil partner".

**Amendment to the Unemployment Benefit Regulations.**

1. In regulation 7 (Increase of benefit for dependent relative), for "husband or wife" substitute "husband, wife or civil partner".

2. In regulation 8(1) (Increase of benefit for female person having care of a child, in subsection (1)(a), after "him" insert "or her".

**Amendment to the Employment Injuries (Claims) Regulations.**

1. In regulation 8 (Information to be given when making a claim), in subsection (3)(c) after "husband" insert "or civil partner".

**Amendment to the Social Insurance (Benefits) Regulations.**

1. In regulation 2 (Interpretation), in subsection (2), after "wife" insert "or civil partner".

2. In regulation 4 (Provisions as to maintenance), in subsection (1)(b), after "wife" insert "or civil partner".

3. In section 9 (Maternity grant in expectation of confinement), in subsection (b)–

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(a) after "husband" insert "or civil partner"; and

(b) after "he" insert "or she".

4. In section 39 (Priority of two or more claimants satisfying the conditions for death grant)−

(a) in subregulation (1)(a), after "being married" insert "or in a civil partnership";

(b) in subregulation (1)(a), for "or widower of" substitute ", widower or surviving civil partner"; and

(c) in subregulation (1)(c), for "or wife of" substitute ", wife or civil partner"

**Amendment to the Social Security (Open Long-Term Benefits (Claims and Payments) Regulations 1997.**

1. In regulation 4 (Information to be given when making a claim)−

(a) in subregulation (3), after "spouse" (in each place) insert "or civil partner",;and

(b) in subregulation (3)(c), after "marriage" insert "or civil partnership schedule".

2. In regulation 6 (Interchange with claims for other benefits)−

(a) In subregulation (1), after "husband's" insert "or civil partner"; and

(b) In subregulation (2), for "wife or husband of" (in each place) substitute "wife, husband or civil partner".

3. In regulation 7 (Time for claiming), in subsection (1)−

(a) for "widow or widower by" substitute "widow, widower or surviving civil partner by"; and

(b) after "spouse" insert "or civil partner".

4. In regulation 8 (Increases of benefits to be treated as separate benefits), for "husband or wife" substitute "husband, wife or civil partner".

5. In the Schedule (Benefits under the social security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997, for which claims may be treated as interchangeable)−

(a) after "widow" insert "or surviving civil partner"; and

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(b) after “husband” insert “or civil partner”.

**Amendment to the Social Security (Open Long-Term Benefits) Regulations 1997.**

1. In regulation 3 (Computation of earnings or remuneration), after “wife” (in each place) insert “or civil partner”.

2. In regulation 4 (Provisions as to maintenance)−

(a) in subregulation (1)(b), after “wife” insert “or civil partner”;

(b) in subregulation (3), after “spouse” insert “or civil partner”; and

(c) in subregulation (3)(b), after “spouse’s” insert “or civil partner’s”.

3. In regulation 6 (Imprisonment. etc.), in subsection (5), for “husband or wife” substitute “husband, wife or civil partner”.

4. In regulation 8 (Surviving spouses incapable of self support)−

(a) insert “or surviving civil partners” after “spouses” in title; and

(b) after “spouse” (in each place) insert “or surviving civil partner”.

5. In regulation 14 (Adopted children)–

(a) in subregulation (a), after “not married” insert “or in a civil partnership”;

(b) in subregulation (a), after “if that person married” insert “or entered into a civil partnership”;

(c) after “spouse” (in each place), insert “or civil partner”;

(d) in subregulation (a), after “whom that person married” insert “or entered into a subsequent civil partnership”;

(e) after “spouses” (in each place) insert “or civil partners”;

(f) in subregulation (b), after “if either of them remarried” insert “or entered into a further civil partnership or a civil partnership subsequent to his or her marriage”;

(g) in subregulation (b), after “such spouses remarried” insert “or entered into a subsequent civil partnership with”;

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(h) in subregulation (c), after "if that spouse remarried" insert "or entered into a further civil partnership or a civil partnership subsequent to his or her marriage"; and

(i) in subregulation (c), after "to whom that spouse was remarried" insert "or in a subsequent civil partnership with".

6. In regulation 16 (Children of divorced persons)–

(a) insert "or parents whose civil partnership has been dissolved" in the title after "persons";

(b) in subregulation (1), after "marriage" insert "or civil partnership";

(c) in subregulation (1)(b), after "re-married" insert "or entered into a further civil partnership or a civil partnership subsequent to his or her marriage"; and

(d) in subregulation (1)(b), after "re-married" insert "or entered into a subsequent civil partnership with".

7. In regulation 20 (Women who marry after attaining pensionable age)–

(a) insert "or enter into a civil partnership" after "marry" in title;

(b) in subregulation (1), after "married" insert or "entered in a civil partnership";

(c) in subregulation (1)(a)(ii) and (2), after "married" insert "or in a civil partnership";

(d) after "husband" (in each place) insert "or civil partner";

(e) in subregulation (1)(a)(ii), after "husband's" insert "or civil partner's";

(f) after "marriage" (in each place except for subsection (1)(d)) insert "or civil partnership"; and

(g) in subregulation (1)(d), for "marriage or re-marriage" substitute "marriage, re-marriage or civil partnership".

8. In regulation 22 (Priority between a man and his wife to increase of old age pension for child)–

(a) insert "or civil partners" in the title after "wife";

(b) after "wife" (in each place except for subsection (a)), insert "or civil partner";

(c) for "his or her" substitute "of their"; and

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(d) in subsection (a), after "additional increase", insert ", or in the case of civil partners, so long as the civil partners are living together, only one of the civil partners shall be entitled to the increase, or as the case may be to the additional increase"

9. In regulation 27 (Partial satisfaction of contribution conditions (V))−

(a) in subregulation (2)(c), after "husband's" insert "or civil partner's"; and

(b) in subregulation (2)(c), after "husband" (in each place) insert "or civil partner".

**Amendment to the Social Security (Closed Long-Term Benefits) (Overlapping Benefits) Regulations 1996.**

1. In regulation 7 (Gratuities)−

(a) after "widow" insert "or surviving civil partner";

(b) after "she" (in each place) insert "or he"; and

(c) after "remarries" insert "or enters into a further civil partnership.".

2. In the Schedule (Personal benefits which are not required to be adjusted), at subregulation (1) (b) (Other personal benefits 2)−

(a) after "woman" insert "or civil partner";

(b) after "widow" insert "or surviving civil partner".

3. After regulation 12 insert the following regulation−

**"Guardian Allowance for a surviving civil partner who is made guardian of the deceased civil partner's child/children.**

13. If the parent of a child who is a party to a civil partnership dies and the surviving civil partner is determined to be the child's Guardian, the surviving Guardian cannot claim Guardian Allowance provided he or she can claim Widows, Widower's, surviving Civil Partners and children benefit under section 19 of the Social Security (Employment Injuries Insurance) Act.".

**Amendment to the Social Security (Open Long-Term Benefits) (Overlapping Benefits) Regulations 1997.**

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1. In regulation 7 (Gratuities)−

(a) after "widow" insert "or surviving civil partner";

(b) after "she" (in each place) insert "or he"; and

(c) after "remarries" insert "or enters into a further civil partnership.".

2. In the Schedule (Personal benefits which are not required to be adjusted), at subsection (1) (b) (Other personal benefits 2)−

(a) after "woman" insert "or civil partner";

(b) after "widow" insert "or surviving civil partner".

3. After regulation 12 insert the following regulation−

**"Guardian Allowance for a surviving civil partner who is made guardian of the deceased civil partner's child/children.**

13. If the parent of a child who is a party to a civil partnership dies and the surviving civil partner is determined to be the child's Guardian, the surviving Guardian cannot claim Guardian Allowance provided he or she can claim Widows, Widower's, surviving Civil Partners and children benefit under section 19 of the Social Security (Employment Injuries Insurance) Act.".

**Amendment to the Social Security (Closed Long-Term Benefits) (Claims and Payments) Regulations 1996.**

1. In regulation 4 (Information to be given when making a claim)−

(a) in subregulation (3), after "spouse" (in each place) insert "or civil partner"; and

(b) in subregulation (3)(c), after "marriage" insert "or civil partnership schedule".

2. In regulation 6 (Interchange with claims for other benefits)−

(a) in subregulation (1), after "spouse's" insert or "civil partners";

(b) in subregulation (2), for "wife or husband" (in each place) substitute "wife, husband or civil partner".

3. In regulation 7 (Time for claiming), in subsection (1)−

(a) for "widow or widower" insert "widow, widower or surviving civil partner"; and

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(b) after “spouse” insert “or civil partner.”.

4. In section 8 (Increases of benefit to be treated as separate benefits), for “husband or wife” substitute “husband, wife or civil partner”.

5. In the Schedule (Benefits under the social security (Employment Injuries Insurance) Act and the Social Security (Open Long-Term Benefits Scheme) Act 1997, for which claims may be treated as interchangeable)−

(a) after “widow” insert “or surviving civil partner”; and

(b) after “husband” insert “or civil partner”.

**Amendment to the Social security (Closed Long-Term Benefits) Regulations 1996.**

1. In regulation 3 (Computation of earnings and remuneration), after “wife” (in each case) insert “or civil partner”.

2. In regulation 4 (Provisions as to maintenance)−

(a) in subregulation (1)(b), after “wife” insert “or civil partner”;

(b) in subregulation (3), after “spouse” insert “or civil partner”; and

(c) in subregulation (3)(b), after “spouse’s” insert “or civil partner’s”.

3. In regulation 6 (Imprisonment), in subsection 5, for “husband or wife.” substitute “husband, wife or civil partner”.

4. In regulation 8 (Surviving spouses incapable of self support)−

(a) insert “or surviving civil partners” after “spouses” in title; and

(b) after “spouse” (in each place) insert “or surviving civil partner”.

5. In regulation 14 (Adopted children)–

(a) in subregulation (a), after “not married” insert “or in a civil partnership”;

(b) in subregulation (a), after “if that person married” insert “or entered into a civil partnership”;

(c) after “spouse” (in each place), insert “or civil partner”;

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(d) in subregulation (a), after "whom that person married" insert "or entered into a subsequent civil partnership";

(e) after "spouses" (in each place) insert "or civil partners",

(f) in subregulation (b), after "if either of them remarried" insert "or entered into a further civil partnership or a civil partnership subsequent to his or her marriage",

(g) in subregulation (b), after "such spouses remarried" insert "or entered into a subsequent civil partnership with",

(h) in subregulation (c), after "if that spouse remarried" insert "or entered into a further civil partnership or a civil partnership subsequent to his or her marriage", and

(i) in subregulation (c), after "to whom that spouse was remarried" insert "or in a subsequent civil partnership with".

6. In regulation 16 (Children of divorced persons)–

(a) insert "or parents whose civil partnership has been dissolved" in the title after "persons",

(b) in subregulation (1), after "marriage" insert "or civil partnership",

(c) in subregulation (1)(b), after "re-married" insert "or entered into a further civil partnership or a civil partnership subsequent to his or her marriage", and

(d) in subregulation (1)(b), after "re-married" insert "or entered into a subsequent civil partnership with".

7. In regulation 20 (Women who marry after attaining pensionable age)–

(a) insert "or enter into a civil partnership" after "marry" in title;

(b) in subregulation (1), after "married" insert "or entered in a civil partnership";

(c) in subregulation (1)(a)(ii) and (2), after "married" insert "or in a civil partnership";

(d) after "husband" (in each place) insert "or civil partner";

(e) in subregulation (1)(a)(ii), after "husband's" insert "or civil partner's";

(f) after "marriage" (in each place except for subregulation (1)(d)) insert "or civil partnership"; and

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(g) in subregulation (1)(d), for "marriage or re-marriage" substitute "marriage, re-marriage or civil partnership".

8. In regulation 22 (Priority between a man and his wife to increase of old age pension for child)−

(a) insert "or civil partners" in the title after "wife";

(b) after "wife" (in each place except for subregulation (a)), insert "or civil partners";

(c) for "his or her" substitute "of their"; and

(d) in subregulation (a), after "additional increase", insert ", or in the case of civil partners, so long as the civil partners are living together, only one of the civil partners shall be entitled to the increase, or as the case may be to the additional increase".

9. In regulation 27 (Partial satisfaction of contribution conditions (V)), in subregulation (2)(c)−

(a) after "husband's" insert "or civil partner's", and

(b) after "husband" (in each place) insert "or civil partner".

**PART 2**
TAX

**Amendments of the Income Tax (Allowances, Deductions and Exceptions) Rules, 1992.**

1. In rule 6B (Restrictions on entitlement to Allowances Based System for spouses)–

(a) insert "or civil partners" after "spouses" in the title; and

(b) in subrule (1), (2)(b)(ii), (3)(c), 5(b) and (6) after "spouse" insert "civil partner".

2. In rule 7 (Deduction for a spouse)−

(a) in subrule (1), after "spouse" (in each place) insert "or civil partner";

(b) in subrule (1)(b), after "marriage" insert "or civil partnership";

(c) in subrule (1), after "married" insert "or in a civil partnership"; and

(d) in subrule (2)(a) after "married" insert "or is in a civil partnership".

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3. In section 12 (Deduction for maintenance of children)–

(a) for "a man" substitute "a spouse or civil partner";

(b) remove the line "or, if a woman, that no man, is entitled to make a claim in respect of her under that rule;" and

(c) remove the sentence "Provided that where a woman has the custody of and maintains such a child, she may claim a deduction under this rule, notwithstanding the fact that a claim is made in respect of her under rule 7(1)(b) or (c).

4. In rule 18 (Deduction in respect of dependant relatives)–

(a) after "wife" insert "or civil partner"; and

(b) after "wife's" insert "or civil partner's".

5. In rule 19 (Deduction in respect of services of unmarried daughters)–

(a) after "widower" insert "or surviving civil partner"; and

(b) after "wife" insert "or civil partner".

6. In rule 20A (Deduction for health insurance premiums,) in subrule (1), after "spouse" insert "or civil partner".

7. In rule 21 (Deduction is respect of life assurances premiums etc.),

(a) in subsection (4), after "spouse" insert "or civil partner", and

(b) in subsection (9), substitute "or her widower and children," for "her widower and children, or his or her surviving civil partner and children".

8. In rule 22 (Deduction in respect of loan interest)–

(a) in subrule (1), after "wife" in each case, insert "or civil partner",

(b) in subrule 2A, after "spouse" insert "or civil partner",

(c) in subrule 3, after "wife" (in each place) insert "or civil partner",

(d) in subrule (5)(a), after "wife" insert "or civil partners",

(e) in subsection (5)(b), after "husband" insert "or civil partner",

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(f) in subrule (8), after "spouse" (in each place) insert "or civil partner", and

(g) in subrule (9), after "widow" insert "or surviving civil partner".

**Amendments to the Qualifying (Category 2) Individual Rules 2010.**

1. In rule11 (Family of a Category 2 Individual)−

(a) after "spouse" (in each place other than subrule (4)) insert "or civil partner"; and

(b) in subrule (4), after "spouse" insert ", civil partner".

**Amendments to the Home Purchase (Deductions) Rules 1989.**

1. In rule 2 (Deductions for payments towards house purchase for own residential occupation), in subsection (3), after "spouse" insert "or civil partner".

2. In rule 2A (Deductions for payments towards house purchase for child's residential occupation), after "spouse" (in each place) insert "or civil partner".

3. In rule 6 (Forfeiture of deduction), after "spouse" (in each place) insert "or civil partner".

4. In rule 8 (Restrictions on entitlement to deduction specified in rule 2 and rule 2A in relation to elections made for Gross Income Based System), after spouse (in each place) insert "or civil partner".

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**SCHEDULE 13**

Section 111(2)

**AMENDMENTS TO CERTAIN ACTS RELATING TO PENSIONS**

**Amendments to the Pension Act.**

The Pensions Act is amended in accordance with the provisions of this Schedule.

1. In section 2 (Interpretation)−

(a) after "parties to a marriage" (in the definition of "child of the family") insert "or civil partnership";

(b) after the definition of "child of the family" but before the definition of "designated officer" add the following definition for civil partnership: ""Civil Partnership" should be given the meaning given to it in the Civil Partnership Act 2014.";

(c) after the definition of "Civil Partnership" but before the definition of "designated officer" add the following definition-

""civil partners" means two people in a relationship–

(a) which is formed when they register as civil partners of each other in Gibraltar;

(b) which they are treated under Chapter 1 or Part 3 of the Civil Partnership Act 2014 as having formed (at the time determined by the Register) by virtue of having registered an overseas relationship,", and

(d) after "Matrimonial Causes Act" (in the definition of "pension sharing order") insert "or section 89 of the Civil Partnership Act 2014".

2. In section 6 (Circumstances in which pension may be granted)–

(a) after "married" (in each place) insert "or entered into a civil partnership", and

(b) after "marry" (in each place) insert "or enter into a civil partnership".

3. In section 13 (Pensions, etc., not assignable), in subsection (2)(b), after "former spouse" insert ", civil partner or former civil partner".

4. In section 14 (Pensions, etc., to cease on bankruptcy), in subsection (3), after "wife," insert "civil partner,".

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5. In section 18 (Pensions to dependants when an officer dies as a result of injuries received or disease contracted in the discharge of his duties)−

(a) in subsection (1)(b)(i), after "to" insert "him or";

(b) in subsection (1)(b), after "widow" (in each place) insert "or surviving civil partner";

(c) in subsection (1)(b)(v) and (vi), after "his" (in each place) insert "or her";

(d) in subsection (1)(b)(v) and (vi), after "him" insert "or her";

(e) in subsection (1)(b)(v), after "for" insert "his or";

(f) in subsection (2), after "widow" insert "or surviving civil partner";

(g) in subsection (2), after "him" insert "or in a civil partnership with him or her";

(h) in subsection (3)(a), after "of the widow," insert "he or";

(i) in subsection (3)(a) and(b), after "or after the death" insert "he or";

(j) in subsection (3), after "female" (in each place) insert "or male";

(k) in subsection (3)(b), after "married to" insert ", in a civil partnership";

(l) in subsection (3)(a) and (b), after "she marries" (in each place) insert ", enters into a civil partnership";

(m) in subsection (3), after "from the date of the marriage" insert "or civil partner";

(n) in subsection (3), after "subsequent date that the marriage" insert ", civil partnership"; and

(o) in subsection (3), after "notwithstanding marriage" insert "or civil partnership".

6. In Part 2 of the Schedule, Officers without other public service, section 7 (Marriage gratuities)−

(a) after "female officer" insert "or person retires for the reason that he or she is about to marry or enter into a civil partnership or has married or entered into a civil partnership respectively";

(b) delete the following: "retired for reason that she is about to marry, or has married";

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(c) for "she" substitute (in each place) "he or she";

(d) after "marriage" (in each place) insert "or civil partnership"; and

(e) after "within six months after" insert "his or".

7. In Part 3 of the Schedule, Transferred Officers of those regulations in regulation 14 (Marriage gratuities)−

(a) after "female officer" insert "or officer";

(b) after "married" insert "or is about to enter into a civil partnership or has entered into a civil partnership respectively";

(c) in subsection (1), after "regulation 7 if" insert "his or"; and

(d) before "she may be granted" insert "he or".

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## SCHEDULE 14

Section 106(3)(a)

## REFERENCES TO STEPCHILDREN ETC. IN EXISTING ACTS

1. Chapter 8, section 69(7) of the Income Tax Act 2010 (Travel Costs and expenses where duties performed abroad: visiting spouse or child's travel).

2. Section 238(3)(a) of the Crimes Act 2011(family relationships).

3. Section 207U(1) of the Companies Act (Experts and valuers: meaning of associate).

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