

IRLANDA

UNIÓN CIVIL ENTRE PAREJAS DEL MISMO SEXO EN IRLANDA¹

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En el año 2011 ha podido ver la luz en Irlanda la tan esperada Ley por la que se regulan las uniones civiles de las personas del mismo sexo, así como los derechos y obligaciones de las parejas de hecho no registradas civilmente, bien se establezcan entre personas del mismo o de diferente sexo². En la misma norma en la que se regulan estas figuras jurídicas, se contemplan algunas disposiciones referentes a los “acuerdos de convivencia”, en los que puede establecerse el régimen jurídico

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² Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, *Number 24 of 2010*. (Fecha de entrada en vigor, 1 enero de 2011). La Ley se ocupa por separado de registro civil de las parejas del mismo sexo (Civil Partnership), y de los derechos y deberes de las parejas de hecho. No obstante, la mayor parte de las disposiciones de la Ley tratan de la unión civil de las parejas del mismo sexo, sus derechos y obligaciones tras la inscripción, así como la forma y condiciones para su disolución.

por el que han de regirse tanto las uniones civiles como las parejas de hecho mencionadas³.

Esta Ley introduce importantes cambios, pues por primera vez en Irlanda las parejas del mismo sexo tienen reconocidos derechos y obligaciones similares a las parejas casadas, aunque no se ha logrado la plena equiparación jurídica entre ambas situaciones. Para poder acceder a los derechos y asumir las obligaciones que la ley establece, es preciso que estas uniones civiles se inscriban a modo de “asociación” en el correspondiente Registro Civil. Efectuada esta inscripción, cada uno de los miembros de la pareja podrá beneficiarse prácticamente de los mismos derechos y prestaciones de que disfrutaban los miembros de las uniones matrimoniales, tanto a nivel fiscal como en materia de propiedad y sucesiones, así como en caso de separación o a efectos de inmigración, si bien, esta equiparación solo podrá hacerse efectiva una vez que se haya reformado la regulación vigente para estas instituciones en las diversas leyes que las regulan. De ahí que más de un centenar de disposiciones se vean afectadas por la entrada en vigor de esta norma⁴.

³ Antes de la promulgación de esta Ley, las parejas no casadas, no tenían reconocido ningún derecho legalmente y el concepto de “cónyuge de hecho” había llevado a los miembros de las parejas de hecho a plantear reiteradas demandas ante los tribunales debido a la errónea creencia de que había una serie de derechos que se derivaban de su relación. Sin embargo, la Ley va a introducir cambios muy significativos en la situación jurídica de las parejas no casadas, tanto del mismo sexo como de sexo diferente.

⁴ *Vid.*, Civil Liability (Amendment) Act 1996 1996, No. 42; Civil Liability Act 1961 1961, No. 41; Civil Liability and Courts Act 2004 2004, No. 31; Civil Registration Act 2004 2004, No. 3; Commission to Inquire into Child Abuse (Amendment); Act 2005 2005, No. 17; Companies Act 1963 1963, No. 33; Companies Act 1990 1990, No. 33; Company Law Enforcement Act 2001 2001, No. 28; Consumer Credit Act 1995 1995, No. 24; Courts of Justice and Court Officers (Superannuation) Act 1961 1961, No. 16; Criminal Justice Act 1999 1999, No. 10; Defence Act 1954 1954, No. 18; Defence (Amendment) Act 2007 2007, No. 24; Digital Hub Development Agency Act 2003 2003, No. 23; Disability Act 2005 2005, No. 14; Domestic Violence Act 1996 1996, No. 1; Domestic Violence Acts 1996 and 2002; Electoral Act 1992 1992, No. 23; Employment Equality Act 1998 1998, No. 21; Enforcement of Court

No obstante, la ley guarda silencio sobre una de las cuestiones respecto de las cuales el colectivo afectado ha mostrado siempre particular interés. Esta cuestión se refiere al tratamiento fiscal de la relación (en palabras de la propia ley, “sociedad”), así como en materia de seguridad social de los miembros de la pareja del mismo sexo. Tampoco la ley aborda el tema de los hijos menores de edad que conviven con ella, así como las personas a cargo de alguno de los miembros de la pareja, a los efectos de adoptar las medidas pertinentes en caso de disolución de la unión civil⁵. De la misma forma, se puede apreciar la ausencia, en este nuevo marco legal, de la posibilidad de adopción⁶ por parte de la unión del mismo sexo, ni el reconocimiento de derechos de parentalidad conjuntos en parejas en que uno de sus miembros ya tenga hijos legalmente reconocidos.

Orders Act 1926 1926, No. 18; Enforcement of Court Orders Act 1940 1940, No. 23; Equal Status Act 2000 2000, No. 8; Ethics in Public Office Act 1995 1995, No. 22; Family Law (Divorce) Act 1996 1996, No. 33; Family Law (Maintenance of Spouses and Children) Act 1976 1976, No. 11; Family Law Act 1995 1995, No. 26; Farm Tax Act 1985 1985, No. 17; Health (Amendment) Act 2005 2005, No. 3; Health (Miscellaneous Provisions) Act 2001 2001, No. 14; Health (Nursing Homes) (Amendment) Act 2007 2007, No. 1; Health (Nursing Homes) Act 1990 1990, No. 23; Insurance Act 2000 2000, No. 42; Mental Health Act 2001 2001, No. 25; Pensions Act 1990 1990, No. 25; Prosecution of Offences Act 1974 1974, No. 22; Railway Safety Act 2005 2005, No. 31; Refugee Act 1996 1996, No. 17; Registration of Deeds and Residential Tenancies Act 2004 2004, No. 27; Sea-Fisheries and Maritime Jurisdiction Act 2006 2006, No. 8; Social Welfare and Pensions Act 2008 2008, No. 2; Succession Act 1965 1965, No. 27; Unfair Dismissals Act 1977 1977, No. 10; Valuation Act 2001 2001, No. 13; Vocational Education Act 1930 1930, No. 29.

⁵ Precisamente en este punto hay una diferencia notable entre las disposiciones de esta Ley y la legislación vigente en materia de separación y divorcio matrimonial, de ahí que hablemos de equiparación pero no de igualdad a las uniones maritales en el disfrute de derechos y obligaciones. *Vid.*, Family Law (Divorce) Act 1996, *Number 33 of 1996*, nº 17, ss.

⁶ La Ley no permite ni la adopción conjunta ni la adopción por parte de uno de los miembros de la pareja de los hijos del otro. No obstante, sí que tiene reconocido este colectivo el derecho al acogimiento familiar y a la adopción individual.

Si una pareja del mismo sexo opta por registrar su unión en el registro civil, sólo puede poner fin a esta relación con motivo del fallecimiento de alguno de sus miembros o en virtud de su disolución decretada por resolución judicial, de forma análoga a lo previsto para la separación o divorcio de la unión marital. En los mismos términos y por las mismas razones, en caso de disolución de la “sociedad civil” que representa esta unión, la Ley permite a sus miembros que soliciten una orden de alejamiento o la adopción de ciertas medidas de seguridad, en los términos previstos en la Ley de Violencia Doméstica de 1996⁷, en los casos en que las circunstancias aconsejen la aplicación de las medidas recogidas en ella.

Por otro lado, la Ley contiene algunas disposiciones por las que se regula la relación establecida por las parejas de hecho, independientemente de si son del mismo o de diferente sexo, pero no confiere automáticamente derechos inmediatos a este tipo de parejas sino que su propósito es ofrecer a sus miembros la posibilidad de acogerse a un régimen jurídico de compensación que garantice su seguridad. En definitiva, su objetivo es proteger al miembro de la pareja de hecho económicamente dependiente del otro y financieramente más vulnerable tras la ruptura de la relación o el fallecimiento de su pareja.

Para delimitar el ámbito subjetivo de aplicación de esta norma, la Ley define con precisión el tipo de uniones que deben ser consideradas parejas de hecho a los efectos del disfrute de los derechos reconocidos en sus preceptos. En este sentido la norma reconoce como tales a la unión de dos personas que hayan convivido al menos durante dos años, en el caso de que sean padres de uno o más hijos a su cargo, o al menos cinco años en cualquier otro caso. En esta misma línea, y para precisar aún más el concepto de lo que se considera a los efectos de esta Ley pareja de hecho, la norma excluye algunos supuestos en los que no

⁷ *Vid.*, Domestic Violence Act 1996, *Number 1 of 1996* y Domestic Violence (Amendment) Act 2002, *Number 30 of 2002*, n.º 2 *Safety order* y n.º 3 *Barring order*.

concurrer los requisitos exigidos para la aplicación de sus disposiciones.

En este sentido, quedan excluidos de la aplicación de la Ley aquellas uniones en que uno o ambos miembros de la pareja haya estado casado con otra persona mientras mantenía la relación de convivencia. Yendo un poco más lejos, la Ley prevé que en el caso de que se haya producido la disolución de la previa relación marital, tampoco es posible la aplicación del régimen previsto en la norma si el miembro de la pareja que estaba casado no ha vivido separado de su cónyuge durante un período de al menos cuatro años en los últimos cinco.

Con el fin de obtener la consiguiente reparación económica ante los tribunales a favor del miembro de la pareja económicamente más vulnerable, se deben aportar todos los documentos acreditativos que den fe de que realmente se trata de una unión de hecho “cualificada”, en los términos previstos por la Ley, y que conduzcan al tribunal al pleno convencimiento de que el demandante de estas medidas depende económicamente de su compañero. A la vista de la solicitud, el órgano juzgador, podrá decretar las siguientes medidas:

a).- El abono de pagos periódicos para el mantenimiento del otro miembro

b).- El pago de una pensión compensatoria en virtud de una cantidad global

c).- El derecho a participar en los títulos de propiedad del otro miembro de la pareja aunque no aparezca como tal en la escritura de propiedad

d).- El derecho a percibir una parte de los bienes en caso de fallecimiento.

En cualquier caso, la solicitud que lleva al tribunal a adoptar alguna o todas de estas medidas, deberá presentarse en el plazo de dos años desde la conclusión de la relación. La finalidad perseguida por la Ley al establecer este plazo no es otra que evitar que se reclame el patrimonio de una persona tras su muerte

una vez que hayan transcurrido más de dos años desde que se hubiera mantenido una relación de convivencia con él, o bien que se pretenda el mantenimiento de por vida en las mismas circunstancias. En cualquier caso, a la hora de adoptar las medidas expuestas en virtud de una resolución judicial de separación similar al divorcio, el Tribunal tendrá en cuenta las siguientes circunstancias:

a).- La situación financiera de cada uno de los integrantes de la pareja.

b).- Las aportaciones económicas de cada uno de ellos durante la convivencia.

c).- La conducta anterior y posterior, así como la mantenida durante el período de convivencia.

d).- La duración de la relación.

e).- Los derechos y deberes de los hijos a su cargo.

Finalmente, la Ley prevé la posibilidad de que los miembros de estas uniones disciplinen su relación en virtud de lo que denomina “acuerdo de convivencia”. Estos acuerdos son reconocidos por la Ley como documentos legales vinculantes y los tribunales sólo pueden introducir modificaciones o hacer caso omiso a los mismos en circunstancias excepcionales en que, de lo contrario, se causaría un grave perjuicio injustificado a uno sólo de los miembros de la pareja. Para que este acuerdo sea válido, debe haberse reflejado en un documento por escrito, firmado por ambos miembros y cada uno de ellos debe haber recibido asesoramiento jurídico independiente para la suscripción de este convenio, salvo renuncia expresa y por escrito, conviniendo que el asesoramiento sea conjunto, de acuerdo con los principios generales de la Ley de contratos. En virtud de las cláusulas establecidas en este convenio, las partes pueden acordar renunciar a solicitar una indemnización en el caso de la disolución de la pareja, bien judicial o extrajudicialmente, así como el derecho a solicitar la provisión de los bienes de la otra parte.

Se trata de una Ley que ha recibido un gran apoyo parlamentario, a pesar de que la Iglesia católica, de gran influencia social en Irlanda, se haya opuesto fuertemente a la misma. Además, en la tramitación de la Ley, la Iglesia exigía que se contemplase la posibilidad de que los funcionarios católicos pudieran objetar y negarse a inscribir en los registros civiles este tipo de uniones por ir en contra de sus creencias, cuestión que finalmente no ha sido contemplada por la Ley.

ANEXO

**CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND
OBLIGATIONS OF COHABITANTS ACT 2010**

Number 24 of 2010

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PART 1

Preliminary and General Section. Civil partners.

(...)

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

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

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

(...)

PART 2

Status of Civil Partnership

(...)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

relation to the civil partnership or to the civil partnership status of a civil partner.

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

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

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

(a) the relationship is exclusive in nature,

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

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

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

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

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

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

(3) Notwithstanding *subsections (1)* and *(2)*, an order made under *subsection (1)* shall not be construed as entitling parties to a legal relationship otherwise recognised by that order to be treated as civil partners under the law of the State if those parties.

Prohibited degrees of relationship set out in the Third Schedule to the Civil Registration Act 2004 (inserted by *section 26*).

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

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

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

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

PART 3

Registration of Civil Partnership

(...)

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

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

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

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

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

(e) the parties are not of the same sex, or (f) one of the parties to the intended civil partnership is, or both are, married.”.

(...)

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

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

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

(...)

Civil partnership registration form.

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

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

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

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

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

Civil partnership registration.

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

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

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

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

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

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

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

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

(...)

Objections.

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

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

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

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

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

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

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

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

(b) make the appropriate enquiries,

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

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

(4) If the registrar who receives an objection under subsection (1) believes that the possibility of the existence of an impediment to the intended civil partnership registration needs to be investigated, he or she shall refer the objection to an

Ard-Chláraitheoir for consideration and, pending the decision of an tArd-Chláraitheoir, he or she shall—

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

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

(ii) the objection is being investigated, and

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

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

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

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

(...)

Effect of registration.

59H.- The parties to a registered civil partnership shall be taken to be civil partners of each other as soon as the registrar has countersigned the civil partnership form as required by section

59D.- (6) (a), regardless of whether the registrar has performed the actions required of him or her under section

59D.- (6) (c), and all duties and benefits that accrue to civil partners under the *Act of 2010* or any other law accrue to them.

Effect of this Part.

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

Particulars to be Entered in Register of Decrees of Nullity of Civil Partnership *Section 59J*.

Court by which the decree was granted. Year and record number of the proceedings.

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

Personal public service numbers of the parties to the proceedings.

Date and place of civil partnership registration.

Declaration of court.

Date of the decree.

Date of registration.

Forenames and surname of officer of Courts Service.”.

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

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

Grandfather Grandmother

Grandparent's brother Grandparent's sister

Father Mother

Father's brother Mother's sister

Mother's brother Father's sister

Brother Sister

Nephew Niece

Son Daughter

Grandson Granddaughter

Grandnephew Grandniece

PART 4

Shared Home Protection

(...)

PART 5

Maintenance of Civil Partner

(...)

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

(e) an order for maintenance pending suit under *section 116* or a periodical payments order or secured periodical payments order under *Part 12*; “attachment of earnings order” means an order under *section 53*;

“desertion” includes conduct on the part of one civil partner that results in the other civil partner, with just cause, leaving and living separately and apart from the first civil partner; “earnings” means any sums payable to a person—

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

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

(...)

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

45.- (1) Subject to *subsection (3)*, where it appears to the court, on application to it by a civil partner, that the other civil partner has failed to provide maintenance for the applicant that is proper in the circumstances, the court may make an order that the other civil partner make to the applicant periodical payments for the support of the applicant, for the period during the lifetime of the applicant, of the amount and at the times that the court may consider proper.

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

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

(a) the income, earning capacity, property and other financial resources of the civil partners, including income or benefits to which either civil partner is entitled by or under statute,

(b) the financial and other responsibilities of—

(i) the civil partners towards each other,

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

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

(c) the conduct of each of the civil partners, if that conduct is such that, in the opinion of the court, it would in all the circumstances be unjust to disregard it.

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

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

47.—On an application to the court for a maintenance order, the court, before deciding whether to make or refuse to make the order, may make an order for the payment to the applicant by the maintenance debtor, for a definite period specified in the order or until the application is adjudicated upon by the court, of a periodical sum that, in the opinion of the court, is proper, if it

appears to the court proper to do so having regard to the needs of the applicant and the other circumstances of the case.

48.- (1) On application by one or both of the civil partners, the court may make an order under this section if it is satisfied that to do so would adequately protect the interests of the civil partners.

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

(a) by which one civil partner undertakes to make periodical payments towards the maintenance of the other civil partner, or

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

(a)) or the disposition or use of any property.

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

(...)

Orders in respect of certain agreements between civil partners. Preservation of pension entitlements. Transmission of payments through District Court clerk. Lump sum maintenance orders. The civil partners or by both of them in the proportions that the court may determine.

(...)

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

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

(...)

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

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

51.- (1) The court may, on making a maintenance order under *section 45*, order the maintenance debtor in addition to, or instead of such an order, to make a lump sum payment or lump sum payments to the maintenance creditor of such amount or amounts and at such time or times as may be specified in the order.

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

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

52.- The court may, on making a maintenance order under *section 45* or at any time after making such an order, on application to it by any person having an interest in the proceedings, order the maintenance debtor concerned to secure it to the maintenance creditor concerned.

PART 6

Attachment of Earnings

(...)

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

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

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

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

(ii) a District Court clerk to whom payments are required to be made under an antecedent order; “employer” includes a trustee of a pension scheme under which the maintenance debtor is receiving periodical pension benefits; “normal deduction rate” means the rate at which the court considers it reasonable that the earnings to which the attachment of earnings order relates should be applied in satisfying the antecedent order, not exceeding the rate that appears to the court to be necessary for—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(...)

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

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

PART 7

Miscellaneous Provisions Relating to Parts 5 and 6

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

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

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

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

(...)

PART 8

Succession

(...)

“Shares of surviving civil partner and issue.

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

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

- (a) subject to subsections (3) to (7), the civil partner shall take two-thirds of the estate; and
 - (b) the remainder shall be distributed among the issue in accordance with section 67B.
- (3) The court may, on the application by or on behalf of a child of an intestate who dies leaving a civil partner and one or more children, order that provision be made for that child out of the intestate's estate only if the court is of the opinion that it would be unjust not to make the order, after considering all the circumstances, including—
- (a) the extent to which the intestate has made provision for that child during the intestate's lifetime,
 - (b) the age and reasonable financial requirements of that child,
 - (c) the intestate's financial situation, and
 - (d) the intestate's obligations to the civil partner.
- (4) The court, in ordering provision of an amount under subsection (3) shall ensure that—
- (a) the amount to which any issue of the intestate is entitled shall not be less than that to which he or she would have been entitled had no such order been made, and
 - (b) the amount provided shall not be greater than the amount to which the applicant would have been entitled had the intestate died leaving neither spouse nor civil partner.
- (5) Rules of court shall provide for the conduct of proceedings under this section in a summary manner.
- (6) The costs in the proceedings shall be at the discretion of the court.
- (7) An order under this section shall not be made except on an application made within 6 months from the first taking out of representation of the deceased's estate

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

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

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

(...)

PART 9

Domestic Violence

(...)

90.- In this Part, “Act of 1996” means the Domestic Violence Act 1996.

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

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

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

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

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

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

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

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

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

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

(...)

PART 10

Miscellaneous Consequences of Civil Partnership Registration

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

(a) with respect to a person, a reference to a “connected person” or a “connected relative” of that person shall be construed as including the person’s civil partner and the child of the person’s civil partner who is ordinarily resident with the person and the civil partner, and

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

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

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

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

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

Grant of decree of nullity. Effect of decree of nullity. Definitions, etc.

(i) the consent was given under duress,

(ii) the consent was given under undue influence,

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

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

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

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

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

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

(...)

PART 11

Nullity of Civil Partnership

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

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

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

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

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

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

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

Grant of decree of nullity.Effect of decree of nullity.

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

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

PART 12

Dissolution of Civil Partnership

(...)

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

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

(c) a reference to a civil partner includes a reference to a person who was a civil partner in a civil partnership that has been dissolved under this Part.

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

Non-admissibility as evidence of certain communications.

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

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

(b) provision that the court considers proper having regard to the circumstances exists or will be made for the civil partners.

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

(a) to reconcile, or

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

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

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

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

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

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

(i) seeking assistance to effect a reconciliation, or

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

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

113.- Where the court grants a decree of dissolution, the civil partnership is thereby dissolved and either civil partner may register in a new civil partnership or marry.

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

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

(a) a safety order, a barring order, an interim barring order or a protection order under the Domestic Violence Act 1996 and 2002, as amended by *Part 9* of this Act; and

(b) an order under *section 30* or *section 34*.

116.- (1) Where an application is made to the court for the grant of a decree of dissolution, the court may make an order requiring either of the civil partners to make to the other periodical payments or lump sum payments for support that the court considers proper and specifies in the order.

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

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

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

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

(c) an order that either of the civil partners make to the other a lump sum payment or lump sum payments of the amount or

amounts and at the time or times that may be specified in the order.

(2) The court may order a civil partner to pay a lump sum to the other civil partner to meet any liabilities or expenses reasonably incurred by the other civil partner in maintaining himself or herself before the making of an application by the other civil partner for an order under *subsection (1)*.

(3) The period to be paid to the other qualified cohabitant.

(4) Where the court makes an order under *subsection (2)* in favor of a qualified cohabitant and payment of the designated benefit concerned has not commenced, the qualified cohabitant is entitled to the application in accordance with *section 189(1)* of an amount of money from the scheme (in this subsection referred to as a “transfer amount”) equal to the value of the designated benefit as determined by the trustees of the scheme in accordance with relevant guidelines.

(5) The court, on application to it in that behalf by either of the qualified cohabitants, may make an order providing for the payment, on the death of the member qualified cohabitant, to the other qualified cohabitant of that part of a contingent benefit that is payable under the scheme, or of the part of that part, that the court considers appropriate.

(6) In deciding whether or not to make a pension adjustment order, the court shall have regard to whether proper provision, having regard to the circumstances, exists or can be made for the qualified cohabitant who is not a member under *section 175*.

188.- (1) A person who makes an application under *section 187(2)* or *(5)* shall give notice of the application to the trustees of the scheme. The court shall, in deciding whether to make the order and in determining the provisions of the order, have regard to representations made by the persons to whom notice has been given under this section.

(2) An order referred to in *subsection (1)* ceases to have effect on the entry into a civil partnership, marriage or death of the person in whose favour the order was made.

(3) The court may, in making an order referred to in *subsection (1)*, give to the trustees of the scheme any directions that it considers appropriate, including a direction that would require the trustees not to comply with the rules of the scheme or the Act of 1990.

Procedural provisions respecting pension adjustment orders.
Rules respecting payments under schemes.

(...)

(2) The amount of retirement benefit payable to the member qualified cohabitant, or the amount of contingent benefit payable to or in respect of the member qualified cohabitant, in accordance with the rules of the relevant scheme shall be reduced by the designated benefit or contingent benefit payable pursuant to an order made under *section 187(2)* or *(5)*, as the case may be, to the other qualified cohabitant.

(3) The amount of contingent benefit payable in accordance with the rules of the scheme in respect of a member qualified cohabitant who dies before the payment of the designated benefit payable pursuant to an order under *section 187(2)* has commenced shall be reduced by the amount of the payment made under *section 189(4)*.

193.- (1) The court may adjourn or further adjourn proceedings under *section 173* at any time for the purpose of enabling the cohabitants to attempt, if they both so wish, with or without the assistance of a third party—

(a) to reconcile, or

(b) to reach agreement on some or all of the terms of a possible settlement between them.

(2) Either or both of the cohabitants may at any time request that the hearing of proceedings adjourned under *subsection (1)* be

resumed as soon as may be and, if a request is made, the court shall subject to any other power of the court to adjourn proceedings resume the hearing.

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

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

194.- (1) A qualified cohabitant may, after the death of his or her cohabitant but not more than 6 months after representation is first granted under the Succession Act 1965 in respect of that cohabitant's estate, apply for an order under this section for provision out of the net estate.

(2) Notwithstanding *subsection (1)*, a qualified cohabitant shall not apply for an order under this section where the relationship concerned ended 2 years or more before the death of the deceased, unless the applicant—

(a) was in receipt of periodical payments from the deceased, whether under an order made under *section 175* or pursuant to a cohabitants' agreement or otherwise,

(b) had, not later than 2 years after that relationship ended, made an application for an order under *section 174, 175 or 187* and either—

(i) the proceedings were pending at the time of the death, or

(ii) any such order made by the court had not yet been executed, or

(c) had, not later than 2 years after the relationship ended, made an application for an order under *section 174, 175 or 187*, the order was made, an application under *section*

173(6) was subsequently made in respect of that order and either—

(i) the proceedings in respect of that application were pending at the time of the death, or 103 Mediation and other alternatives to proceedings. Application for provision from estate of deceased cohabitant.

(ii) any such order made by the court under *section 173(6)* in favour of the qualified cohabitant who is the applicant under this section had not yet been executed.

(3) The court may by order make the provision for the applicant that the court considers appropriate having regard to the rights of any other person having an interest in the matter, if the court is satisfied that proper provision in the circumstances was not made for the applicant during the lifetime of the deceased for any reason other than conduct by the applicant that, in the opinion of the court, it would in all the circumstances be unjust to disregard.

(...)

(2) A cohabitants' agreement is valid only if—

(a) the cohabitants—

(i) have each received independent legal advice before entering into it, or

(ii) have received legal advice together and have waived in writing the right to independent legal advice,

(b) the agreement is in writing and signed by both cohabitants, and

(c) the general law of contract is complied with.

(3) Subject to *subsection (4)*, a cohabitants' agreement may provide that neither cohabitant may apply for an order for redress referred to in *section 173*, or an order for provision from the estate of his or her cohabitant under *section 194*.

(4) The court may vary or set aside a cohabitants' agreement in exceptional circumstances, where its enforceability would cause serious injustice.

(5) An agreement that meets the other criteria of this section shall be deemed to be a cohabitants' agreement under this section even if entered into before the cohabitation has commenced.

“(c) a person who was not married to or a civil partner of the deceased but who, until the date of the deceased's death, had been living with the deceased as the deceased's cohabitant.

PART 16

Miscellaneous

208.- In making an order under this Act and in particular in making a maintenance order, lump sum order, property adjustment order, pension adjustment order or order for provision from the estate of a deceased person, the court shall have regard to the rights of any other person with an interest in the matter, including a spouse or former spouse and a civil partner or former civil partner.

(...)