

The Civil Partnership Bill 2009

The Civil Partnership Bill will fundamentally change the law in relation to non married couples in Ireland and it will have a profound effect on same sex and opposite sex co-habiting couples.

The Civil Partnership Bill 2009 was published on the 26th of June and will, if passed, enable the recognition and registration of relationships outside marriage, both heterosexual and homosexual, which will be known as “Civil Partnerships”.

Under the Bill, once a Civil Partnership is registered, a couple will be dealt with in the same way as a married couple by the Revenue Commissioners.

Under the Bill parties to a Civil Partnership will also be able to avail of the following;

- Shared Home Protection which will be identical to the protection afforded to the non owning spouse under existing Family Law legislation.
- An entitlement to apply for maintenance, property and pension adjustment orders.
- Succession Rights (including the right of civil partners to claim the legal right share).
- An entitlement to apply for release under the existing domestic violence legislation.

The Bill also provides for the annulment and dissolution of Civil Partnerships. Civil Partners will need to have lived apart for a period of two out of the previous three years in order to obtain a dissolution. Proper provision will need to be made for both partners and the court can make orders in relation to maintenance, property, financial compensation and pension adjustment.

The Bill proposes to create a new law governing co-habitants (either unregistered same sex or unmarried opposite sex) and proposes to allow them to apply for various orders including maintenance, property and pension adjustment orders. The Bill provides that these rights will arise after a three year period of cohabitation. Where there is a child of the relationship this period is reduced to two years. These rights will not apply to siblings.

The Bill is expected to reach the second stage in the Oireachtas in October.

Once enacted it will fundamentally change the law in relation to non married couples in Ireland. Further updates in relation to the progress of the Bill will be given in subsequent news letters.

If you wish to read the general scheme of the Civil Partnership Bill same can be accessed on the following link:

<http://www.justice.ie/en/JELR/General%20Scheme%20of%20Civil%20Partnership%20Bill.pdf/Files/General%20Scheme%20of%20Civil%20Partnership%20Bill.pdf>

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