

DÁIL ÉIREANN

AN BILLE UM PÁIRTNÉIREACHT SHIBHIALTA 2009 —ROGHCHOISTE

CIVIL PARTNERSHIP BILL 2009 —SELECT COMMITTEE

*Leasuithe Breise
Additional Amendments*

SECTION 128

29a. In page 75, paragraph (c), lines 41 and 42, to delete all words from and including “made” in line 41 down to and including “during” in line 42 and substitute the following:

“made by that civil partner to the other civil partner during”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 135

29b. In page 79, subsection (3), line 12, to delete “has, with that intention, made” and substitute the following:

“has, with the intention referred to in *subsection (2)(a)*, made”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 170

34a. In page 87, subsection (5)(b), line 8, to delete “3 years” and substitute “5 years”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 171

36a. In page 88, between lines 33 and 34, to insert the following subsections:

“(7) Where the court makes an order under *section 172, 173(1)(c)* or *185* in favour of a qualified cohabitant, the court may, in the same proceedings or at any later date, on the application of either of the qualified cohabitants concerned, order that either or both of them shall not, on the death of the other, be entitled to apply for an order under *section 192*.

(8) If the order under *section 172, 173(1)(c)* or *185* referred to in *subsection (7)* has been made but not yet executed at the time that the order is made under *subsection (7)*, the order under *subsection (7)* shall not take effect until the execution of that other order.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 192

38a. In page 101, between lines 10 and 11, to insert the following subsection:

[SECTION 192]

“(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 173* 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 172, 173* or *185* 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 172, 173* or *185*, the order was made, an application under *section 171(6)* was subsequently made in respect of that order and either—
 - (i) the proceedings in respect of that application were pending at the time of the death, or
 - (ii) any such order made by the court under *section 171(6)* in favour of the qualified cohabitant who is the applicant under this section had not yet been executed.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

38b. In page 101, subsection (3)(a), line 21, to delete “*section 172, 173*” and substitute “*section 171(6), 172, 173*”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

39a. In page 101, between lines 26 and 27, to insert the following subsection:

“(4) The court shall not make an order under this section where the relationship concerned ended before the death of the deceased and—

- (a) the court is not satisfied that the applicant is financially dependent on the deceased within the meaning of *section 171(2)*, or
- (b) the applicant has married or registered in a civil partnership, or in a legal relationship of a class that is the subject of an order under *section 5*.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 193

39b. In page 102, lines 10 and 11, to delete “under *section 192*, shall” and substitute “under *sections 171(6)* and *192*, shall”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 199

40a. In page 103, subsection (3), line 21, to delete “*section 171*.” and substitute the following:

[*SECTION 199*]

“*section 171*, or an order for provision from the estate of his or her cohabitant under *section 192*.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 203

Section proposed to be deleted.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.