



SEANAD ÉIREANN

AN BILLE UM PÁIRTNÉIREACHT SHIBHIALTA AGUS UM CHEARTA AGUS OIBLEAGÁIDÍ ÁIRITHE DE CHUID COMHCHÓNAITHEOIRÍ 2009 CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS BILL 2009

*athraithe ó
changed from*

AN BILLE UM PÁIRTNÉIREACHT SHIBHIALTA 2009 CIVIL PARTNERSHIP BILL 2009

LEASUITHE COISTE COMMITTEE AMENDMENTS

[It is proposed to take second and committee stages of this Bill today. Accordingly, this numbered list of amendments is circulated in advance of the conclusion of Second Stage. 07-07-10]

SEANAD ÉIREANN

AN BILLE UM PÁIRTNÉIREACHT SHIBHIALTA AGUS UM CHEARTA AGUS OIBLEAGÁIDÍ ÁIRITHE DE CHUID COMHCHÓNAITHEOIRÍ 2009 —AN COISTE

CIVIL PARTNERSHIP AND CERTAIN RIGHTS AND OBLIGATIONS OF COHABITANTS BILL 2009 —COMMITTEE STAGE

Leasuithe Amendments

SECTION 1

1. In page 13, subsection (1), lines 16 and 17, to delete all words from and including “Civil” in line 16 down to and including “2010” in line 17 and substitute the following:

“Partnership and Cohabitants (Non marital Relationships) Act 2010”.

—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*

SECTION 2

2. In page 13, between lines 30 and 31, to insert the following:

“ “dependent child” means a person under the age of 18 years, or if the person has attained that age—

(a) is a person who is or will be or, if an order were made under any Act providing for periodical payments for his or her support or for the provision of a lump sum for the child, would be receiving full-time education or instruction at any university, institute of technology, college, school or other educational establishment and is under the age of 23 years, or

(b) is a person who has an intellectual or physical disability to such extent that it is not reasonably possible for the child to maintain himself or herself fully;”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 3

3. In page 14, before section 3, to insert the following new section:

“Presence in the State.

3.—For the purposes of this Act, a reference to the presence of any person in the State or co-habitation in the State shall include presence or co-habitation while abroad in the service of the State.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

4. In page 14, line 6, to delete “of the same sex”.

—*Senators Rónán Mullen, Feargal Quinn.*

[SECTION 4]

SECTION 4

5. In page 14, before section 4, but in Part 1, to insert the following new section:

“Adopted child or children.

4.—In a case where one of the partners in a civil partnership has, or had prior to the entry into a civil partnership, adopted a child or children to whom they may or may not be biologically related, and in the event of the death of that adopting parent, the surviving partner shall be regarded in law as a guardian of the child or children.”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

6. In page 14, subsection (2)(c), lines 33 to 35, to delete subparagraph (ii), and substitute the following:

“(ii) prior to the death had ever been ordinarily resident in the State for a period of one year.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 5

7. In page 15, subsection (1), line 27, after “into” to insert the following:

“(including a relationship entered into prior to the commencement of this section)”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

8. In page 15, subsection (1), line 28, after “partnership” to insert “or marriage”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

9. In page 15, between lines 45 and 46, to insert the following subsections:

“(3) Notwithstanding *subsection (2)*, where—

(a) one of the persons in the civil partnership dies before the commencement of this section and before a declaration that a civil partnership of that class is entitled to be recognised,

(b) the foreign civil partnership was entered into after 1st January 2004,

(c) the foreign civil partnership was between persons both or either of whom were or was citizens or a citizen of Ireland, or residents or a resident of Ireland, on the day of the registered foreign relationships,

then the foreign relationships to which this section applies shall be and shall be deemed always to have been valid as to form if it would have been so valid had it been registered in the State.

(4) An tArd-Chláraitheoir may, on production of such evidence as appears to him to be satisfactory, cause a registered foreign relationship to which this section applies to be registered in a register to be maintained in Oifig an Ard-Chláraitheoir.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

[SECTION 7]

SECTION 7

10. In page 16, line 37, to delete “civil status” and substitute “marital or civil status”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 14

11. In page 19, line 26, to delete “civil status” for “marital status” and substitute the following:

“marital status and civil partnership status” for “marital status”.

—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*

12. In page 19, line 26, to delete “civil status” and substitute “marital or civil status”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 16

13. In page 21, line 11, to delete “civil status” and substitute “marital or civil status”.

—*Senators Rónán Mullen, Feargal Quinn.*

14. In page 23, line 39, after “specify.” to insert the following:

“Any recognised religious denomination such as the Unitarian Church which celebrates the marriage of same sex couples may if the incumbent of such of their church buildings is agreeable have it regarded automatically as a proper and appropriate place for the registration of the civil partnership.”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 22

15. In page 29, lines 6 to 12, to delete paragraph (b) and substitute the following:

“(b) by inserting the following subsections after subsection (9):

“(9A) A registrar who, without reasonable cause, fails or refuses to give a civil partnership registration form to one of the parties to an intended civil partnership in respect of which he or she has received a notification under section 59B(1)(a), or a copy of an exemption order under section 59B(2), commits an offence.

(9B) For the purpose of subsections (4), (9), (9A) and (9C) of this section, a registrar shall be deemed to have reasonable cause where—

(a) The registrar’s refusal or failure to act is based on a conscientious objection to the registration of the marriage or civil partnership grounded in a sincerely held religious or ethical belief, and

(b) The objection is not based on any of the discriminatory grounds identified in section 3, subsection (2), paragraphs (a), (c), (e), (f), (g), (h), (i) of the Equal Status Act, 2000, and

[SECTION 22]

- (c) The registrar has given notice in writing to his or her Superintendent Registrar of the said objection and its grounds within one week of appointment as registrar or at least 1 month prior to any refusal or failure to act in reliance on the said objection;

Unless the Superintendent Registrar, having taken all reasonable steps in the management, control and administration of the Civil Registration Service to ensure that the registrar's objection is respected and accommodated, concludes that it is necessary in all the circumstances of a given case for the registrar to register a marriage or civil partnership or give a marriage or civil partnership registration form to one of the parties to an intended marriage or civil partnership in order to avoid undue delay in the provision of the said registration services.

(9C) A registrar who, with reasonable cause, fails or refuses to register a marriage or civil partnership or to give a marriage or civil partnership registration form shall not be taken to discriminate against a person for the purposes of the Equal Status Act 2000.”.”

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 23

Section opposed.

—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*

SECTION 25

16. In page 30, paragraph (a), line 14, to delete “ “civil status” for “marital status” ” and substitute the following:

“ “marital status and civil partnership status” for “marital status” ”.

—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*

17. In page 30, paragraph (a), line 14, to delete “civil status” and substitute “marital or civil status”.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 26

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 27

18. In page 31, before section 27, but in Part 3, to insert the following new section:

“27.—Section 54(1) of the Act of 2004 is amended by replacing paragraph (b) with the following:

“(b) in case the body is a religious body or the Humanist Association of Ireland, for the registration of a member named in the application who is aged 18 years or more.”.”

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

[SECTION 27]

19. In page 32, line 27, to delete “shared home” and substitute “family home”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 28

20. In page 32, subsection (1), line 36, to delete “shared home” and substitute “family home”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*
21. In page 34, subsection (14), line 5, to delete “shared home or a former shared home” and substitute “family home or a former family home”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 29

22. In page 34, subsection (2)(a), line 14, after “partners” to insert the following:
“and of any dependent child of either civil partner”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 30

23. In page 34, subsection (1), line 36, to delete “shared home” and substitute “family home”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*
24. In page 34, subsection (1), line 37, to delete “shared home” and substitute “family home”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 31

25. In page 35, subsection (1), line 6, to delete “shared home” and substitute “family home”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*
26. In page 35, subsection (2), lines 11 and 12, to delete “shared home” and substitute “family home”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 32

27. In page 35, subsection (1), line 15, to delete “shared home” and substitute “family home”.
—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

[SECTION 34]

SECTION 34

- 28.** In page 36, subsection (1), line 6, to delete “shared home” and substitute “family home”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

- 29.** In page 36, subsection (2), line 11, to delete “shared home” and substitute “family home”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

- 30.** In page 36, subsection (4)(b), line 31, to delete “shared home” and substitute “family home”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

- 31.** In page 36, subsection (4)(b), line 33, to delete “shared home” and substitute “family home”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 43

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 44

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 45

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 46

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 47

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 48

- 32.** In page 40, before section 48, to insert the following new section:

“Pensions provisions where one or more civil partners have passed pensionable age.

48.—In all cases where a person contracting civil partnership where one or both parties have passed pensionable age and are in receipt of a pension all provisions concerning pensions shall be made retrospective.”

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

[SECTION 48]

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 49

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 50

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 51

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 52

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 53

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 54

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 55

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 56

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 57

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 58

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 59

Section opposed.

[SECTION 59]

—Senators Rónán Mullen, Feargal Quinn.

SECTION 60

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 61

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 62

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 63

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 64

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 65

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 66

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 67

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 73

33. In page 49, to delete lines 21 to 26 and substitute the following:

“the estate shall be distributed in equal shares to the surviving civil partner and each of the children of the deceased civil partner”.

—Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.

34. In page 49, line 21, to delete “subject to subsections (3) to (7),”.

—Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast,
Michael McCarthy, Brendan Ryan.

35. In page 49, to delete lines 27 to 41 and in page 50, to delete lines 1 to 21.

—Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast,
Michael McCarthy, Brendan Ryan.

[SECTION 81]

SECTION 81

36. In page 51, line 6, to delete “Subject to section 117(3A),”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 86

Section opposed.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 90

37. In page 52, before section 90, but in Part 8, to insert the following new section:

“Amendment of the Guardianship of Children Acts 1964 to 1997.

90.—The Guardianship of Infants Act 1964 is hereby amended by the insertion after section 8 of that Act of the following new section:

“Acquisition of guardianship by a step-parent.

8A.—(1) For the purposes of this section, “civil partner” means a person who is a civil partner as defined by *section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*;

“step-parent” means, in respect of a child, a person who is married to or is the civil partner of a parent of that child.

(2) Where a child’s parent (“parent A”) who is the guardian of a child is married to or is a civil partner of a person who is not the child’s parent (“the step-parent”)—

(a) parent A (or, if the child has more than one guardian, all persons who are guardians of the child) may by agreement with the step-parent provide for the step-parent to be a guardian of the child; or

(b) the court may, on the application of the step-parent, order that the step-parent be a guardian of the child, if the court is satisfied that such an order would be in the best interests of the child.

(3) An agreement under subsection (2)(a) is valid only if—

(a) all persons who are guardians of the child at the time of the agreement and the step-parent—

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

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

(b) all persons who are guardians of the child at the time of the agreement and the step-parent agree, in writing, that the step-parent will be, with effect from the date of the agreement, a guardian of the child,

[SECTION 90]

(c) the agreement is signed by the step-parent and by all persons who are guardians of the child at the time of the agreement, and

(d) the agreement complies with the general law of contract.

(4) Where an application is made under subsection 2(b), the court shall consider—

(a) the views of the child himself or herself in relation to the application, as the court thinks appropriate and practicable having regard to the age and understanding of the child,

(b) the views of the guardian or guardians of the child in relation to the application, should the guardian or guardians wish to make such views known to the court, and

(c) the views of any other parent of the child in relation to the application, should that parent wish to make such views known to the court.

(5) An agreement under subsection (2)(a), or an order under subsection (2)(b), may only be brought to an end by an order of the court made on the application—

(a) of any person who is a guardian of the child; or

(b) with the leave of the court, of the child himself or herself.

(6) The court may only grant leave under subsection (5)(b) of this section if it is satisfied that the child is of sufficient age and has sufficient understanding to make the proposed application.

(7) A guardian appointed under subsection 2 of this section shall act jointly with any other person or persons who are, for the time being, also guardians of the child, including, where relevant, a testamentary guardian appointed under section 7 of this Act.

(8) Without prejudice to any other responsibilities or rights he or she may have, a guardian appointed under this section shall, for the purposes of the following Acts (as amended), be treated in law as if he or she were the natural parent of the child born in lawful wedlock:

(a) The Education Acts 1878-2007;

(b) The Succession Act 1965;

(c) The Family and Shared Home Protection Acts 1976-2010;

(d) The Family Law (Maintenance of Spouses and Children) Act 1976;

(e) The Child Care Act 1991;

[SECTION 90]

- (f) The Maintenance Act 1994;
 - (g) The Domestic Violence Acts 1996-2002;
 - (h) The Education Act 1998;
 - (i) The Parental Leave Acts 1998-2006;
 - (j) The Employment Equality Acts 1998-2008;
 - (k) The Equal Status Acts 2000-2008;
 - (l) The Education (Welfare) Act 2000;
 - (m) The Children Act 2001;
 - (n) The Capital Acquisitions Tax Consolidation Act 2003;
 - (o) The Education (Miscellaneous Provisions) Act 2007.””.
- Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.

SECTION 100

- 38.** In page 54, lines 27 to 34, to delete paragraph (a).
—Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.
- 39.** In page 54, paragraph (a), line 31, to delete “ ‘civil status’ means civil status” and substitute the following:
“ ‘marital or civil status’ means marital or civil status”.
—Senators Rónán Mullen, Feargal Quinn.
- 40.** In page 54, paragraph (b), line 37, to delete “ “civil status” for “marital status” ” and substitute the following:
“ “marital status and civil partnership status” for “marital status” ”.
—Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.
- 41.** In page 54, paragraph (b), line 37, to delete “civil status” and substitute “marital or civil status”.
—Senators Rónán Mullen, Feargal Quinn.
- 42.** In page 54, paragraph (c), line 41, to delete “ “civil status” for “marital status” ” and substitute the following:
“ “marital status and civil partnership status” for “marital status” ”.
—Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.
- 43.** In page 54, paragraph (c), line 41, to delete “civil status” and substitute “marital or civil status”.
—Senators Rónán Mullen, Feargal Quinn.
- 44.** In page 54, paragraph (d), line 45, to delete “ “civil status” for “marital status” ” and substitute the following:
“ “marital status and civil partnership status” for “marital status” ”.
—Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.

[SECTION 100]

45. In page 54, paragraph (d), line 45, to delete “civil status” and substitute “marital or civil status”.
—*Senators Rónán Mullen, Feargal Quinn.*
46. In page 55, paragraph (e), line 3, to delete “ “civil status” for “marital status” ” and substitute the following:
“ “marital status and civil partnership status” for “marital status” ”.
—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*
47. In page 55, paragraph (e), line 3, to delete “civil status” and substitute “marital or civil status”.
—*Senators Rónán Mullen, Feargal Quinn.*
48. In page 55, paragraph (f), line 7, to delete “ “civil status” for “marital status” ” and substitute the following:
“ “marital status and civil partnership status” for “marital status” ”.
—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*
49. In page 55, paragraph (f), line 7, to delete “civil status” and substitute “marital or civil status”.
—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 102

50. In page 55, lines 34 to 47, to delete subsection (2).
—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*
51. In page 55, line 36, to delete “civil status” and substitute “marital or civil status”.
—*Senators Rónán Mullen, Feargal Quinn.*
52. In page 56, subsection (3), lines 1 and 2, to delete “ “civil status” for “marital status” ” and substitute the following:
“ “marital status and civil partnership status” for “marital status” ”.
—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*
53. In page 56, subsection (3), line 1, to delete “civil status” and substitute “marital or civil status”.
—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 103

54. In page 56, lines 5 to 17, to delete subsection (2).
—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*
55. In page 56, line 7, to delete “civil status” and substitute “marital or civil status”.
—*Senators Rónán Mullen, Feargal Quinn.*
56. In page 56, subsection (3), lines 18 and 19, to delete “ “civil status” for “marital status” ” and substitute the following:
“ “marital status and civil partnership status” for “marital status” ”.
—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*

[SECTION 102]

57. In page 56, subsection (3), line 18, to delete “civil status” and substitute “marital or civil status”.

—*Senators Rónán Mullen, Feargal Quinn.*

58. In page 56, between lines 19 and 20, to insert the following subsections:

“(4) Section 16 of the Act of 2000 is amended by inserting subsection (3) as follows:

“(3) A religious institution or an educational, social or community organisation which is under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values shall not be taken to discriminate against a person on the marital or civil status ground or on the sexual orientation ground if—

(a) the institution or organisation does not provide goods or services—

(i) that assist or relate to the solemnisation of a marriage or the registration of a civil partnership or to matters directly related to the occasion of such a solemnisation or registration, or

(ii) that involve or relate to relationship counselling or adoption services,

and,

(b) the decision not to provide such goods and services is reasonably necessary to prevent the institution or organisation from undermining its own religious ethos.”.

(5) Section 16 of the Act of 2000 is amended by inserting subsections (4) and (5) as follows:

“(4) Any private individual, sole proprietor or small business shall not be taken to discriminate against a person on the marital or civil status ground or on the sexual orientation ground if—

(a) the private individual, sole proprietor or small business does not provide goods or services that assist or relate to the solemnisation of a marriage or the registration of a civil partnership or to matters directly related to the occasion of such a solemnisation or registration, and

(b) the decision not to provide such goods and services is based on a conscientious objection on the part of the private individual, sole proprietor or owner of the small business to the said solemnisation or registration which is grounded in a sincerely held religious or ethical belief.

(5) For the purposes of subsection (4)—

(a) A ‘private individual’ does not include any person employed by the State or acting for or on behalf of the State.

(b) A ‘small business’ is a legal entity other than a natural person that

[SECTION 102]

(i) provides services which are primarily performed by an owner of the business; or

(ii) has 10 or fewer employees.”.”.

—*Senators Rónán Mullen, Feargal Quinn.*

59. In page 56, between lines 19 and 20, to insert the following subsection:

“(4) The Act of 2000 is amended by inserting:

“Nothing in this Act, or in the Acts amended by this Act, shall prohibit a religious, educational, social or community organisation, which is under the direction or control of a body established for religious purposes or whose objectives include the provision of services in an environment which promotes certain religious values, from refusing to provide property, goods or services that assist or promote the solemnisation or celebration of any civil partnership or marriage, or provide counselling or other services that directly facilitate the perpetuation of any civil partnership or marriage, where such refusal is reasonably necessary to prevent the undermining of the religious ethos of the institution.”.”.

—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*

SECTION 107

60. In page 58, before section 107, but in Part 10, to insert the following new section:

“107.—(1) In this section, “Act of 2010” means the Adoption Act 2010.

(2) Section 3 of the Act of 2010 is amended by inserting the following new subsection (4):

“(4) In this Act, ‘married couple’ means a married couple or a couple who have entered a registered civil partnership with each other under the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*.”.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 109

61. In page 60, subsection (1), line 42, to delete “shared home” and substitute “family home”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 110

62. In page 61, lines 19 to 22, to delete paragraph (a).

—*Senators Rónán Mullen, Feargal Quinn.*

63. In page 61, paragraph (b), line 25, after “partners” to insert the following:

“and for any dependent child of either civil partner”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

[SECTION 110]

64. In page 61, between lines 25 and 26, to insert the following:

“(c) provision that the court considers proper having regard to the circumstances exists or will be made for any dependent child or children of the civil partners.”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 118

65. In page 64, subsection (9), line 41, to delete “shared or”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 119

66. In page 65, subsection (1)(b), line 6, to delete “shared” and substitute “family”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

67. In page 65, subsection (3), lines 24 and 25, to delete “shared or”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 128

68. In page 73, subsection (2), line 16, to delete “shared” and substitute “family”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

69. In page 74, subsection (7), line 3, to delete “shared or”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 129

70. In page 74, subsection (2)(f), line 35, to delete “shared” and substitute “family”.

—*Senators David Norris, Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

SECTION 171

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 172

71. In page 86, subsection (1), line 24, to delete “adults” and substitute “persons”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

72. In page 86, subsection (1), line 25, to delete “and committed”.

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

[SECTION 172]

73. In page 86, between lines 27 and 28, to insert the following subsection:

“(2) For the purposes of this Part, a cohabitant is also one of two or more adults (whether of the same or the opposite sex) who live together in non-conjugal but caring dependant relationship and who are related to each other within the prohibited degrees of relationship for marriage and civil partnership.”

—*Senators John Hanafin, Labhras Ó Murchú, Jim Walsh.*

74. In page 87, subsection (4), lines 9 to 14, to delete all words from and including “if” in line 9, down to and including “Act.” in line 14, and substitute the following:

“if sexual activity between them would be an offence having regard to their age or the fact that they are relatives.”

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

75. In page 87, lines 23 to 31, to delete subsection (6).

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 173

76. In page 87, before section 173, to insert the following new section:

“Duty on court.

173.—It shall be the objective of the court in exercising powers under this Part, insofar as possible, to make such orders as will finally determine the financial arrangements between the parties and avoid further proceedings between them except insofar as such are necessary to deal with matters concerning dependent children.”

—*Senators Ivana Bacik, Alex White, Dominic Hannigan, Phil Prendergast, Michael McCarthy, Brendan Ryan.*

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 174

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 175

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

SECTION 176

Section opposed.

—*Senators Rónán Mullen, Feargal Quinn.*

[SECTION 177]

SECTION 177

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 178

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 179

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 180

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 181

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 182

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 183

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 184

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 185

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 186

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 187

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

[SECTION 188]

SECTION 188

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 189

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 190

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 191

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 192

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 193

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 194

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 195

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 196

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 197

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 198

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

[SECTION 199]

SECTION 199

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 200

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 201

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 202

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 203

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 204

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 205

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 206

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SECTION 207

Section opposed.

—Senators Rónán Mullen, Feargal Quinn.

SCHEDULE

77. In page 122, line 2, column 4, to delete “civil status” and substitute “marital or civil status”

—Senators Rónán Mullen, Feargal Quinn.