



# Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

## PART 4

### CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

#### **29 Change of gender of married persons or civil partners**

Schedule 2 (change of gender of married persons or civil partners) has effect.

#### **30 Renewed marriage or civil partnership following issue of full gender recognition certificate**

- (1) The Scottish Ministers may by regulations make provision about—
  - (a) the solemnisation of a renewed marriage between the parties to a protected Scottish marriage following the issue of a full gender recognition certificate to a party (or both parties) to the marriage,
  - (b) the registration of a renewed civil partnership between the parties to a protected Scottish civil partnership following the issue of full gender recognition certificates to both parties to the civil partnership.
- (2) Regulations under subsection (1) may in particular make provision—
  - (a) about the submitting by the parties to the protected Scottish marriage of notice of intention to enter into a renewed marriage,
  - (b) about the submitting by the parties to the protected Scottish civil partnership of notice of intention to enter into a renewed civil partnership,
  - (c) about the information to be provided by the parties,
  - (d) about the provision of evidence by the parties,
  - (e) for the parties to appear before any person or appear at any place,
  - (f) conferring functions on persons in relation to a renewed marriage or renewed civil partnership,
  - (g) for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—

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*Status: This is the original version (as it was originally enacted).*

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- (i) the submitting of notice of intention to enter into a renewed marriage or renewed civil partnership,
  - (ii) the exercise of any function conferred by virtue of paragraph (f).
- (3) Functions conferred by virtue of subsection (2)(f) may include functions relating to—
- (a) the recording of information relating to a renewed marriage or renewed civil partnership,
  - (b) the issuing of certified copies of any information recorded,
  - (c) the conducting of services or ceremonies in connection with a renewed marriage or renewed civil partnership.
- (4) Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.
- (5) Regulations under subsection (1)—
- (a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
  - (b) may make provision applying any provision of the 1977 Act or the 2004 Act (either with or without modifications),
  - (c) may modify any enactment (including this Act),
  - (d) are (except where subsection (6) applies) subject to the negative procedure.
- (6) Regulations under subsection (1) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.
- (7) In this section “full gender recognition certificate”, “protected Scottish civil partnership” and “protected Scottish marriage” have the meanings given by section 25 of the Gender Recognition Act 2004.

### **31 Grounds of divorce: interim gender recognition certificate followed by full certificate**

- (1) Section 1 of the Divorce (Scotland) Act 1976 (grounds of divorce) is amended as follows.
- (2) In subsection (1)(b) (issue of interim gender recognition certificate as ground on which decree of divorce may be granted), at the beginning insert “subject to subsection (3B),”.
- (3) After subsection (3A) (inserted by section 5(2) of this Act) insert—
- “(3B) Subsection (1)(b)—
- (a) does not apply where, under the Gender Recognition Act 2004, the Gender Recognition Panel issue a full gender recognition certificate to the person to whom the interim gender recognition certificate was issued, but
  - (b) continues to apply despite a full gender recognition certificate being issued to that person by the sheriff under section 4E of that Act.”.