



# Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

## PART 2

### REGISTRATION SERVICES

#### *Marriages and civil partnerships: procedure*

#### **52 Civil partnership procedure: miscellaneous amendments**

- (1) The 2004 Act is amended in accordance with subsections (2) to (7).
- (2) In section 88 (notice of proposed civil partnership)—
  - (a) in subsection (1), the words “and accompanied by the prescribed fee” are omitted;
  - (b) in subsection (2), for the words from the beginning, to the end of paragraph (a), there is substituted—

“Each of the intended civil partners must also pay the prescribed fee and submit the following documents—

    - (a) that person’s birth certificate,”;
  - (c) in subsection (5), for “sign” there is substituted “attest in the prescribed manner”; and
  - (d) after subsection (5) there is inserted—

“(5A) Regulations prescribing the form of the notice of proposed civil partnership may make provision for the notice to be electronic rather than paper-based.”.
- (3) In section 90 (publicisation of proposed civil partnership), in subsection (1)—
  - (a) for “submitted to” there is substituted “received by”;
  - (b) for “the day on which they are submitted” there is substituted “such receipt”;
  - (c) for “submitted”, where thirdly occurring, there is substituted “received”; and
  - (d) for “the day on which the first is submitted” there is substituted “the first is received”.

- (4) In section 92 (objections to registration)—
- (a) after subsection (1) there is inserted—
- “(1A) For the purpose of subsection (1), an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”; and
- (b) in subsection (2)—
- (i) for “be accompanied by” there is substituted “not be treated as submitted until there has also been produced to the registrar”; and
- (ii) for “signed” there is substituted “attested in the prescribed manner”.
- (5) After section 95 there is inserted—

**“95A Validity following entry in civil partnership register**

- (1) Subsection (2) applies where the particulars set out in a civil partnership schedule signed in accordance with section 85 are entered in the civil partnership register in pursuance of section 95(2).
- (2) The validity of the registration as civil partners to which the schedule relates is not to be questioned in any legal proceedings on the ground of failure to comply with a requirement or restriction imposed by or under this Part.
- (3) Subsection (2)—
- (a) is subject to section 85(2), and
- (b) does not prejudice section 100.”.
- (6) For section 98 (application of certain sections of 1965 Act to civil partnership register) there is substituted—

**“98 Application of certain provisions to civil partnerships**

- (1) The following sections of the 1965 Act apply in relation to the civil partnership register as they apply in relation to the registers of births, marriages and deaths—
- (a) section 34 (examination and transmission of registers),
- (b) section 38(1) and (2) (search of indexes kept by Registrar General),
- (c) section 39C (provision of information to district registrars), and
- (d) section 44 (Register of Corrections Etc.).
- (2) Section 39A of the 1965 Act (notice of registration events to third parties) applies in relation to a civil partnership as it applies in relation to a marriage.
- (3) In that application, the reference in section 39A(2)(c) to the marriage having been registered in accordance with section 15 or 19 of the Marriage (Scotland) Act 1977 (c. 15) is to be read as a reference to the particulars of the formation of the civil partnership having been entered in the civil partnership register under section 95(2) of this Act.”.
- (7) In section 122 (registration of dissolution of civil partnership), after subsection (6) there is inserted—

“(7) Section 39C of the 1965 Act applies in relation to the Register of Dissolutions of Civil Partnership as it applies in relation to the Register of Divorces.”.