

Draft Regulations laid before the Scottish Parliament under section 259(8)(b) of the Civil Partnership Act 2004 for approval by resolution of the Scottish Parliament.

DRAFT SCOTTISH STATUTORY INSTRUMENTS

2006 No.

CIVIL PARTNERSHIP

The Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2006

Made - - - - 2006
Coming into force - - 2006

The Scottish Ministers, in exercise of the powers conferred by section 259(1) to (3) of the Civil Partnership Act 2004⁽¹⁾ and of all other powers enabling them in that behalf, hereby make the following Order, a draft of which has in accordance with section 259(8)(b) of that Act been laid before and approved by resolution of the Scottish Parliament:

Citation, commencement and extent

- 1.—(1) This Order may be cited as the Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2006 and shall come into force on .
(2) This Order shall extend to Scotland only.

The Agricultural Holdings (Scotland) Act 1991

2. In paragraph 1 of Part III of Schedule 2 to the Agricultural Holdings (Scotland) Act 1991⁽²⁾, in the definition of “near relative”, after “spouse” insert “, surviving civil partner”.

The Title Conditions (Scotland) Act 2003

3. In section 8 of the Title Conditions (Scotland) Act 2003⁽³⁾—
(a) in subsection (2)(b)(i) after “spouse” insert “or non-entitled partner”; and
(b) for subsection (5) substitute—
“(5) In subsection (2)(b) above—

(1) 2004 c. 33. Section 259(11) contains a relevant definition of “Act” which includes Acts of the Scottish Parliament.
(2) 1991 c. 55.
(3) 2003 asp 9.

“non-entitled partner” shall be construed in accordance with section 101(1) of the Civil Partnership Act 2004 (c. 33) (right of civil partner without title to occupy family home);

“non-entitled spouse” shall be construed in accordance with section 1 of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (c. 59) (right of spouse without title to occupy matrimonial home); and

“occupancy rights” shall be construed, in relation to non-entitled partners, in accordance with section 135 of the 2004 Act and, in relation to non-entitled spouses, in accordance with section 1 of the 1981 Act.”.

St Andrew’s House,
Edinburgh
2006

Authorised to sign by the Scottish Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes provision consequential to the Civil Partnership Act 2004.

It amends the Agricultural Holdings (Scotland) Act 1991 and the Title Conditions (Scotland) Act 2003 to ensure that civil partners are given parity of treatment with spouses in respect of those Acts.