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SCOTTISH STATUTORY INSTRUMENTS

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**2005 No. 458**

**CIVIL PARTNERSHIP**

**The Registration of Civil Partnerships (Prescription of Forms, Publicisation and Errors) (Scotland) Regulations 2005**

*Made* - - - - *22nd September*  
*Laid before the Scottish* *2005*  
*Parliament* - - - - *26th September 2005*  
*Coming into force* - - *5th December 2005*

The Registrar General, in exercise of the powers conferred by sections 88(1) and (5), 89, 90(4), 94, 95(3), 97(3), 99(2), 122(3) and 258(2) and (3) of the Civil Partnership Act 2004<sup>(1)</sup> and of all other powers enabling him in that behalf, and with the approval of the Scottish Ministers in accordance with section 126(3) of that Act, hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Registration of Civil Partnerships (Prescription of Forms, Publicisation and Errors) (Scotland) Regulations 2005 and shall come into force on 5th December 2005.

(2) These Regulations extend to Scotland only.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Civil Partnership Act 2004;

“civil partnership notice” means a notice of proposed civil partnership under section 88(1) of the Act;

“civil partnership registration” means registration under Chapter 2 of Part 3 of the Act;

“error” includes an error of omission;

“heading” means the unnumbered part or space at the beginning of the form applicable to the civil partnership register as set out in Schedule 3; and

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(1) 2004 c. 33; section 126(1) contains a definition of “prescribed”, and section 135 contains a definition of “Registrar General”, relevant to the exercise of statutory powers under which these Regulations are made.

“space No” means, in relation to the number specified, the part or space of that number in the form applicable to the civil partnership register as set out in Schedule 3.

- (2) Any reference in these Regulations—
- (a) to a section is a reference to the section of the Act so numbered; and
  - (b) to a numbered Schedule is a reference to the Schedule to these Regulations so numbered.

### **Forms etc. for use in connection with the registration of civil partnership**

3. The notice prescribed for the purposes of section 88(1) and (5) (notice of proposed civil partnership) shall be in the form, which may be in the form of an electronic communication containing an electronic signature which has been certified within the meaning of sections 7 and 15 of the Electronic Communications Act 2000(2), set out in Schedule 1.

4.—(1) The prescribed particulars to be extracted from a civil partnership notice and entered in the page of the civil partnership book for the purposes of section 89 (civil partnership notice book) shall be—

- (a) the surname and name;
- (b) the address;
- (c) the marital or civil partnership status;
- (d) the date of birth; and
- (e) the proposed date of civil partnership registration,

of the person who has submitted the notice.

- (2) Such a page prescribed for those purposes may be in electronic form.

5. The schedule prescribed for the purposes of section 94 (the civil partnership schedule) shall be in the form set out in Schedule 2.

6. The form and content of a page of the civil partnership register prescribed for the purposes of section 95(2) (further provision as to registration) shall be in the form, and require the entry of the particulars, set out in Schedule 3.

7. The certificate prescribed for the purposes of section 97(3) (certificates of no impediment for Part 2 purposes) shall be in the form set out in Schedule 4.

### **Publicisation of intended civil partnership registration**

8.—(1) The district registrar shall publicise the relevant information under section 90 in accordance with paragraphs (2) to (4).

(2) The district registrar shall maintain a list of the intended civil partnership registrations in respect of which that district registrar has received a civil partnership notice (in this regulation, “the district list”).

(3) The district list shall be displayed at a conspicuous place at the registration office.

(4) An entry in the district list shall remain in that list until the proposed date of the civil partnership registration to which it relates has elapsed.

### **Prescribed errors for the purposes of section 99(2) of the Act**

9. Any error in the particulars of an entry in the civil partnership register which—

- (a) falls within a part of the form applicable to the register in question specified in column 1 of Schedule 5; and
- (b) is of a description specified opposite to that part of the form in column 2 of that Schedule, is prescribed for the purposes of section 99(2) (errors in civil partnership register which may be corrected) as an error which may be corrected by the district registrar.

**Form of the Register of Dissolutions of Civil Partnership**

**10.** The Register of Dissolutions of Civil Partnership maintained under section 122 shall comprise entries in respect of dissolution in the form of extracts, numbered by the Registrar General, of the relevant decrees.

New Register House, Edinburgh  
22nd September 2005

*PAUL M PARR*  
Deputy Registrar General for Scotland

Approved by the Scottish Ministers

St Andrew's House, Edinburgh  
22nd September 2005

*GEORGE LYON*  
Authorised to sign by the Scottish Ministers

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SCHEDULE 1

Regulation 3



CIVIL PARTNERSHIP NOTICE - SCOTLAND

Form CP10

(Section 38 of the Civil Partnership Act 2004)

Use a pen to fill in the form, all in BLOCK CAPITALS except for your signature at the end

**A About the proposed Civil Partnership registration**

1. Date of Civil Partnership registration	Year	Month	Day	<b>This space for registrars' use only</b> Entry number in Civil Partnership Date documents returned
2. Place				

**B About yourself**

3. Surname(s)			
Surname(s)			
4. Present or last occupation			
5. Retired (tick box)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	6. Sex (tick box) <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/>
7. Marital or Civil Partnership Status (tick box)		Single <input type="checkbox"/>	Divorced <input type="checkbox"/>
		Previous marriage annulled <input type="checkbox"/>	Widowed <input type="checkbox"/>
Previous Civil Partnership dissolved <input type="checkbox"/>		Previous Civil Partnership annulled <input type="checkbox"/>	Surviving Civil Partner <input type="checkbox"/>
8. Date of Birth	Year	Month	Day
9. Country of birth	10. Country of residence		11. Nationality
12. Usual residence			
Postcode			

**C About your father**

13. (a) Surname(s)			
(b) Surname(s) at time of your birth			
(c) Surname(s) now (or at date of his death) if different from (b)			
14. Present or last occupation			
15. Retired (tick box)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	16. Is he still living? (tick box) Yes <input type="checkbox"/> No <input type="checkbox"/>

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**D About your mother**

17. (a) Forename(s)	
(b) Surname(s) at time of your birth	
(c) Surname(s) now for at date of her death (if different from (b))	
18. Maiden surname	
19. Present or last occupation	
20. Retired <i>(tick box)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>
21. Is she still living? <i>(tick box)</i>	Yes <input type="checkbox"/> No <input type="checkbox"/>

**E About the other party to the Civil Partnership**

21. Forename(s) in full	
Surname(s)	
22. Usual residence	
Postcode:	<input type="text"/>

**F Documents to be submitted by you with this Notice**

<p><b>23. FOR ALL PERSONS</b></p> <p>Is your birth certificate enclosed? <i>(tick box)</i></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce your birth certificate, state the reason here.</i></p>
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<p><b>24. IF YOU ARE DIVORCED, YOUR PREVIOUS MARRIAGE WAS ANNULLED OR YOUR PREVIOUS CIVIL PARTNERSHIP HAS BEEN DISSOLVED OR ANNULLED</b></p> <p>Is your decree of divorce, annulment or dissolution enclosed? <i>(tick box)</i></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce the official decree of divorce or annulment or decree of dissolution or annulment of Civil Partnership, state the reason for not doing so. The registrar will require proof of the termination of the earlier marriage or Civil Partnership.</i></p>
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<p><b>25. IF YOUR FORMER SPOUSE OR CIVIL PARTNER IS DECEASED</b></p> <p>Is the death certificate of your former spouse or Civil Partner enclosed? <i>(tick box)</i></p> <p>YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce a death certificate of your previous spouse or Civil Partner, state the reason for not doing so. The registrar will require proof of the death.</i></p>
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**26. DECLARATION**

I solemnly declare

- (1) that I am the person named at B3;
- (2) that I and the person named at Part E intend to register a Civil Partnership on the date and at the place entered in Part A;
- (3) that there is no impediment, caused by a relationship of consanguinity, affinity or adoption and that I know of no other legal impediment to the registration of our Civil Partnership;
- (4) that all the particulars and other information given by me on this notice are correct to the best of my knowledge and belief; and
- (5) that each document submitted by me in accordance with Part F of this notice is genuine.

Signed: ..... Date: .....

**Note:** Any person who supplies false information to a registrar or uses, gives or sends any certificate, document or declaration required for the purposes of this Civil Partnership notice which is false or has been forged in any way is liable to prosecution.

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SCHEDULE 2

Regulation 5



**CIVIL PARTNERSHIP SCHEDULE**  
 (Section 94 of the Civil Partnership Act 2004)  
 This is not a Civil Partnership Certificate

1. Date of Civil Partnership registration 2. Place of Civil Partnership registration		<b>CIVIL PARTNERSHIP NOTICE NO.</b>
3. Forename(s) Surname(s) (Signature) (Signature)		
4. Occupation		
5. Marital or Civil Partnership Status		
6. Date of birth	Year      Month      Day      Year      Month      Day	
7. Country of birth		
8. Usual residence		
9. Father's forename(s) surname(s) and occupation		<b>DISTRICT NO.</b>
10. Mother's forename(s) maiden surname(s) and occupation		
11. Person registering the Civil Partnership (Signature) Full name in block capitals Designation		<b>YEAR</b>
12. Witnesses with addresses (Signature) Full name in block capitals Address (Signature) Full name in block capitals Address		<b>ENTRY NO.</b>
13. Date entered in register	Year      Month      Day      14.	
15.	Registrar	

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SCHEDULE 3

Regulation 6

(Section 95 of the Civil Partnership Act 2004)

<b>CIVIL PARTNERSHIP</b> Registered in the district of				District No.	Year	Entry No.
1. Date of Civil Partnership registration						
2. Place of Civil Partnership registration						
3. Person(s)  Surname(s)	<i>(Signed)</i>			<i>(Signed)</i>		
4. Occupation						
5. Marital or Civil Partnership Status						
6. Date of birth	Year	Month	Day	Year	Month	Day
7. Country of birth						
8. Usual residence						
9. Father's forename(s), surname(s) and occupation						
10. Mother's forename(s), maiden surname, surname(s) and occupation						
11. Person registering with designation	<i>(Signed)</i>					
12. Witnesses with addresses	<i>(Signed)</i>					
	<i>(Signed)</i>					
13. Date entered in register	Year	Month	Day	14.	..... <i>Registrar</i>	
15.						
16.						

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SCHEDULE 4

Regulation 7



CERTIFICATE OF NO IMPEDIMENT

Form CP1

(Section 97 of the Civil Partnership Act 2004)

Name .....
Address .....
Postcode .....

The above applicant has supplied to me the following information concerning his or her intended civil partnership registration.

Table with 10 rows and 3 columns. Rows include: 1. Forename(s), 2. Surname(s), 3. Date of birth, 4. Nationality, 5. Country of birth, 6. Country of residence, 7. Place of usual residence, 8. Marital or Civil Partnership status, 9. Date of proposed Civil Partnership registration, 10. Place of proposed Civil Partnership registration.

Thereby certify that
the applicant has met the legal requirements of the law of Scotland as set out in the Civil Partnership Act 2004;
the applicant is not known to me to be subject to any legal incapacity under the law of Scotland which would prevent the applicant from registering a civil partnership;
it appears to me that there is NO IMPEDIMENT to the proposed Civil Partnership registration as far as the applicant is concerned.

Signature .....

Registrar for the District of ..... in Scotland

THIS CERTIFICATE IS VALID FOR THREE MONTHS FROM .....



## SCHEDULE 5

Regulation 9

## Non clerical errors which may be corrected

<i>Column 1</i>	<i>Column 2</i>
<b>1.</b>	
<b>Register of civil partnerships</b>	
Heading	Error in any of the information in the heading, but only where the correct information is compatible with the information in the previous entry in the register and in any subsequent entry.
Space No 1	Error in the date of civil partnership registration.
Space No 2	Error in the place of civil partnership registration.
Space No 3	Error in the forename, surname or signature of a civil partner, but only where the error relates to a part or the whole of either the forename or of the surname and not to the identity of the civil partner.
Space No 4	Error in the occupation of the civil partner.
Space No 5	Error in the marital or civil partnership status of the civil partner.
Space No 6	Error in the date of birth of the civil partner.
Space No 7	Error in the country of birth of the civil partner.
Space No 8	Error in the usual residence of the civil partner.
Space No 9	(i) Error in the father's forename or surname, but only where the error relates to a part or the whole of either the forename or the surname and not to the identity of the father; (ii) Error in the father's occupation.
Space No 10	(i) Error in the mother's forename or surname, but only where the error relates to a part or the whole of either the forename or the surname and not to the identity of the mother; (ii) Error in the mother's maiden surname; (iii) Error in the mother's occupation.
Space No 11	(i) Error in the person registering; (ii) Error in the designation.
Space No 12	(i) Error in the witnesses' names;

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<i>Column 1</i>	<i>Column 2</i>
Space No 13	(ii) Error in the witnesses' addresses. Error in the date of registration, but only where the correct date is compatible with the date of registration of the previous entry in the register and of any subsequent entry.

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations prescribe the forms and particulars which are required to be prescribed for Scotland under the Civil Partnership Act 2004 (regulations 3 to 7 and 10 and Schedules 1 to 4).

They also prescribe the manner in which and means by which the names of intended civil partners and date on which the district registrar intends to register their partnership are to be publicised by the district registrar (regulation 8).

Regulation 9 and Schedule 5 prescribe the errors which a district registrar may, in addition to clerical errors, correct in an entry in the register of civil partnerships.

A full Regulatory Impact Assessment has not been produced for this instrument as it has no cost on business.