

## **Executive Note**

### **The Civil Partnership Act 2004 (Relationships Arising Through Civil Partnership) (Scotland) Order 2005 S.S.I. 2005/568**

The above instrument was made in exercise of the powers conferred by section 247 of the Civil Partnership Act 2004. This instrument is subject to negative resolution procedure.

#### **Policy Objective**

The Civil Partnership Act 2004 will come into force across the whole of the UK on 5 December. The Act aims to give social and legal inclusion to couples in same-sex relationships. It provides for legal recognition to same-sex relationships, giving people in these relationships access to rights and duties towards each other on the same basis as married couples if such couples have entered into a civil partnership.

Section 246 of the Act provides that references to “step” relationships and “in laws” in any provision to which the section applies are to be read as including relationships arising through civil partnership. Section 246 applies to the provisions of the Acts specified in Schedule 21 to the 2004 Act. Article 2 of the Order amends Schedule 21 to specify provisions in the Damages (Scotland) Act 1976, the Agricultural Holdings (Scotland) Act 2003 and the Mental Health (Care and Treatment (Scotland) Act 2003.

The instrument will come into effect on commencement of the 2004 Act on 5 December 2005.

#### **Financial Effects**

This instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive, Justice Department  
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