

SCHEDULE 1

Amendment of primary legislation

Amendment of the Civil Partnership Act 2004

- 4.—(1) The Civil Partnership Act 2004⁽¹⁾ is amended as follows.
- (2) Omit section 219 (power to make provision corresponding to EC Regulation 2201/2003).
- (3) In section 225 (jurisdiction of Scottish courts)—
- (a) in subsection (1)—
 - (i) after “if (and only if)” insert “either civil partner”,
 - (ii) for paragraphs (a) and (b), substitute—
 - “(a) is domiciled in Scotland on the date when proceedings are begun, or
 - (b) was habitually resident in Scotland throughout the period of one year ending with that date, or”, and
 - (iii) in paragraph (c)(ii) omit “under section 219 regulations”,
 - (b) in subsection (3)—
 - (i) for paragraphs (a) and (b) substitute—
 - “(a) either of the ostensible civil partners—
 - (i) is domiciled in Scotland on the date when the proceedings are begun or was habitually resident in Scotland throughout the period of one year ending with that date, or
 - (ii) died before that date and either was at death domiciled in Scotland or had been habitually resident in Scotland throughout the period of one year ending with the date of death, or”,
 - (ii) in paragraph (c)(ii) omit “under section 219 regulations”.
- (4) In section 227⁽²⁾ (Scottish ancillary and collateral orders)—
- (a) in subsection (3), for “Subject to subsection (3A) if”, substitute “If”,
 - (b) omit subsection (3A).
- (5) In section 234 (recognition in the UK of overseas dissolution, annulment or separation)—
- (a) in subsection (1)—
 - (i) for “Subject to subsection (2), the”, substitute “The”, and
 - (ii) for “the United Kingdom” substitute “Scotland”,
 - (b) omit subsection (2), and
 - (c) in subsection (3), for “subsections (1) and (2)”, substitute “subsection (1)”.

⁽¹⁾ 2004 c.33.

⁽²⁾ Section 227 was amended by S.I. 2011/1484 and is amended by the Jurisdiction and Judgments (Family) (Amendment etc.) (EU Exit) Regulations 2019 S.I. 2019/.