

2023 No. 55

MARRIAGE

CIVIL PARTNERSHIP

The Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Amendment Regulations 2023

Made - - - - 22nd February 2023
Laid before the Scottish Parliament 24th February 2023
Coming into force - - 24th April 2023

The Scottish Ministers make these Regulations in exercise of the powers conferred by section 10 of the Marriage and Civil Partnership (Scotland) Act 2014(a) and all other powers enabling them to do so.

In accordance with section 10(4) of that Act the Scottish Ministers have consulted with the Registrar General of Births, Deaths and Marriages for Scotland.

Citation and commencement

1. These Regulations may be cited as the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Amendment Regulations 2023 and come into force on 24 April 2023.

Amendment of the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014

2.—(1) The Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014(b) are amended as follows.

(2) In regulation 3 (procedure to change a civil partnership into marriage)—

(a) at the end of paragraph (3)(a)(ii) omit “and”,

(b) for paragraph (3)(b) substitute—

“(b) enter the information from section 1 and sections 4 to 10 of the application form in the marriage register, and

(c) enter in the marriage register as the date and place of the marriage the date on, and the place at, which the district registrar signs section 14 of the application form in accordance with sub-paragraph (a).

(a) 2014 asp 5; section 10(7) was amended by article 5 of the Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371).

(b) S.S.I. 2014/361.

(4) Paragraph (3)(c) is without prejudice to section 11(2)(b) of the Marriage and Civil Partnership (Scotland) Act 2014 (effect of marriage between civil partners in a qualifying civil partnership).”.

(3) For regulation 5 (fee in respect of making an application) substitute—

“5. The fee payable in respect of making an application under regulation 3(1) is £45.00.”.

(4) Regulation 6 (applications for which no fee payable) and regulation 8 (modification of the Gender Recognition Act 2004) are revoked.

(5) In regulation 7(3) (modification of the Marriage (Scotland) Act 1977), in subsection (1) of the substituted version of section 20A of the Marriage (Scotland) Act 1977, for “, (3) or (4)” substitute “or (3)”.

(6) For the form set out in the schedule (application form to change a civil partnership into a marriage) substitute the form set out in the schedule of these Regulations.

ANGUS ROBERTSON

A member of the Scottish Government

St Andrew’s House,
Edinburgh
22nd February 2023

SCHEDULE

Regulation 2(6)

APPLICATION FORM TO CHANGE A CIVIL PARTNERSHIP INTO A MARRIAGE

1. Forename(s)* Surname(s)* Surname(s) when registering civil partnership		
2. Date of civil partnership registration		
3. Place of civil partnership registration		
4. Occupation*		
5. Usual residence*		
6. Date of birth		
7. Country of birth		
8. Father's/Parent's forename(s), surname(s) and present or last occupation		
9. Mother's/Parent's forename(s), surname(s) and present or last occupation		
10. Preferred designation (please tick)	<input type="checkbox"/> Bride <input type="checkbox"/> Bridegroom <input type="checkbox"/> Groom <input type="checkbox"/> No designation	<input type="checkbox"/> Bride <input type="checkbox"/> Bridegroom <input type="checkbox"/> Groom <input type="checkbox"/> No designation
11. Contact telephone number		
12. Email address		

13. THIS SECTION IS TO BE COMPLETED BY THE APPLICANTS IN THE PRESENCE OF THE DISTRICT REGISTRAR. PLEASE NOTE THAT APPLICANTS MUST SIGN THIS FORM IN THE PRESENCE OF EACH OTHER.

By signing, each applicant confirms that:

- (a) the civil partnership previously registered has not been dissolved or annulled in Scotland or any other jurisdiction;
- (b) you wish to change this civil partnership into a marriage; and
- (c) you understand the nature of marriage and are capable of consenting to change your civil partnership into a marriage.

(Signed by applicant)

(Signed by applicant)

(Date)

(Date)

14. THIS SECTION IS TO BE COMPLETED BY THE DISTRICT REGISTRAR

By signing you are confirming that each applicant has provided the form of identification requested, that this identification is satisfactory and that this form was signed by both applicants in the presence of each other and in your presence.

The civil partnership changes into a marriage on signing this form.

(Signed by district registrar)

(Date)

* at the time of this application.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014 (“the 2014 Regulations”) which prescribe the procedure by which certain civil partnerships become marriages other than as a result of the parties taking part in a marriage ceremony.

Regulation 2(2) amends regulation 3 of the 2014 Regulations to make clear that the date and place to be entered in the marriage register when a civil partnership is changed into a marriage are the date and place of the signing of the application form to make that change by the parties and the district registrar. Notwithstanding that, the parties are treated as having been married to each other since the date on which their civil partnership was registered by virtue of section 11(2)(b) of the Marriage and Civil Partnership (Scotland) Act 2014. Extracts of such entries from the marriage register are annotated to signify that the marriage has been changed from a civil partnership and the date from which they are treated as having been married.

Regulation 2(3) increases the fee payable on making an application to change a civil partnership into a marriage under the 2014 Regulations from £30 to £45.

Regulation 2(4) revokes regulations 6 and 8 of the 2014 Regulations. Regulation 6 provided for certain applications submitted before 16 December 2015 to be exempt from a fee. Regulation 8 provided for modifications to how provisions of the Gender Recognition Act 2004 that have since been repealed were to have effect in relation to persons in civil partnerships changed into marriages under the 2014 Regulations.

Regulation 2(5) corrects an error in regulation 7(3) of the 2014 Regulations in regard to the situations in which a marriage changed from a civil partnership is treated as void. The reference to subsection “(4)” removed was incorrect as that subsection prescribes circumstances in which a marriage will not be void.

Regulation 2(6) replaces the form by which a couple apply to have their civil partnership changed into a marriage under the 2014 Regulations. In addition to the options of being described as ‘bride’ or ‘bridegroom’ or not being assigned any designation the new form gives each party the option of being described in the marriage register as ‘groom’.

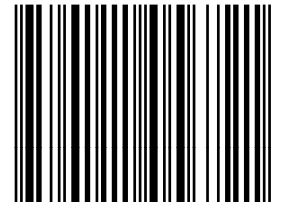
© Crown copyright 2023

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the King’s Printer for Scotland.

£4.90

<http://www.legislation.gov.uk/id/ssi/2023/55>

ISBN 978-0-11-105672-1



9 780111 056721