

*These notes refer to the Civil Partnership Act 2004 (c.33)
which received Royal Assent on 18th November 2004*

CIVIL PARTNERSHIP ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedules

Schedule 28 – Consequential amendments: Scotland

1066. This Schedule sets out consequential amendments that will be required to Scottish primary legislation to take account of the new relationship of civil partners. The amendments pick up instances where spouses have a particular right or responsibility and where it is appropriate that this also apply to civil partners.

Part 1 – Amendments of the Succession (Scotland) Act 1964 (c. 41)

1067. The Succession (Scotland) Act 1964 sets out the rights that spouses have under the law of succession (i.e. the law which governs how property is, on the death of its owner, handed over to those who succeed to it). This section amends references to spouses throughout the Succession (Scotland) Act 1964 to include reference to civil partners. This, coupled with section 131, has the effect of providing civil partners with the same rights of succession as spouses.

Part 2 – Amendments of the Family Law (Scotland) Act 1985 (c. 37)

1068. This section addresses the financial provision which should be made when a civil partnership ends. It makes amendments to the Family Law (Scotland) Act 1985 to include reference to civil partners. The amendments mean that civil partners should be treated in the same way as spouses in determining the rights and responsibilities to financial provision following dissolution of a civil partnership. It further provides that any child brought up in a civil partnership as a child of the family can be financially provided for following the breakdown of the civil partnership. This part of the Act is easiest read in conjunction with the Family Law (Scotland) Act 1985.

Part 3 – Amendments of the Bankruptcy (Scotland) Act 1985 (c. 66)

1069. This section amends the Bankruptcy (Scotland) Act 1985 to ensure that civil partners are recognised in the same way as spouses.

Part 4 – Miscellaneous amendments

1070. This part amends various pieces of primary legislation to include civil partners as appropriate.