
Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Civil Partnership Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 28

CONSEQUENTIAL AMENDMENTS: SCOTLAND

PART 1

AMENDMENTS OF THE SUCCESSION (SCOTLAND) ACT 1964 (C. 41)

- 1 In section 1(2) (intestacy: saving for legal rights or prior rights), after “spouse” insert “ or civil partner ”.
- 2 In section 2(1)(e) (intestacy: succession rights of surviving spouse)—
 - (a) for “or a wife” substitute, “ , wife or civil partner ”, and
 - (b) after “spouse” insert “ or civil partner ”.
- 3 In section 5(1) (representation on intestacy), for “or spouse” substitute “ , spouse or civil partner ”.
- 4 In section 8 (prior rights on intestacy in dwelling house and furniture), in subsections (1), (3) and (4), after “spouse” (in each place, including the provisos to subsections (1) and (3)) insert “ or civil partner ”.
- 5 In section 9 (prior right to financial provision on intestacy)—
 - (a) in subsection (1), for “or wife, the surviving spouse” substitute “ , wife or civil partner the survivor ”, and
 - (b) in the proviso to that subsection and in subsections (2), (3), (4) and (6), after “spouse”, (in each place) insert “ or civil partner ”.
- 6 In section 10(2) (calculation of legal rights), for “jus relictii, jus relictæ or legitim” substitute “ legal rights ”.
- 7 In section 15(2)(a) (transfer of heritage in satisfaction of claim to legal rights or prior rights), after “spouse” insert “ or civil partner ”.
- 8 In section 16(2) (transfer of interest of tenant notwithstanding condition prohibiting assignation), after “spouse” insert “ or civil partner ”.
- 9 In section 31(1) (presumption of survivorship in respect of claims to property)—
 - (a) after “spouse” insert “ or civil partner ”, and
 - (b) in paragraph (a), after “wife” insert “ or civil partners to each other ”.
- 10 In section 36(1) (interpretation), in the definition of “prior rights”, after “spouse” insert “ or civil partner ”.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Civil Partnership Act 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act power to apply (with modifications) conferred by 2014 asp 5 s. 30(5)(b)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 1(3)(b) and word inserted by 2013 c. 30 Sch. 7 para. 34(b)
- s. 1(3A) inserted by 2014 asp 5 s. 11(9)
- s. 8(4)(c) inserted by 2014 c. 22 Sch. 4 para. 19(2)
- s. 8(5A) inserted by 2014 c. 22 Sch. 4 para. 19(3)
- s. 8A inserted by 2014 c. 22 Sch. 4 para. 20
- s. 9-9F substituted for s. 9 by 2014 c. 22 Sch. 4 para. 21
- s. 12(4)-(8) inserted by 2014 c. 22 Sch. 4 para. 23(3)
- s. 12A inserted by 2014 c. 22 Sch. 4 para. 24
- s. 14(6) inserted by 2014 c. 22 Sch. 4 para. 26(1)
- s. 14A inserted by 2014 c. 22 Sch. 4 para. 26(2)
- s. 15(3) inserted by 2014 c. 22 Sch. 4 para. 26(3)(b)
- s. 16(3A) inserted by 2014 c. 22 Sch. 4 para. 26(4)(b)
- s. 30A inserted by 2014 c. 22 Sch. 4 para. 27
- s. 31(2)(ab) repealed by 2012 c. 9 s. 114(4) Sch. 10 Pt. 11
- s. 34(1A)-(1C) inserted by 2016 c. 19 Sch. 15 para. 4(3)
- s. 36(2)(g) inserted by 2015 c. 20 s. 99(2)
- s. 45(5)(a) words substituted by 2013 c. 22 Sch. 11 para. 163
- s. 52(1)(ab) inserted by 2014 c. 22 Sch. 4 para. 29(b)
- s. 86(3A) inserted by 2014 asp 5 s. 24(3)(c)
- s. 88(7) inserted by 2014 asp 5 s. 24(5)
- s. 88(8)-(10) inserted by 2014 asp 5 s. 25
- s. 88A-88F inserted by S.I. 2015/396 Sch. 3 para. 2
- s. 88A(9) applied by S.I. 2015/404 reg. 17(4)(b)
- s. 89(3) inserted by 2014 asp 5 s. 24(6)
- s. 89(4) inserted by S.I. 2015/396 Sch. 3 para. 4
- s. 91(1) s. 91 renumbered as s. 91(1) by 2014 asp 5 s. 24(8)(a)
- s. 91(1) words inserted by 2014 asp 5 s. 24(8)(b)(iii)
- s. 91(1) words substituted by 2014 asp 5 s. 24(8)(b)(i)
- s. 91(1) words substituted by 2014 asp 5 s. 24(8)(b)(ii)
- s. 91(1A)(1B) inserted by S.I. 2015/396 Sch. 3 para. 5(2)
- s. 91(2) inserted by 2014 asp 5 s. 24(8)(c)
- s. 92(4)(b)(iii) and word repealed by 2014 asp 5 s. 24(9)(b)(ii)
- s. 93(1A) inserted by 2014 asp 5 s. 24(10)(b)
- s. 93A inserted by 2014 asp 5 s. 24(11)
- s. 94(1) s. 94 renumbered as s. 94(1) by 2014 asp 5 s. 24(12)(a)
- s. 94(1)(b) words substituted by 2014 asp 5 s. 24(12)(b)(i)
- s. 94(1)(b) words substituted by 2014 asp 5 s. 24(12)(b)(ii)
- s. 94(2) (3) inserted by 2014 asp 5 s. 24(12)(c)
- s. 94A-94E inserted by 2014 asp 5 s. 24(13)
- s. 94A inserted by S.I. 2015/396 Sch. 3 para. 6
- s. 95(1A) inserted by 2014 asp 5 s. 24(14)(b)
- s. 95(3A)-(3C) inserted by 2014 asp 5 s. 24(14)(d)
- s. 95ZA inserted by 2014 asp 5 s. 24(15)
- s. 97(5A) inserted by 2014 asp 5 s. 24(18)(b)
- s. 100(3A) (3B) inserted by 2014 asp 5 s. 24(19)(b)
- s. 139A-139E inserted by S.I. 2015/395 Sch. 3 para. 2
- s. 139A(9) applied by S.I. 2015/404 reg. 18(4)(b)

- s. 140(2A)(2B) inserted by S.I. 2015/395 Sch. 3 para. 4
- s. 143A inserted by S.I. 2015/395 Sch. 3 para. 5
- s. 176(c) inserted by S.I. 2015/395 Sch. 3 para. 7
- s. 210(6) inserted by S.I. 2012/3100 art. 2(4)
- s. 210(6) words inserted by 2013 c. 30 Sch. 7 para. 36
- s. 212(1A) inserted by S.I. 2014/560 Sch. 1 para. 29(2)
- s. 213(1A) inserted by 2013 c. 30 Sch. 2 para. 5(2)
- s. 214(ba) inserted by 2014 asp 5 s. 26(2)(a)
- s. 222(a)(b) omitted by 2013 c. 13 Sch. 2 para. 3(3)
- s. 222(ba) inserted by 2013 c. 13 Sch. 2 para. 3(4)
- Sch. 2 para. 2A inserted by 2014 c. 6 Sch. 2 para. 66(4)
- Sch. 2 para. 5(11) words inserted by S.I. 2014/560 Sch. 1 para. 29(3)
- Sch. 3A inserted by 2014 c. 22 Sch. 4 para. 25
- Sch. 5 para. 38(1) Sch. 5 para. 38 renumbered as Sch. 5 para. 38(1) by 2012 c. 10 s. 52(4)(a)
- Sch. 5 para. 10(1)(a)(iii) inserted by 2012 c. 10 s. 54(3)
- Sch. 5 para. 38(2) (3) inserted by 2012 c. 10 s. 52(4)(b)
- Sch. 5 para. 38A and cross-heading inserted by 2012 c. 10 s. 52(5)
- Sch. 5 para. 38B inserted by 2012 c. 10 s. 53
- Sch. 5 para. 60(6) (7) substituted for Sch. 5 para. 60(6) by 2014 c. 16 Sch. 3 para. 5
- Sch. 5 para. 65(10)(aa) substituted for Sch. 5 para. 65(10)(b)(c) by 2013 c. 22 Sch. 11 para. 172(5)
- Sch. 6 para. 46(b)(c) omitted by 2013 c. 22 Sch. 11 para. 198(b)
- Sch. 10A inserted by S.I. 2015/396 Sch. 3 para. 3
- Sch. 13A inserted by S.I. 2015/395 Sch. 3 para. 3
- Sch. 23 para. A1 inserted by 2014 c. 22 s. 58(5)
- Sch. 23 para. 1(1A) (1B) substituted for Sch. 23 para. 1(1) by 2014 c. 22 s. 58(6)
- Sch. 23 para. A1(4) word substituted by S.I. 2015/395 Sch. 3 para. 8(a)

Commencement Orders yet to be applied to the Civil Partnership Act 2004

Commencement Orders bringing legislation that affects this Act into force:

- S.R. 2012/406 art. 2 commences (2011 c. 20 (N.I.))
- S.R. 2012/440 art. 2 3 commences (2008 c. 10 (N.I.))
- S.R. 2013/201 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2013/276 art. 2 commences (2008 c. 10 (N.I.))
- S.R. 2015/193 art. 2 commences (2014 c. 11 (N.I.))
- S.R. 2016/387 art. 2 commences (2015 c. 9 (N.I.))