

# MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 2 – Civil partnership**

##### ***Section 26: Recognition of overseas relationships***

195. Sections 212 to 218 of, and Schedule 20 to, the 2004 Act makes provision on the recognition in the UK as civil partnerships of overseas same sex registered relationships. Such relationships can be recognised in the UK either by meeting general conditions laid down in section 214 of the 2004 Act or by being specified in Schedule 20. UK Ministers have the power to amend Schedule 20, with the consent of the Scottish Ministers and the Northern Ireland Department of Finance and Personnel.
196. Currently, both overseas same sex marriages and overseas same sex civil unions are recognised in the UK as civil partnerships, so long as they meet the provisions outlined above. Section 26 makes amendments so that, in future, these arrangements only relate to overseas same sex civil unions.
197. Overseas same sex marriages will, in future, be recognised in Scotland as marriages. Section 38 of the Family Law (Scotland) Act 2006 already makes provision on the formal validity of overseas marriages and marriages from elsewhere in the UK. Section 4 of this Act makes provision so that references to “marriage” in enactments commenced before this Act means both opposite sex and same sex marriage.