



Civil Partnership (Scotland) Act 2020

2020 asp 15

Dissolution

11 Postponement of decree of dissolution where religious impediment to marry exists

- (1) The Civil Partnership Act 2004 is amended as follows.
- (2) After section 121 insert—

“121A Postponement of decree of dissolution where religious impediment to marry exists

- (1) Notwithstanding that irremediable breakdown of a civil partnership has been established in an action for dissolution, the court may—
 - (a) on the application of a party (“the applicant”), and
 - (b) if satisfied—
 - (i) that subsection (2) applies, and
 - (ii) that it is just and reasonable to do so,postpone the grant of decree in the action until it is satisfied that the other party has complied with subsection (3).
- (2) This subsection applies where—
 - (a) the applicant is prevented from entering into a religious marriage by virtue of a requirement of the religion of that marriage, and
 - (b) the other party can act so as to remove, or enable or contribute to the removal of, the impediment which prevents that marriage.
- (3) A party complies with this subsection by acting in the way described in subsection (2)(b).
- (4) The court may, whether or not on the application of a party and notwithstanding that subsection (2) applies, recall a postponement under subsection (1).
- (5) The court may, before recalling a postponement under subsection (1), order the other party to produce a certificate from the relevant religious body

Changes to legislation: There are currently no known outstanding effects for the Civil Partnership (Scotland) Act 2020, Cross Heading: Dissolution. (See end of Document for details)

confirming that the other party has acted in the way described in subsection (2) (b).

(6) For the purposes of subsection (5), a religious body is “relevant” if the applicant considers the body competent to provide the confirmation referred to in that subsection.

(7) In this section—

“religious marriage” means a marriage solemnised by a marriage celebrant of a specified religious body, and “religion of that marriage” is to be construed accordingly,

“specified” means specified by regulations made by the Scottish Ministers.

(8) Any reference in this section to a marriage celebrant of a specified religious body is a reference to—

- (a) a minister, clergyman, pastor or priest of such a body,
- (b) a person who has, on the nomination of such a body, been registered under section 9 of the Marriage (Scotland) Act 1977 as empowered to solemnise marriages,
- (c) any person who is recognised by such a body as entitled to solemnise marriages on its behalf.”.

(3) In section 126(4) (regulations), for “or 106(3)(a)(i)” substitute “ , 106(3)(a)(i) or 121A(7) ”.

Commencement Information

I1 S. 11 in force at 1.2.2021 for specified purposes by S.S.I. 2020/414, **reg. 2(1)(c)**

I2 S. 11 in force at 1.6.2021 in so far as not already in force by S.S.I. 2021/23, **reg. 2, sch.** (with **reg. 3**)

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