

# CIVIL PARTNERSHIP (SCOTLAND) ACT 2020

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## EXPLANATORY NOTES

### COMMENTARY ON PROVISIONS

#### *Final provisions* Schedule 2

#### Family law

#### *Paragraph 4: Modification of the Children (Scotland) Act 1995*

53. Paragraph 4 of schedule 2 amends the [Children \(Scotland\) Act 1995](#) (“the 1995 Act”). [Section 3 of the 1995 Act](#) sets out the circumstances in which a parent will automatically acquire parental responsibilities and rights in relation to a child.
54. Paragraph 4(2) of schedule 2 amends section 3 of the 1995 Act to extend those circumstances to where the father was in a civil partnership with the mother at the time of the child’s conception or subsequently.
55. Paragraph 4(2) of schedule 2 also amends section 3 of the 1995 Act to make clear that a purported civil partnership will suffice for this purpose, if conditions are met.
56. Paragraph 4(3) of schedule 2 amends the definition of “child of the family” in [section 12 of the 1995 Act](#). That definition defines “child of the family” in two different ways, one relating to the parties to a marriage and the other relating to the parties to a civil partnership. The introduction of different sex civil partnerships affords the opportunity to streamline that definition. Paragraph 4(3) repeals the existing two limbs of the definition in section 12 and replaces it with a single global definition, which captures children of both of the parties or children treated by both of them as a child of the family. The provision is silent as to the means by which the child came to be a child of both of them for the reasons set out above.