

CIVIL PARTNERSHIP (SCOTLAND) ACT 2020

EXPLANATORY NOTES

COMMENTARY ON PROVISIONS

Second registration of civil partnership

Section 10: Second registration of civil partnership

24. Section 10 of the Act amends the 2004 Act by inserting a new section 97A. It applies to civil partners who are unable to evidence their relationship, for example because of the destruction of documents, and gives them the ability to secure the rights and responsibilities of their relationship through a second registration. This is a facility that has been available to parties who have gone through a marriage ceremony abroad but are unable to prove the marriage. In such circumstances, [section 20 of the Marriage \(Scotland\) Act 1977](#) provides that an authorised registrar may solemnise their marriage as if they had not already gone through a marriage ceremony.
25. By section 97A(1), the facility is made available to parties who have registered certain types of relationship which would result in them being treated as having formed a civil partnership under the law of Scotland but who are unable to prove the registration. Under section 97A(2), an authorised registrar may, subject to conditions, register the parties' civil partnership as if they had not already registered that relationship with each other. Section 97A(6) makes it a requirement that both parties submit a statutory declaration (a declaration made as set out in the [Statutory Declarations Act 1835](#)) stating specified particulars about the previous registration of their relationship for the purpose of confirming the truth of that account. The remaining subsections of section 97A apply to such a registration of a civil partnership various provisions that set out the machinery of the standard registration of civil partnerships with modifications to reflect the fact that this is a second registration.