

CIVIL PARTNERSHIP (SCOTLAND) ACT 2020

EXPLANATORY NOTES

COMMENTARY ON PROVISIONS

Dissolution

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

26. Section 11 of the Act adds a new section 121A to Chapter 5 of Part 3 of the 2004 Act, which replicates [section 3A of the Divorce \(Scotland\) Act 1976](#).
27. Its effect is that, where there has been irretrievable breakdown of a relationship, the court may, on the application of one of the parties, postpone the grant of a dissolution (section 121A(1)). It applies in circumstances where the applicant for the postponement is prevented from entering into a ‘religious marriage’ by virtue of a requirement of the religion of that marriage and the other party can act so as to remove that impediment (section 121A(2)). In that case, the court may order the other party to produce a certificate from a relevant religious body confirming that the other party has acted in the way described (section 121A(5)).
28. ‘Religious marriage’ is defined in section 121A(7) as a marriage solemnised by a marriage celebrant of a religious body specified by the Scottish Ministers. A power is given to the Scottish Ministers to make regulations to specify the religious faiths which can rely on this provision (section 121A(7)). Section 11(3) of the Act adds this regulation-making power to [section 126\(4\) of the 2004 Act](#), which sets down the applicable procedure. They are subject to annulment in pursuance of a resolution of the Parliament (i.e. the negative procedure as set out in [section 28 of the Interpretation and Legislative Reform \(Scotland\) Act 2010](#)).