

*Changes to legislation: There are currently no known outstanding effects for the Civil Partnership (Scotland) Act 2020, Paragraph 4. (See end of Document for details)*

## SCHEDULE 2 CONSEQUENTIAL MODIFICATIONS

### *Modification of the Children (Scotland) Act 1995*

- 4 (1) The Children (Scotland) Act 1995 is modified as follows.
- (2) In section 3 (provisions relating both to parental responsibilities and to parental rights)—
- (a) in subsection (1)(a) after “married to” insert “ or in a civil partnership with ”,
  - (b) in subsection (1)(b)—
    - (i) in sub-paragraph (i) after “married to” insert “ or in a civil partnership with ”,
    - (ii) in sub-paragraph (ii) after “married to” insert “ or in a civil partnership with ”,
  - (c) in subsection (2) for the words from “been” to the end substitute “been—
    - (a) married to the mother at any time when he was a party to a purported marriage with her which was—
      - (i) voidable; or
      - (ii) void but believed by them (whether by error of fact or law) in good faith at that time to be valid;
    - (b) in a civil partnership with the mother at any time when he was a party to a purported civil partnership with her which was—
      - (i) voidable; or
      - (ii) void but believed by them (whether by error of fact or law) in good faith at that time to be valid.”.
- (3) In section 12 (restrictions on decrees for divorce, separation or annulment affecting children), for subsection (4) substitute—
- “(4) In this section “child of the family”, in relation to the parties to a marriage or civil partnership, means a child—
- (a) of both of them; or
  - (b) who has been treated by both of them as a child of their family, not being a child who is placed with them as foster parents by a local authority or voluntary organisation.”.

#### **Commencement Information**

**II** Sch. 2 para. 4 in force at 1.6.2021 by S.S.I. 2021/23, reg. 2, sch. (with reg. 3)

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