SCHEDULE 2 S
CONSEQUENTIAL MODIFICATIONS

Modification of the Civil Partnership Act 2004

6 (1) The Civil Partnership Act 2004 is modified as follows.

(2) In section 117 (dissolution)—

(a) in subsection (2)(b), before "an interim" insert " subject tosubsection (3A), ",

(b) after subsection (3) insert—

"(3A) Subsection (2)(b)—

(a) does not apply where, under the Gender Recognition Act 2004, a Gender Recognition Panel issues a full gender recognition certificate to the person to whom the interim gender recognition certificate was issued, but

(b) continues to apply despite a full gender recognition certificate being issued to that person by the sheriff under section 4E of that Act.".

(3) In section 122 (registration of dissolution of civil partnership)—

(a) in subsection (1), after "dissolution" insert " and of declarator of nullity ",

(b) in subsection (5), after "dissolution" insert " or, as the case may be, of the declarator of nullity of civil partnership ",

(c) the section title becomes " **Registration of dissolutions and declarators of nullity of civil partnerships** ".

(4) In section 225 (jurisdiction of Scottish courts)—

(a) after subsection (3) insert—

"(3A) The sheriff has jurisdiction to entertain an action for declarator of nullity of a civil partnership if (and only if)—

(a) the requirements as to domicile or habitual residence that would apply were the action to have been begun in the Court of Session under subsection (3) (other than paragraph (c)) are met, and

(b) either of the ostensible civil partners—

(i) was resident in the sheriffdom for a period of 40 days ending with the date when the action is begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date and has no known residence in Scotland at that date.",

(b) in subsection (4)—

(i) "(but only where the court is the Court of Session)" is repealed,

(ii) for "(3)" in both places that it appears substitute " (3A) ".

(5) In section 237 (supplementary provisions relating to recognition of dissolution etc.), in subsection (2)(b)(ii), for "legal relationships between two people of the same sex" substitute " relationships of the sort that the civil partnership in question is (whether

generally, between two persons of the same sex, or between two persons of different sexes) ”.

Commencement Information

I1 Sch. 2 para. 6(1)(4)(5) in force at 1.6.2021 by S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)

I2 Sch. 2 para. 6(2) in force at 30.11.2021 by S.S.I. 2021/351, reg. 2, **sch.** (with reg. 3)

I3 Sch. 2 para. 6(3) in force at 30.11.2023 by S.S.I. 2023/146, reg. 2, **sch.**

Changes to legislation:
There are currently no known outstanding effects for the Civil Partnership (Scotland) Act 2020, Paragraph 6.