SCHEDULE 1

(introduced by section 2(6)(c))

RECOGNITION OF OVERSEAS DIFFERENT SEX RELATIONSHIPS

1 The following is the text to be inserted as Part 2 of schedule 20 of the Civil Partnership Act 2004—

"PART 2

SPECIFIED RELATIONSHIPS: DIFFERENT SEX COUPLES

1 A relationship is specified for the purposes of section 213(1)(b) (meaning of "overseas relationship") if it is registered in a country or territory given in the first column of the table and fits the description given in relation to that country or territory in the second column—

Country or territory	***Description***
Andorra	unió estable de parella (stable couple union)
Argentina: Autonomous City of Buenos Aires	unión civil (civil union)
Australia: Australian Capital Territory	civil partnership
Australia: New South Wales	a relationship registered under the Relationships Register Act 2010
Australia: Queensland	civil partnership
Australia: South Australia	registered relationship
Australia: Tasmania	significant relationship
Australia: Victoria	registered domestic relationship
Austria	eingetragene Partnerschaft (registered partnership)
Belgium	the relationship referred to as cohabitation légale, wettelijke samenwoning or gesetzliches zusammenwohnen (legal cohabitation)
Bermuda	domestic partnership
Brazil	união estável (stable union)
Canada: Manitoba	the relationship referred to as common-law relationship or as union de fait
Canada: Nova Scotia	domestic partnership
Canada: Quebec	the relationship referred to as union civile or as civil union

Country or territory	***Description***
Chile	acuerdo de unión civil (civil union agreement)
Colombia	unión de hecho (de facto union)
Cyprus	civil cohabitation
Ecuador	unión civil (civil union)
the Falkland Islands	civil partnership
France	pacte civil de solidarité (civil solidarity pact)
Gibraltar	civil partnership
Greece	σύμφωνο συμβίωσης (cohabitation agreement)
Hungary	bejegyzett élettársi kapcsolat (registered partnership)
Isle of Man	civil partnership
Israel	civil union
Luxembourg	the relationship referred to as partenariat enregistré or eingetragene Partnerschaft (registered partnership)
Malta	civil union
Mexico: Campeche	sociedad civil de conviviencia (civil cohabitation union)
Mexico: Coahuila	pacto civil de solidaridad (civil solidarity pact)
Mexico: Mexico City Federal District	sociedad de conviviencia (cohabitation arrangement)
Mexico: Michoacan	sociedad de conviviencia (cohabitation arrangement)
Mexico: Tlaxcala	sociedad de conviviencia solidaria (permanent cohabitation arrangement)
Netherlands	geregistreerd partnerschap (registered partnership)
New Zealand	civil union
San Marino	unione civile (civil union)
South Africa	civil partnership
United States of America: California	domestic partnership

Country or territory	***Description***
United States of America: Colorado	the relationship between designated beneficiaries
United States of America: Colorado	civil union
United States of America: District of Columbia	domestic partnership
United States of America: Hawaii	civil union
United States of America: Illinois	civil union
United States of America: Maine	domestic partnership
United States of America: Nevada	domestic partnership
United States of America: New Jersey	domestic partnership
United States of America: Washington	state registered domestic partnership”.

SCHEDULE 2

(introduced by section 14)

CONSEQUENTIAL MODIFICATIONS

Modification of the Registration of Births, Deaths and Marriages (Scotland) Act 1965

1 (1) The Registration of Births, Deaths and Marriages (Scotland) Act 1965 is modified as follows.

(2) In section 14(5) (duty to give information of particulars of birth), in both places that it appears, after “married to” insert “or in a civil partnership with”.

(3) In section 18(1) (births of children born out of wedlock), in both places that it appears, after “married to” insert “or in a civil partnership with”.

(4) In section 20(1)(c) (re-registration in certain cases)—

(a) after “not then married to” insert “or in a civil partnership with”,

(b) after “subsequently married” insert “or entered into a civil partnership with”.

Modification of the Family Law (Scotland) Act 1985

2 (1) The Family Law (Scotland) Act 1985 is modified as follows.

(2) In section 9(1)(c)(ii) (principles to be applied)—

(a) after “child”, in the first place that it appears, insert “of the civil partnership,”,

(b) the words from “who has been accepted” to “parents” are repealed.

(3) In section 27(1) (interpretation)—

(a) in the definition of “child”—

(i) after "married to" insert "or in a civil partnership with",

(ii) after "child of a marriage" insert "or the child of a civil partnership",

(b) in the definition of "family" the words from "and in relation to a civil partnership" to "parents" are repealed.

Modification of the Law Reform (Parent and Child) (Scotland) Act 1986

3 (1) The Law Reform (Parent and Child) (Scotland) Act 1986 is modified as follows.

(2) In section 5 (presumptions)—

(a) in subsection (1)(a) after "married to" insert "or in a civil partnership with",

(b) in subsection (2) for the words from "apply" to the end substitute "apply—

"(a) in the case of a void, voidable or irregular marriage as it applies in the case of a valid and regular marriage,

(b) in the case of a void or voidable civil partnership as it applies in the case of a valid civil partnership.".

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.".

Modification of the Gender Recognition Act 2004

5 (1) The Gender Recognition Act 2004 is modified as follows.

(2) In section 3 (evidence), after subsection (6F) insert—

"(6G) If the applicant is a party to a protected Scottish civil partnership, an application under section 1(1) must also include—

(a) a statutory declaration by the applicant that the applicant wishes the civil partnership to continue after the issue of a full gender recognition certificate (if that is the case), and

(b) either—

(i) a statutory declaration by the applicant's civil partner that the civil partner consents to the civil partnership continuing after the issue of a full gender recognition certificate ("a statutory declaration of consent") (if the civil partner has made such a declaration), or

(ii) a statutory declaration by the applicant that no such declaration by the applicant's civil partner is included.

(6H) If an application includes a statutory declaration of consent by the applicant's civil partner under subsection (6G)(b)(i), the Gender Recognition Panel must give the civil partner notice that the application has been made.".

(3) In section 3D (evidence for granting applications on alternative grounds: Scotland)—

(a) for subsection (7) substitute—

"(7) If the applicant is—

(a) married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage,

(b) a party to a civil partnership, the application must include a statutory declaration as to whether the civil partnership is a protected Scottish civil partnership.",

(b) after subsection (8) insert—

"(8A) If the applicant is a party to a protected Scottish civil partnership, the application must also include—

(a) a statutory declaration of consent (within the meaning of section 3(6G)(b)(i)) by the applicant's civil partner (if the civil partner has made such a declaration), or

(b) a statutory declaration by the applicant that no such declaration by the applicant's civil partner is included.",

(c) in subsection (9)—

(i) after "applicant's spouse" insert "or (as the case may be) civil partner",

(ii) after "the spouse" insert "or civil partner".

(4) In section 4 (successful applications)—

(a) in subsection (3)(e), for "(3C)(b)" substitute "(3C)(c)",

(b) in subsection (3C)—

(i) paragraph (b) is repealed,

(ii) after paragraph (a) insert—

"(c) the applicant is a party to a protected Scottish civil partnership and both parties to the partnership consent to it continuing after the issue of a full gender recognition certificate,",

(c) in subsection (3D)—

(i) paragraphs (c) and (d) are repealed,

(ii) after paragraph (b) insert—

"(ba) the applicant is a party to a protected Scottish civil partnership and either party to the partnership does not consent to it continuing after the issue of a full gender recognition certificate,",

(d) after subsection (3E) insert—

"(3EA) If a Gender Recognition Panel issues a full gender recognition certificate under this section to an applicant who is a party to a protected Scottish civil partnership, the Panel must give the applicant's civil partner notice of the issue of the certificate.",

(e) subsection (3F) is repealed.

(5) In section 4C (married person with interim certificate: issue of full certificate (Scotland))—

(a) in subsection (1), for "in either of the following cases" substitute "if, on an application by the person ("the applicant"), the Panel is satisfied that the conditions set out in subsection (1A) are met",

(b) after subsection (1) insert—

"(1A) The conditions referred to in subsection (1) are—

(a) an interim gender recognition certificate has been issued to the applicant,

(b) when the interim gender recognition certificate was issued, the applicant and another person ("P") were the parties to—

(i) a protected Scottish marriage, or

(ii) a protected Scottish civil partnership,

(c) the applicant and P are still, or have since become, the parties to—

(i) a protected Scottish marriage, or

(ii) a protected Scottish civil partnership, and

(d) P consents to the marriage or civil partnership continuing after the issue of a full gender recognition certificate.",

(c) subsections (2) and (3) are repealed,

(d) in subsection (4), for "(2) or (3)" substitute "(1)",

(e) in subsection (5), for "(2)" substitute "(1)",

(f) subsection (6) is repealed,

(g) in subsection (7)—

(i) for "(2) or (3)" substitute "(1)",

(ii) after "3(6D)(b)(i)" insert "or (6G)(b)(i)",

(iii) after "spouse" insert "or (as the case may be) civil partner",

(h) subsection (8) is repealed,

(i) in subsection (9), after "spouse" insert "or (as the case may be) civil partner",

(j) the section title becomes "**Married person or civil partner with interim certificate: issue of full certificate (Scotland)**".

(6) In section 4D (application under section 4C: death of spouse)—

(a) in subsection (1)—

(i) for "4C(2) or (3)" substitute "4C",

(ii) after "applicant's spouse" insert "or (as the case may be) civil partner",

(iii) in paragraph (a) after "spouse" insert "or civil partner",

(b) the section title becomes "**Application under section 4C: death of spouse or civil partner**".

(7) In section 4E (married person with interim certificate: issue of full certificate on application to the sheriff (Scotland))—

(a) in subsection (1)—

(i) for paragraph (b) substitute—

"(b) the person and another person ("P") are the parties to—

(i) a protected Scottish marriage, or

(ii) a protected Scottish civil partnership,",

(ii) in paragraph (c)—

(A) for "the person's spouse" substitute "P",

(B) for "the spouse" substitute "P",

(C) after "marriage" insert "or (as the case may be) civil partnership",

(b) in subsection (2), for paragraphs (a) and (b) substitute—

"(a) at the time when the interim gender recognition certificate was issued, the applicant and P were the parties to—

(i) a protected Scottish marriage, or

(ii) a protected Scottish civil partnership,

(b) the applicant and P are still, or have since become, the parties to—

(i) a protected Scottish marriage, or

(ii) a protected Scottish civil partnership, and",

(c) in subsection (3), after "spouse" insert "or (as the case may be) civil partner",

(d) the section title becomes "**Married person or civil partner with interim certificate: issue of full certificate on application to the sheriff (Scotland)**".

(8) Section 4F is repealed.

(9) In section 5A (issue of full certificate where applicant has been a civil partner), after subsection (1) insert—

"(1A) Subsection (1) does not apply where a full gender recognition certificate has already been issued, to the party to whom the interim gender recognition certificate was issued, by the sheriff under section 4E.".

(10) Section 5C is repealed.

(11) Section 5D is repealed.

(12) In section 7 (applications: supplementary), in subsection (1) the word "4F," is repealed.

(13) In section 8 (appeals etc.)—

(a) in subsection (1), the word "4F," is repealed,

(b) in subsection (5), the word "4F," is repealed,

(c) in subsection (5B), the word "4F," is repealed.

(14) For section 11B substitute—

"**11B Change in gender of civil partner**

(1) This section applies in relation to a protected civil partnership if (by virtue of section 4(2)(c) or 4A) a full gender recognition certificate is issued to a party to the partnership.

(2) The continuity of the protected civil partnership is not affected by the relevant change in gender.

(3) If the protected civil partnership is a protected overseas relationship, the continuity of the civil partnership continues by virtue of subsection (2) notwithstanding any impediment under the relevant law.

(4) In this section—

"impediment" means anything which would affect the continuation of the overseas relationship merely by virtue of the relevant change in gender,

"relevant change in gender" means the change or changes in gender occurring by virtue of the issue of the full gender recognition certificate or certificates,

"relevant law", in relation to the protected overseas relationship in question, has the same meaning as in Chapter 2 of Part 5 of the Civil Partnership Act 2004.".

(15) In section 11D (continuity of civil partnership: Scotland), for the words from "full" to the end substitute "a full gender recognition certificate to either (or both) of the civil partners.".

(16) In section 22 (prohibition on disclosure of information), in subsection (2)(a) for the words from "under" to "6(1)" substitute "under any other section of this Act".

(17) In section 24 (orders and regulations), in subsection (5B) the words "or 5D(1)" are repealed.

(18) In section 25 (interpretation), in subsection (1)—

(a) in the definition of "full gender recognition certificate", for "5A or 5D" substitute "or 5A",

(b) in the definition of "protected civil partnership", for the words from "means" to the end substitute "means—

(a) a civil partnership under the law of England and Wales or under the law of Northern Ireland, or

(b) an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004,

and "protected overseas relationship" means a protected civil partnership within paragraph (b),".

(19) In schedule 3 (registration)—

(a) in paragraph 19, the word "4F," is repealed,

(b) in paragraph 20A(4), in the definition of qualifying Scottish civil partnership, for "each" substitute "one, or each,".

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)".

Modification of the Marriage and Civil Partnership (Scotland) Act 2014

7 (1) The Marriage and Civil Partnership (Scotland) Act 2014 is modified as follows.

(2) In section 30 (renewed marriage or civil partnership following issue of full gender recognition certificate), in subsection (1)(b) for "both parties" substitute "a party (or both parties)".