



Civil Partnership (Scotland) Act 2020

2020 asp 15

Eligibility and registration in Scotland

10 Second registration of civil partnership

- (1) The Civil Partnership Act 2004 is amended as follows.
- (2) After section 97 insert—

“97A Second civil partnership registration

- (1) Subsection (2) applies where—
 - (a) two people have registered a specified relationship (within the meaning of section 213) or a relationship which meets the general conditions (within the meaning of section 214), whether before or after section 10 of the Civil Partnership (Scotland) Act 2020 comes into force, and
 - (b) that relationship would result in them being treated as having formed a civil partnership under the law of Scotland (by virtue of section 1(1)(b) and Chapter 2 of Part 5) but for the fact that they cannot prove that the relationship has been registered as mentioned in section 212(1)(b).
- (2) An authorised registrar may, on an application made by the parties to the relationship, subject to the approval of the Registrar General and to subsection (3), register their civil partnership as if they had not already registered that relationship with each other.
- (3) Sections 85 to 100 apply for the purpose of registering a civil partnership under this section as they apply to registering a civil partnership under section 1, subject to the modifications set out in subsections (4) to (11).
- (4) Section 85 (formation of civil partnership by registration) applies as if the words “the approved celebrant or, as the case may be,”, in both places where they occur, were omitted.
- (5) Section 86 (eligibility) does not apply in respect of the parties already being in civil partnership with each other.

Status: This is the original version (as it was originally enacted).

(6) Section 88 (notice of proposed civil partnership) applies as if after subsection (1) there were inserted—

“(1A) Both parties must submit to the authorised registrar a statutory declaration—
(a) stating that they have previously registered their relationship, and
(b) specifying the date, place and country or territory at which, and the circumstances in which, they did so.”.

(7) Section 93A does not apply.

(8) Section 94 (the civil partnership schedule) applies as if after subsection (1) there were inserted—

“(1A) In the case of a civil partnership to be registered under section 97A, the civil partnership schedule is to contain such modifications as the Registrar General may direct to indicate that the parties have previously entered into a civil partnership with each other.”.

(9) Section 94A (persons who may register civil partnerships) applies as if subsections (1)(a), (2), (2A)(a), (2B), (3), (4)(a) and (b) and (5) were omitted.

(10) Sections 94B to 94E do not apply.

(11) Section 95 (further provision as to registration) applies as if after subsection (2) there were inserted—

“(2A) As soon as practicable after the civil partnership schedule has been signed in accordance with section 85, the authorised registrar must make an endorsement on it in the following terms—

“This civil partnership registration was carried out under section 97A of the Civil Partnership Act 2004, following a statutory declaration by the parties that they registered a relationship with each other on [*date*] at [*place*] in [*country or territory*].”.”.”.