



# Civil Partnership (Scotland) Act 2020

## 2020 asp 15

### *Extension of civil partnership to different sex couples*

## **2 Recognition of overseas different sex relationships**

- (1) The Civil Partnership Act 2004 is amended as follows.
- (2) In section 212 (meaning of “overseas relationship”), subsection (1)(b)(i) is repealed.
- (3) In section 213 (specified relationships)—
  - (a) in subsection (1), for “by Schedule 20” substitute—
    - “(a) in the case of a relationship registered by two people who under the relevant law are of the same sex when the relationship is registered, by Part 1 of Schedule 20,
    - (b) in the case of a relationship registered by two people who under the relevant law are not of the same sex when the relationship is registered, by Part 2 of Schedule 20”,
  - (b) in subsection (2), after “amend” insert “ Part 1 of ”,
  - (c) in subsection (3), after “this section” insert “ amending Part 1 of Schedule 20 ”,
  - (d) in subsection (5), after “amending” insert “ Part 1 of ”,
  - (e) in subsection (6), after “this section” insert “ amending Part 1 of Schedule 20 ”,
  - (f) after subsection (6) insert—
    - “(7) The Scottish Ministers may by regulations amend Part 2 of Schedule 20 by—
      - (a) adding a relationship,
      - (b) amending the description of a relationship,
      - (c) omitting a relationship.
    - (8) Regulations under subsection (7)—
      - (a) amending the description of a relationship or omitting a relationship, are subject to the affirmative procedure,
      - (b) adding a relationship, are subject to the negative procedure.”.
- (4) In section 215 (overseas relationship treated as civil partnerships: the general rule)—
  - (a) in subsection (2), for “subsection (3)” substitute “ subsections (3) and (3A) ”,

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*Changes to legislation: There are currently no known outstanding effects for the Civil Partnership (Scotland) Act 2020, Section 2. (See end of Document for details)*

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- (b) after subsection (3) insert—
- “(3A) In its application to an overseas relationship between persons of different sexes entered into before this subsection comes into force, subsection (2) is subject to—
- (a) any provision to the contrary made by or under any enactment,
  - (b) regulations under subsection (3B).
- (3B) The Scottish Ministers may by regulations provide for subsection (2) —
- (a) to have effect subject to provision made by the regulations, or
  - (b) not to apply in cases specified in the regulations.
- (3C) Regulations under subsection (3B)—
- (a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
  - (b) are subject to the negative procedure.”,
- (c) in subsection (6), the word “216,” is repealed.
- (5) Section 216 (the same sex requirement) is repealed.
- (6) In schedule 20 (meaning of overseas relationship: specified relationships)—
- (a) the existing text becomes Part 1,
  - (b) in that Part, in paragraph 1, for “section 213” substitute “ section 213(1)(a) ”,
  - (c) after that Part insert as Part 2 the text in schedule 1 of this Act.

#### **Commencement Information**

- I1** S. 2 in force at 1.2.2021 for specified purposes by S.S.I. 2020/414, **reg. 2(1)(a)(2)**
- I2** S. 2 in force at 1.6.2021 in so far as not already in force by S.S.I. 2021/23, **reg. 2, sch.** (with **reg. 3**)
- I3** S. 2(1)(3)(f)(4)(b) in force at 18.1.2021 for specified purposes by S.S.I. 2020/457, **reg. 2(a)**

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Partnership (Scotland) Act 2020, Section 2.