



# Civil Partnership (Scotland) Act 2020

## 2020 asp 15

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

#### **3 Interim recognition of different sex relationships formed outwith Scotland**

- (1) This section applies to a civil partnership between persons of different sexes—
  - (a) which is formed when they register as civil partners of each other—
    - (i) in England or Wales under Part 2 of the 2004 Act,
    - (ii) in Northern Ireland under Part 4 of the 2004 Act,
  - (b) which is formed when they register as civil partners of each other outside the United Kingdom under an Order in Council made under section 210 or 211 of the 2004 Act, or
  - (c) which they are treated under Chapter 2 of Part 5 of the 2004 Act as having formed (at the time determined under that Chapter) by virtue of having registered an overseas relationship.
- (2) Two persons in a civil partnership—
  - (a) mentioned in subsection (1)(a) or (c) are to be treated as being in a marriage formed under the law of the country or territory in which the civil partnership or (as the case may be) overseas relationship is registered,
  - (b) mentioned in subsection (1)(b) are to be treated as having formed a marriage in the part of the United Kingdom in which the civil partnership is, by virtue of section 210(5) or (as the case may be) 211(4) of the 2004 Act, to be treated as having been registered.
- (3) Nothing in subsection (2) prevents persons in a civil partnership to which this section applies—
  - (a) presenting themselves as civil partners of each other,
  - (b) presenting their relationship as a civil partnership.
- (4) Subsections (2) and (3) cease to have effect when section 6 comes into force (which is when it will become possible to register a civil partnership between persons of different sexes in Scotland).
- (5) The Scottish Ministers may by regulations—
  - (a) provide for subsection (2) not to apply for purposes specified in the regulations,

---

*Changes to legislation: There are currently no known outstanding effects for the Civil Partnership (Scotland) Act 2020, Section 3. (See end of Document for details)*

---

- (b) make transitional or saving provision in connection with subsection (2) ceasing to have effect.
- (6) Regulations under subsection (5) are subject to the negative procedure.
- (7) In this section, “the 2004 Act” means the Civil Partnership Act 2004.

---

**Commencement Information**

**II** S. 3 in force at 1.2.2021 by S.S.I. 2020/414, **reg. 2(1)(b)** (with reg. 3)

**Changes to legislation:**

There are currently no known outstanding effects for the Civil Partnership (Scotland) Act 2020, Section 3.