



Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

PART 4

CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

29 Change of gender of married persons or civil partners

Schedule 2 (change of gender of married persons or civil partners) has effect.

30 Renewed marriage or civil partnership following issue of full gender recognition certificate

- (1) The Scottish Ministers may by regulations make provision about—
 - (a) the solemnisation of a renewed marriage between the parties to a protected Scottish marriage following the issue of a full gender recognition certificate to a party (or both parties) to the marriage,
 - (b) the registration of a renewed civil partnership between the parties to a protected Scottish civil partnership following the issue of full gender recognition certificates to both parties to the civil partnership.
- (2) Regulations under subsection (1) may in particular make provision—
 - (a) about the submitting by the parties to the protected Scottish marriage of notice of intention to enter into a renewed marriage,
 - (b) about the submitting by the parties to the protected Scottish civil partnership of notice of intention to enter into a renewed civil partnership,
 - (c) about the information to be provided by the parties,
 - (d) about the provision of evidence by the parties,
 - (e) for the parties to appear before any person or appear at any place,
 - (f) conferring functions on persons in relation to a renewed marriage or renewed civil partnership,
 - (g) for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—

Status: This is the original version (as it was originally enacted).

- (i) the submitting of notice of intention to enter into a renewed marriage or renewed civil partnership,
 - (ii) the exercise of any function conferred by virtue of paragraph (f).
- (3) Functions conferred by virtue of subsection (2)(f) may include functions relating to—
- (a) the recording of information relating to a renewed marriage or renewed civil partnership,
 - (b) the issuing of certified copies of any information recorded,
 - (c) the conducting of services or ceremonies in connection with a renewed marriage or renewed civil partnership.
- (4) Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.
- (5) Regulations under subsection (1)—
- (a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
 - (b) may make provision applying any provision of the 1977 Act or the 2004 Act (either with or without modifications),
 - (c) may modify any enactment (including this Act),
 - (d) are (except where subsection (6) applies) subject to the negative procedure.
- (6) Regulations under subsection (1) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.
- (7) In this section “full gender recognition certificate”, “protected Scottish civil partnership” and “protected Scottish marriage” have the meanings given by section 25 of the Gender Recognition Act 2004.

31 Grounds of divorce: interim gender recognition certificate followed by full certificate

- (1) Section 1 of the Divorce (Scotland) Act 1976 (grounds of divorce) is amended as follows.
- (2) In subsection (1)(b) (issue of interim gender recognition certificate as ground on which decree of divorce may be granted), at the beginning insert “subject to subsection (3B),”.
- (3) After subsection (3A) (inserted by section 5(2) of this Act) insert—
- “(3B) Subsection (1)(b)—
- (a) does not apply where, under the Gender Recognition Act 2004, the Gender Recognition Panel issue 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.”.