



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 3

#### CIVIL PARTNERSHIP: SCOTLAND

### CHAPTER 2

#### REGISTRATION

#### 87 Appointment of authorised registrars

For the purpose of affording reasonable facilities throughout Scotland for [<sup>F1</sup>civil] registration as civil partners, the Registrar General—

- (a) is to appoint such number of district registrars as he thinks necessary, and
- (b) may, in respect of any district for which he has made an appointment under paragraph (a), appoint one or more assistant registrars,

as persons who may carry out such registration (in this Part referred to as “authorised registrars”).

#### Textual Amendments

- F1** Word in s. 87 inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), ss. 24(4), 36; S.S.I. 2014/287, art. 3, sch.

#### 88 Notice of proposed civil partnership

- (1) In order to register as civil partners, each of the intended civil partners must submit to the district registrar a notice, in the prescribed form <sup>F2</sup>. . . , of intention to enter civil partnership (in this Part referred to as a “notice of proposed civil partnership”).
- (2) [<sup>F3</sup>Each of the intended civil partners must also pay the prescribed fee and submit the following documents—

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- (a) that person's birth certificate,]
  - (b) if that person has previously been married or in civil partnership and—
    - (i) the marriage or civil partnership has been dissolved, a copy of the decree of divorce or dissolution, or
    - (ii) the other party to that marriage or civil partnership has died, the death certificate of that other party, and
  - (c) if that person has previously ostensibly been married or in civil partnership but decree of annulment has been obtained, a copy of that decree.
- [<sup>F4</sup>(2A) If an intended civil partner is a relevant national as defined in section 30A(ab)(i) or (ii) the intended civil partner must also submit—
- (a) where the intended civil partner falls within section 30A(ab)(i), an electronic certificate which confirms that the leave referred to in that provision has been granted; or
  - (b) where the intended civil partner falls within section 30A(ab)(ii)—
    - (i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
    - (ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.]
- (3) If a person is unable to submit a certificate or decree required by subsection (2) he may instead make a declaration to that effect, stating what the reasons are; and he must provide the district registrar with such—
- (a) information in respect of the matters to which the certificate or document would have related, and
  - (b) documentary evidence in support of that information,
- as the district registrar may require.
- (4) If a document submitted under subsection (2) or (3) is in a language other than English, the person submitting it must<sup>[F5]</sup>, unless subsection (4A) applies,] attach to the document a translation of it in English, certified by the translator as a correct translation.
- [<sup>F6</sup>(4A) This subsection applies where—
- (a) the document submitted is accompanied by a multilingual standard form issued by an authority in a Member State of the European Union in accordance with Regulation (EU) 2016/1191 of the European Parliament and of the Council, and
  - (b) the district registrar considers that the information included in the multilingual standard form is sufficient for processing the document.]
- (5) A person submitting a notice under subsection (1) must make and [<sup>F7</sup>attest in the prescribed manner] the necessary declaration (the form for which must be included in any form prescribed for the notice).
- [<sup>F8</sup>(5A) Regulations prescribing the form of the notice of proposed civil partnership may make provision for the notice to be electronic rather than paper-based.]
- (6) The necessary declaration is a declaration that the person submitting the notice believes that the intended civil partners are eligible to be in civil partnership with each other.

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- [<sup>F9</sup>(7) In this section, “the district registrar” means—
- (a) where the civil partnership is to be registered in a registration district, the district registrar for that district,
  - (b) where the civil partnership is to be registered in Scottish waters—
    - (i) in the case where the civil partnership is to be registered by an approved celebrant, the district registrar for any registration district,
    - (ii) in the case where the civil partnership is to be registered by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.]
- [<sup>F10</sup>(8) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the intended civil partners.
- (9) A requirement under subsection (8) may be imposed at any time—
- (a) on or after the submitting of the notice under subsection (1), but
  - (b) before the district registrar completes the civil partnership schedule.
- (10) In subsection (8), “specified nationality evidence” means such evidence of that person's nationality as may be specified in guidance issued by the Registrar General.]

#### Textual Amendments

- F2** Words in s. 88(1) omitted (1.10.2006 for certain purposes and otherwise 1.1.2007) by virtue of [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. {52(2)(a)}, 63(2); S.S.I. 2006/469, [arts. 2, 3](#), Schs. 1, 2
- F3** Words in s. 88(2) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(2\)\(b\)](#), 63(2); S.S.I. 2006/469, [arts. 2, 3](#), Schs. 1, 2
- F4** S. 88(2A) inserted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), [16\(4\)](#)
- F5** Words in s. 88(4) inserted (16.2.2019) by [The Multilingual Standard Forms \(Consequential Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/374\)](#), regs. 1(1), [3\(2\)](#)
- F6** S. 88(4A) inserted (16.2.2019) by [The Multilingual Standard Forms \(Consequential Amendments\) \(Scotland\) Regulations 2018 \(S.S.I. 2018/374\)](#), regs. 1(1), [3\(3\)](#)
- F7** Words in s. 88(5) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(2\)\(c\)](#), 63(2); S.S.I. 2006/469, [arts. 2, 3](#), Schs. 1, 2
- F8** S. 88(5A) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(2\)\(d\)](#), 63(2); S.S.I. 2006/469, [art. 2](#), Sch. 1
- F9** S. 88(7) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 24\(5\)](#), 36; S.S.I. 2014/287, [art. 3](#), sch.
- F10** S. 88(8)-(10) inserted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 25](#), 36; S.S.I. 2014/212, [art. 2](#), sch. (as amended (1.9.2014) by S.S.I. 2014/218, [art. 2\(3\)](#), sch.)

#### Commencement Information

- II** S. 88 wholly in force at 5.12.2005; s. 88 not in force at Royal Assent see s. 263; s. 88(1)(5) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), Sch. and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 88(2)-(4)(6) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

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### [<sup>F11</sup>88A. Additional information if party not relevant national

- (1) This section applies to a notice of proposed civil partnership submitted to a district registrar in accordance with section 88 if one, or each, of the parties to the proposed civil partnership is not a relevant national.
- (2) For each party to the proposed civil partnership who is not a relevant national, the notice must be accompanied by whichever of statements A, B or C is applicable to that person.
- (3) Statement A is a statement that the person has the appropriate immigration status.
- (4) Statement B is a statement that the person holds a relevant visa in respect of the proposed civil partnership.
- (5) Statement C is a statement that the person neither—
  - (a) has the appropriate immigration status, nor
  - (b) holds a relevant visa in respect of the proposed civil partnership.
- (6) If the notice is accompanied by the statement referred to in the first column of an entry in this table, the notice must also be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed civil partnership)—

<i>If the notice is accompanied by this statement....</i>	<i>...the notice must also be accompanied by....</i>
Statement A (in respect of one or both of the parties to the proposed civil partnership)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed civil partnership)	<ol style="list-style-type: none"> <li>1. For each party, a specified photograph of that party</li> <li>2. For each party in respect of whom statement B is made, details of the relevant visa which that party has</li> </ol>
Statement C (in respect of one or both of the parties to the proposed civil partnership)	<ol style="list-style-type: none"> <li>1. For each party, a specified photograph of that party</li> <li>2. For each party, the usual address of that party</li> <li>3. For each party who has previously used any name or names other than the person's name stated in the civil partnership notice, a statement of the other name or names</li> <li>4. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases.</li> </ol>

- (7) If the notice is accompanied by more than one of statements A, B and C, subsection (6) must be complied with in relation to each of those statements; but where the notice is

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accompanied by statements B and C, subsection (6) does not require the notice to be accompanied by more than one specified photograph of each party.

- (8) If the notice is accompanied by statement C for a party to the proposed civil partnership—
- (a) the notice may also be accompanied by a statement (“statement D”) of that person’s immigration position in the United Kingdom;
  - (b) if the notice is accompanied by statement D for a party to the proposed civil partnership, the person may provide the district registrar with details of his immigration position in the United Kingdom; and
  - (c) if any such details are provided, the district registrar must record them.
- (9) In this section and section 88B—
- (a) a reference—
    - (i) to a person having the appropriate immigration status, or
    - (ii) to a person holding a relevant visa,is to be construed in accordance with section 49 of the 2014 Act;
  - (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
  - (c) a reference to a person’s immigration position in the United Kingdom includes a reference to the person’s not being entitled to be in the United Kingdom.
- (10) In this section “specified photograph” means a photograph that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act (and for this purpose “photograph” includes other kinds of images).

#### Textual Amendments

**F11** Ss. 88A-88F inserted for specified purposes (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 3 para. 2** (with art. 1(3))

#### Modifications etc. (not altering text)

**C1** S. 88A(9) applied (2.3.2015) by [The Sham Marriage and Civil Partnership \(Scotland and Northern Ireland\) \(Administrative\) Regulations 2015 \(S.I. 2015/404\)](#), regs. 1(2), **17(4)(b)**

### **88B. Additional evidence if party not relevant national**

- (1) If a notice of proposed civil partnership to which section 88A applies (“the notice”) is accompanied by statement A (referred to in section 88A(3)), and accordingly is also accompanied by details of the particular immigration status which a party to the proposed civil partnership has, the notice must also be accompanied by specified evidence of that status.
- (2) If the notice is accompanied by statement B (referred to in section 88A(4)), the notice must also be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed civil partnership.

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- (3) If, in accordance with section 88A(6), the notice is accompanied by the usual address of a party to the proposed civil partnership, the notice must also be accompanied by specified evidence that it is that party's usual address.
- (4) If the notice is accompanied by statement D (referred to in section 88A(8)), the notice may also be accompanied by evidence of the person's immigration position in the United Kingdom.
- (5) If subsection (1) or (2) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
  - (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 88A(6);
  - (b) as respects the usual address of each party that is provided in accordance with sub-paragraph (a), specified evidence that the address provided is that party's usual address; and
  - (c) names and aliases of the kinds referred to in paragraphs 3 and 4 in the relevant entry in section 88A(6) (insofar as those paragraphs are applicable to the proposed civil partnership).
- (6) In this section—

“relevant entry in section 88A(6)” means the second column of the last entry in the table in section 88A(6);

“specified evidence” means evidence that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act.

#### Textual Amendments

**F11** Ss. 88A-88F inserted for specified purposes (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 3 para. 2** (with art. 1(3))

### 88C. Declaration to accompany information and evidence

Where the notice of proposed civil partnership is accompanied by—

- (a) information provided in accordance with section 88A, and
- (b) information and evidence provided in accordance with section 88B,

that information and evidence must also be accompanied by a declaration in writing and signed by the party who makes it that the party believes all of the information and evidence accompanying the notice to be true.

#### Textual Amendments

**F11** Ss. 88A-88F inserted for specified purposes (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 3 para. 2** (with art. 1(3))

### 88D. Rejection of false information or evidence

- (1) A district registrar may reject—

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- (a) any evidence relating to a party's nationality provided in accordance with section 88(8),
  - (b) any information or photograph provided under section 88A or 88B, or
  - (c) any evidence provided under section 88B,
- if (in particular) the district registrar has reasonable grounds for suspecting that the information, photograph or evidence is false.
- (2) If the district registrar rejects any information, photograph or evidence, the district registrar may proceed under this Act as if the rejected information, photograph or evidence had not been provided.
  - (3) This section does not limit the powers of the district registrar to reject anything provided under any other enactment.
  - (4) In this section “enactment” includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament.

#### Textual Amendments

- F11** Ss. 88A-88F inserted for specified purposes (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 3 para. 2** (with art. 1(3))

#### **88E. Notice of proposed civil partnership: treated as not given**

- (1) Where any of the requirements imposed by or under any of the provisions of this Act mentioned in subsection (2) is applicable but not complied with by either or both parties to the proposed civil partnership, the parties are to be taken not to have submitted notice under section 88.
- (2) The provisions are—
  - (a) section 88(8);
  - (b) section 88A(2) to (7);
  - (c) section 88B(3) or (5);
  - (d) paragraph 9 of Schedule 23.

#### Textual Amendments

- F11** Ss. 88A-88F inserted for specified purposes (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 3 para. 2** (with art. 1(3))

#### **88F. Referral of proposed civil partnership to the Secretary of State**

- (1) On every occasion when notice of proposed civil partnership is submitted under section 88, a district registrar must decide whether or not each of the parties to the proposed civil partnership is an exempt person.
- (2) But this section does not apply if section 96 applies to the proposed civil partnership.

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- (3) In making a decision under subsection (1) about a party to a proposed civil partnership, a district registrar may rely on any advice given in relation to that decision by the Secretary of State.
- (4) In a case where—
  - (a) section 88A applies to the notice of proposed civil partnership, and
  - (b) specified evidence required by section 88B(1) or (2) in relation to a party to the proposed civil partnership is not produced in accordance with that section,
 the district registrar must decide that that party to the proposed civil partnership is not an exempt person.
- (5) If the district registrar decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the registrar must—
  - (a) refer the proposed civil partnership to the Secretary of State;
  - (b) notify the parties to the proposed civil partnership that the proposed civil partnership must be referred to the Secretary of State;
  - (c) give the parties to the proposed civil partnership prescribed information about—
    - (i) the effects of the referral;
    - (ii) the requirement under regulations to notify the Secretary of State of changes of address.
- (6) The district registrar must act in accordance with regulations when complying with the duty in subsection (5)(a) to refer a proposed civil partnership to the Secretary of State.
- (7) If the district registrar refers the proposed civil partnership to the Secretary of State, this Act has effect in relation to the proposed civil partnership subject to the modifications in Schedule 10A.
- (8) In this section—
  - (a) a reference to a person being an exempt person has the same meaning as in section 49 of the 2014 Act;
  - (b) “prescribed information” means information prescribed in regulations;
  - (c) “regulations” means regulations made by the Secretary of State under section 54(2) of, and Schedule 5 to, the 2014 Act.]

#### Textual Amendments

**F11** Ss. 88A-88F inserted for specified purposes (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 3 para. 2** (with art. 1(3))

## 89 Civil partnership notice book

- (1) On receipt of a notice of proposed civil partnership, the district registrar is to enter in a book (to be known as “the civil partnership book”) supplied to him for that purpose by the Registrar General such particulars, extracted from the notice, as may be prescribed and the date of receipt by him of that notice.
- (2) The form and content of any page of that book is to be prescribed.
- [<sup>F12</sup>(3) In this section and sections 90, 91, 92 and 94, “the district registrar” means—



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- (a) where the civil partnership is to be registered in a registration district, the district registrar for that district,
- (b) where the civil partnership is to be registered in Scottish waters—
  - (i) in the case where the civil partnership is to be registered by an approved celebrant, the district registrar to whom the civil partnership notices were submitted,
  - (ii) in the case where the civil partnership is to be registered by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.]

[<sup>F13</sup>(4) Subsection (1) is subject to section 88E.]

#### Textual Amendments

- F12** S. 89(3) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(6)**, 36; [S.S.I. 2014/287](#), **art. 3**, sch.
- F13** S. 89(4) inserted for specified purposes (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), **art. 1(2)**, **Sch. 3 para. 4** (with **art. 1(3)**)

#### Commencement Information

- I2** S. 89 wholly in force at 5.12.2005; s. 89 not in force at Royal Assent see s. 263; s. 89(1) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), **art. 2**, **Sch.** and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), **art. 2(b)**; s. 89(2) in force at 14.9.2005 by [S.S.I. 2005/428](#), **art. 2**, **Sch.**

## 90 Publicisation

- (1) Where notices of a proposed civil partnership are [<sup>F14</sup>received by][<sup>F15</sup>the district registrar] , he must, as soon as practicable after [<sup>F16</sup>such receipt](or, if the two documents are not [<sup>F17</sup>received] on the same day, after [<sup>F18</sup>the first is received]), publicise the relevant information and send it to the Registrar General who must also publicise it.
- (2) “The relevant information” means—
  - (a) the names of the intended civil partners, and
  - (b) the date on which it is intended to register them as civil partners of each other, being a date more than [<sup>F19</sup>28 days] after publicisation by the district registrar under subsection (1).
- (3) Paragraph (b) of subsection (2) is subject to section [<sup>F20</sup>91(1)] .
- (4) The manner in which and means by which relevant information is to be publicised are to be prescribed.

#### Textual Amendments

- F14** Words in s. 90(1) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(3)(a)**, 63(2); [S.S.I. 2006/469](#), **art. 2**, **Sch. 1**
- F15** Words in s. 90(1) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(7)(a)**, 36; [S.S.I. 2014/287](#), **art. 3**, sch.

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- F16** Words in s. 90(1) substituted (1.10.2006) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 52(3)(b)**, 63(2); S.S.I. 2006/469, **art. 2**, Sch. 1
- F17** Word in s. 90(1) substituted (1.10.2006) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 52(3)(c)**, 63(2); S.S.I. 2006/469, **art. 2**, Sch. 1
- F18** Words in s. 90(1) substituted (1.10.2006) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 52(3)(d)**, 63(2); S.S.I. 2006/469, **art. 2**, Sch. 1
- F19** Words in s. 90(2)(b) substituted (1.3.2015) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(7)(b)**, 36; S.S.I. 2015/14, **art. 2**, sch. (with art. 3(2))
- F20** Word in s. 90(3) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(7)(c)**, 36; S.S.I. 2014/287, **art. 3**, sch.

#### Commencement Information

- I3** S. 90 wholly in force at 5.12.2005; s. 90 not in force at Royal Assent see s. 263; s. 90(4) in force at 14.9.2005 by S.S.I. 2005/428, **art. 2**, Sch.; s. 90(1)-(3) in force at 5.12.2005 by S.S.I. 2005/604, **art. 2(b)**

## 91 Early registration

[<sup>F21</sup>(1)] [<sup>F22</sup>Where the district registrar] receives a request in writing from one or both of two intended civil partners that they should be registered as civil partners of each other on a date specified in the request (being a date [<sup>F23</sup>28 days] or fewer after publicisation by the district registrar under subsection (1) of section 90) [<sup>F24</sup>the district registrar] may, provided that he is authorised to do so by the Registrar General, fix that date as the date for registration; and if a date is so fixed, paragraph (b) of subsection (2) of that section is to be construed as if it were a reference to that date.

[<sup>F25</sup>(1A) Unless subsection (1B) applies, if a proposed civil partnership is referred to the Secretary of State under section 88F (“the referred civil partnership”) the Registrar General may not authorise the district registrar to fix the specified date mentioned in subsection (1) as the date for registration of the referred civil partnership without the consent of the Secretary of State.

(1B) This subsection applies if the request made under subsection (1) is made because a party to the referred civil partnership is gravely ill and not expected to recover.]

[<sup>F26</sup>(2) For the purposes of subsection (1), a request which is made by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.]

#### Textual Amendments

- F21** S. 91(1): s. 91 renumbered as s. 91(1) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(8)(a)**, 36; S.S.I. 2014/287, **art. 3**, sch.
- F22** Words in s. 91(1) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(8)(b)(i)**, 36; S.S.I. 2014/287, **art. 3**, sch.
- F23** Words in s. 91(1) substituted (1.3.2015) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(8)(b)(ii)**, 36; S.S.I. 2015/14, **art. 2**, sch. (with art. 3(2))
- F24** Words in s. 91(1) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(8)(b)(iii)**, 36; S.S.I. 2014/287, **art. 3**, sch.
- F25** S. 91(1A)(1B) inserted for specified purposes (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), **art. 1(2)**, **Sch. 3 para. 5(2)** (with art. 1(3))

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**F26** S. 91(2) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 24\(8\)\(c\), 36; S.S.I. 2014/287, art. 3, sch.](#)

## 92 Objections to registration

(1) Any person may at any time before the registration in Scotland of two people as civil partners of each other submit in writing an objection to such registration to the district registrar.

[<sup>F27</sup>(1A) For the purpose of subsection (1), an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.]

(2) But where the objection is that the intended civil partners are not eligible to be in civil partnership with each other because either is incapable of—

- (a) understanding the nature of civil partnership, or
- (b) validly consenting to its formation,

it shall [<sup>F28</sup>not be treated as submitted until there has also been produced to the registrar] a supporting certificate [<sup>F29</sup>attested in the prescribed manner] by a registered medical practitioner.

(3) A person claiming that he may have reason to submit such an objection may, free of charge and at any time when the registration office [<sup>F30</sup>of the district registrar] is open for public business, inspect any relevant entry in the civil partnership book.

(4) Where the district registrar receives an objection in accordance with subsection (1) he must—

(a) in any case where he is satisfied that the objection relates to no more than a misdescription or inaccuracy in a notice submitted under section 88(1)—

- (i) notify the intended civil partners of the nature of the objection and make such enquiries into the matter mentioned in it as he thinks fit, and
- (ii) subject to the approval of the Registrar General, make any necessary correction to any document relating to the proposed civil partnership, or

(b) in any other case—

- (i) at once notify the Registrar General of the objection, <sup>F31</sup>...
- (ii) pending consideration of the objection by the Registrar General, suspend the completion or issue of the civil partnership schedule in respect of the proposed civil partnership [<sup>F32</sup>, and
- (iii) where, in the case of a civil partnership to be registered by an approved celebrant, the civil partnership schedule has already been issued to the parties, if possible notify that celebrant of the objection and advise the celebrant not to register the civil partnership pending consideration of the objection.]

(5) If the Registrar General is satisfied, on consideration of an objection of which he has received notification under subsection (4)(b)(i) that—

(a) there is a legal impediment to registration, he must direct the district registrar [<sup>F33</sup>to take all reasonable steps to ensure that the registration of the civil partnership does not take place and must notify, or direct the district registrar to notify, the intended civil partners] accordingly, or

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- (b) there is no such impediment, he must inform the district registrar to that effect.
- (6) For the purposes of this section and section 94, there is a legal impediment to registration where the intended civil partners are not eligible to be in civil partnership with each other.

#### Textual Amendments

- F27** S. 92(1A) inserted (1.10.2006 for certain purposes and otherwise 1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 52(4)(a), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2
- F28** Words in s. 92(2) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 52(4)(b)(i), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2
- F29** Words in s. 92(2) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. 52(4)(b)(ii), 63(2); S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2
- F30** Words in s. 92(3) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 24(9)(a), 36; S.S.I. 2014/287, art. 3, sch.
- F31** Word in s. 92(4)(b) repealed (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 24(9)(b)(i), 36; S.S.I. 2014/287, art. 3, sch.
- F32** S. 92(4)(b)(iii) and word inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 24(9)(b)(ii), 36; S.S.I. 2014/287, art. 3, sch.
- F33** Words in s. 92(5)(a) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 24(9)(c), 36; S.S.I. 2014/287, art. 3, sch.

### 93 [F34] Place of civil registration of civil partnerships

- (1) Two people may be registered [F35] by an authorised registrar] as civil partners of each [F36] other—
- (a) at the registration office of the authorised registrar,
  - (b) at an appropriate place in the registration district of the authorised registrar, or
  - (c) with the approval of the Registrar General, at—
    - (i) the registration office of another authorised registrar,
    - (ii) an appropriate place in the registration district of another authorised registrar, or
    - (iii) an appropriate place in Scottish waters.]

[F37](1A) In this section—

- “appropriate place” means a place which—
- (a) the parties to the intended civil partnership and the local registration authority agree is to be the place of registration, and
  - (b) is not religious premises,
- “local registration authority” means—
- (a) the local registration authority for the registration district which includes the place, or
  - (b) where the place is in Scottish waters, the local registration authority for the authorised registrar's registration district,
- “religious premises” means premises which—
- (a) are used solely or mainly for religious purposes, or

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(b) have been so used and have not subsequently been used solely or mainly for other purposes.]

<sup>F38</sup>(2) .....

<sup>F38</sup>(3) .....

(4) “Local registration authority” has the meaning given by section 5(3) of the 1965 Act.

[<sup>F39</sup>(5) “Scottish Waters” has the meaning given by section 26(2) of the Marriage (Scotland) Act 1977 (c. 15).]

#### Textual Amendments

- F34** S. 93 title substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. **24(10)(d)**, 36; S.S.I. 2014/287, art. 3, sch.
- F35** Words in s. 93(1) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. **24(10)(a)(i)**, 36; S.S.I. 2014/287, art. 3, sch.
- F36** Words in s. 93(1) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. **24(10)(a)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.
- F37** S. 93(1A) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. **24(10)(b)**, 36; S.S.I. 2014/287, art. 3, sch.
- F38** S. 93(2)(3) repealed (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. **24(10)(c)**, 36; S.S.I. 2014/287, art. 3, sch.; S.S.I. 2014/287, art. 3, sch.
- F39** S. 93(5) inserted (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), ss. **51(b)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)

#### [<sup>F40</sup>93A Date and place of registration of religious or belief civil partnerships

- (1) A religious or belief civil partnership may be registered only on the date and at the place specified in the civil partnership schedule.
- (2) But if, for any reason, the civil partnership cannot be registered on that date or at that place and a new date or place is fixed for the registration, the district registrar must—
- (a) issue another civil partnership schedule under section 94(2) in place of that already issued, specifying the new date or place, or
  - (b) substitute, or direct the approved celebrant to substitute, the new date or place in the civil partnership schedule already issued.
- (3) Subsection (2) does not apply where—
- (a) the new date is more than 3 months after the date for the registration specified in the civil partnership schedule already issued, or
  - (b) the new place is in a different registration district, is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters.
- (4) In a case falling within subsection (3)(a) or (b) the Registrar General may, according to the circumstances—
- (a) direct the district registrar—
    - (i) to issue another civil partnership schedule under section 94(2) in place of that already issued, specifying the new date or place, or
    - (ii) to substitute, or direct the approved celebrant to substitute, the new date or place in the civil partnership schedule already issued,(whichever the Registrar General considers the more appropriate), or

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- (b) direct each party to the civil partnership to submit to the district registrar a new notice of proposed civil partnership.]

#### Textual Amendments

**F40** S. 93A inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(11)**, 36; S.S.I. 2014/287, art. 3, sch.

## 94 The civil partnership schedule

[<sup>F41</sup>(1)] Where—

- (a) the district registrar has received a notice of proposed civil partnership in respect of each of the intended civil partners and—
- (i) is satisfied that there is no legal impediment to their registration as civil partners of each other, or
  - (ii) as the case may be, is informed under section 92(5)(b) that there is no such impediment,
- (b) the [<sup>F42</sup>28 days] mentioned in paragraph (b) of section 90(2) have expired (or as the case may be the date which, by virtue of section [<sup>F43</sup>91(1)], that paragraph is to be construed as a reference to has been reached), and
- (c) the period which has elapsed since the day of receipt of the notices by him (or, if the two notices were not received on the same day, since the day of receipt of the later) does not exceed 3 months,

he is to complete a civil partnership schedule in the prescribed form.

[<sup>F44</sup>(2)] In the case of a civil partnership to be registered by an approved celebrant, the civil partnership schedule completed in accordance with subsection (1) is to be issued by the district registrar to one or both of the parties to the intended civil partnership.

- (3) The district registrar may not issue the civil partnership schedule on a date earlier than 7 days before the date of the intended civil partnership unless authorised to do so by the Registrar General.]

#### Textual Amendments

**F41** S. 94 renumbered as s. 94(1) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(12)(a)**, 36; S.S.I. 2014/287, art. 3, sch.

**F42** Words in s. 94(1)(b) substituted (1.3.2015) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(12)(b)(i)**, 36; S.S.I. 2015/14, art. 2, sch. (with art. 3(2))

**F43** Words in s. 94(1)(b) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(12)(b)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.

**F44** S. 94(2)(3) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(12)(c)**, 36; S.S.I. 2014/287, art. 3, sch.

#### Commencement Information

**I4** S. 94 wholly in force at 5.12.2005; s. 94 not in force at Royal Assent see s. 263; s. 94 in force at 14.9.2005 for certain purposes by S.S.I. 2005/428, **art. 2, Sch.** and otherwise 5.12.2005 insofar as not already in force by S.S.I. 2005/604, **art. 2(b)**

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## **[<sup>F45</sup>94A Persons who may register civil partnerships**

(1) A civil partnership [<sup>F46</sup>between persons of the same sex] may be registered by and only by—

(a) a person who is—

(i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships [<sup>F47</sup>between persons of the same sex] on its behalf,

(ii) registered under section 94B [<sup>F48</sup>to register civil partnerships between persons of the same sex], or

(iii) temporarily authorised under section 94E [<sup>F49</sup>to register civil partnerships between persons of the same sex], or

(b) a person who is a district registrar or assistant registrar appointed under section 87.

(2) The Scottish Ministers may prescribe a religious or belief body under subsection (1)

(a)(i) only if—

(a) the body requests them to do so, and

(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

[ A civil partnership between persons of different sexes may be registered by and only <sup>F50</sup>(2A) by—

(a) a person who is—

(i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships between persons of different sexes on its behalf,

(ii) registered under section 94B to register civil partnerships between persons of different sexes, or

(iii) temporarily authorised under section 94E to register civil partnerships between persons of different sexes, or

(b) a person who is a district registrar or assistant registrar appointed under section 87.

(2B) The Scottish Ministers may prescribe a religious or belief body under subsection (2A)

(a)(i) only if—

(a) the body requests them to do so, and

(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.]

(3) For the avoidance of doubt, nothing in subsection (1)(a) [<sup>F51</sup>, (2)(a), (2A)(a) or (2B) (a)]—

(a) imposes a duty on any religious or belief body to make a request referred to in subsection (2)(a) [<sup>F52</sup>or subsection (2B)(a)],

(b) imposes a duty on any such body to nominate under section 94B any of its members to be registered as empowered to register civil partnerships [<sup>F53</sup>between persons of the same sex or between persons of different sexes],



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- (c) imposes a duty on any person to apply for temporary authorisation under section 94E to register civil partnerships [<sup>F54</sup>between persons of the same sex or between persons of different sexes],
  - (d) imposes a duty on any person who is an approved celebrant in relation to civil partnerships to register civil partnerships [<sup>F55</sup>between persons of the same sex or between persons of different sexes].
- (4) In this Part—
- (a) any such person as is mentioned in subsection (1)(a) [<sup>F56</sup>or (2A)(a)] is referred to as an “approved celebrant”,
  - (b) a civil partnership registered by an approved celebrant is referred to as a “religious or belief civil partnership”,
  - (c) a civil partnership registered by an authorised registrar is referred to as a “civil registration”.
- (5) In subsection (2)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

#### Textual Amendments

- F45** Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13)**, 36; S.S.I. 2014/212, **art. 2**, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, **art. 2(3)**, **sch.**); S.S.I. 2014/287, **art. 3**, **sch.**
- F46** Words in s. 94A(1) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(a)(i)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F47** Words in s. 94A(1)(a)(i) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(a)(ii)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F48** Words in s. 94A(1)(a)(ii) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(a)(iii)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F49** Words in s. 94A(1)(a)(iii) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(a)(iv)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F50** S. 94A(2A)(2B) inserted (18.1.2021 for specified purposes, 1.6.2021 for specified purposes) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(b)**, 16; S.S.I. 2020/457, **reg. 2(b)**; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F51** Words in s. 94A(3) substituted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(c)(i)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F52** Words in s. 94A(3)(a) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(c)(ii)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F53** Words in s. 94A(3)(b) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(c)(iii)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F54** Words in s. 94A(3)(c) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(c)(iv)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F55** Words in s. 94A(3)(d) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(c)(v)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)
- F56** Words in s. 94A(4)(a) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 7(2)(d)**, 16; S.S.I. 2021/23, **reg. 2**, **sch.** (with **reg. 3**)

#### Modifications etc. (not altering text)

- C2** S. 94A: a second version of s. 94A inserted for specified purposes (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), **art. 1(2)**, **Sch. 3 para. 6** (with **art. 1(3)**)



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## 94B Registration of nominated persons as celebrants

(1) A religious or belief body, not being prescribed by virtue of section 94A(1)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to register civil partnerships [<sup>F57</sup>between persons of the same sex].

<sup>F58</sup>(1A) [ A religious or belief body, not being prescribed by virtue of section 94A(2A)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to register civil partnerships between persons of different sexes.]

(2) The Registrar General must reject a nomination under subsection (1) [<sup>F59</sup>or (1A)] if in the Registrar General's opinion—

- (a) the nominating body is not a religious or belief body,
- (b) the nominee is not a fit and proper person to register a civil partnership,
- (c) there are already registered under this section sufficient members of the same body as the nominee to meet the needs of that body [<sup>F60</sup>in relation to registering civil partnerships between persons of the same sex or, as the case may be, civil partnerships between persons of different sexes], or
- (d) the nominating body does not meet the qualifying requirements.

(3) In subsection (2)(d), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(4) Where the Registrar General accepts a nomination made under subsection (1), the Registrar General—

- (a) must determine the period during which the nominee is empowered to register civil partnerships, being a period of not more than 3 years,
- (b) may determine that the nominee is empowered to register civil partnerships only in such area or place as the Registrar General may specify, and
- (c) may make acceptance of the nominee's registration subject to such other conditions as the Registrar General thinks fit.

(5) Nothing in subsection (4)(a) prevents the Registrar General from accepting a further nomination of that nominee, in accordance with this section, to take effect at any time after the end of the period determined by the Registrar General under subsection (4)(a).

(6) The Registrar General must—

- (a) if accepting a nomination made under subsection (1) [<sup>F61</sup>or (1A)]—
  - (i) so inform the nominee and the nominating body, specifying the period during which the acceptance has effect and any condition to which the acceptance is subject,
  - (ii) enter the name of the nominee, the nominating body and such other particulars as the Registrar General thinks fit in a register which the Registrar General must establish and maintain and which must be made available for public inspection at all reasonable times free of charge,
- (b) if rejecting a nomination made under subsection (1) [<sup>F62</sup>or (1A)], by notice in writing inform the nominating body of the reasons for that rejection.

<sup>F63</sup>(6A) [ The register mentioned in subsection (6)(a)(ii) is to be in two parts—

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- (a) the first part containing the details mentioned in subsection (6)(a)(ii) in relation to persons nominated by religious or belief bodies to register civil partnerships between persons of the same sex, and
  - (b) the second part containing those details in relation to persons nominated by religious or belief bodies to register civil partnerships between persons of different sexes.]
- (7) For the purposes of subsection (6)(b), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.
- (8) If the nominating body is aggrieved by a rejection under this section it may, within 28 days of receiving notice of the rejection, appeal to the Scottish Ministers.
- (9) On any such appeal the Scottish Ministers may—
- (a) direct the Registrar General to accept the nomination, or
  - (b) confirm the rejection of the nomination,
- and must inform the nominating body of their decision and the reason for it; and their decision is final.
- (10) If a reason given for confirming the rejection of a nomination is that the nominating body is not a religious or belief body, the body may, within 42 days of receiving notice of the confirmation, appeal against the decision to the Court of Session and seek the determination of that court as to whether the body is a religious or belief body.
- (11) If—
- (a) the Court determines that the nominating body is a religious or belief body, and
  - (b) the reason mentioned in subsection (10) was the only reason given for confirming the rejection of the nomination,
- the Registrar General must give effect to the determination as if it were a direction under subsection (9)(a) to accept the nomination.

#### Textual Amendments

- F45** Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), **ss. 24(13)**, 36; S.S.I. 2014/212, art. 2, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), **sch.**); S.S.I. 2014/287, art. 3, **sch.**
- F57** Words in s. 94B(1) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), **ss. 8(2)(a)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F58** S. 94B(1A) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), **ss. 8(2)(b)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F59** Words in s. 94B(2) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), **ss. 8(2)(c)(i)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F60** Words in s. 94B(2) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), **ss. 8(2)(c)(ii)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F61** Words in s. 94B(6)(a) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), **ss. 8(2)(d)(i)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F62** Words in s. 94B(6)(b) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), **ss. 8(2)(d)(ii)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)

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**F63** S. 94B(6A) inserted (1.6.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), ss. 8(2)(e), 16; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)

## 94C Removal of celebrant's name from register

- (1) Subject to the provisions of this section, the Registrar General may remove the name of a person registered under section 94B from the register on the ground that—
  - (a) the person has requested that the person's name should be so removed,
  - (b) the body which nominated the person under section 94B(1) [<sup>F64</sup>or (1A)] no longer desires that the person should be so registered,
  - (c) the person—
    - (i) has, while registered as an approved celebrant, been convicted of an offence under this Part,
    - (ii) has, for the purpose of profit or gain, been carrying on a business of registering civil partnerships,
    - (iii) is not a fit and proper person to register civil partnerships, or
    - (iv) for any other reason, should not be registered as an approved celebrant.
- (2) The Registrar General may not remove the name of a person from the register on any ground mentioned in subsection (1)(c) unless the Registrar General has given the person at least 21 days notice in writing of the intention to do so.
- (3) For the purposes of subsection (2), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.
- (4) The Registrar General must—
  - (a) in the notice given under subsection (2), specify the ground of removal and call upon the person to give any reasons, within the period specified in the notice, why the person's name should not be removed from the register, and
  - (b) consider any representations made within that period by the person.
- (5) Where a person's name has been removed from the register on any of the grounds mentioned in paragraph (c) of subsection (1), the person or the body which nominated the person under section 94B(1) [<sup>F65</sup>or (1A)] may, if aggrieved by the removal, within 28 days of receiving notice of the removal appeal to the Scottish Ministers.
- (6) On an appeal under subsection (5) the Scottish Ministers may give any direction they think proper to the Registrar General as to the removal from, or restoration to, the register of the person's name; and such direction is final.
- (7) Where a person has received a notice in pursuance of subsection (2), the person must not register a civil partnership unless and until the person's name is restored to the register or, as the case may be, the Registrar General has decided not to remove the person's name from the register.

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### Textual Amendments

**F45** Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise

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- prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13)**, 36; S.S.I. 2014/212, art. 2, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), **sch.**); S.S.I. 2014/287, art. 3, **sch.**
- F64** Words in s. 94C(1)(b) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(3)(a)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F65** Words in s. 94C(5) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(3)(b)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)

#### 94D Alterations to register maintained under section 94B

- (1) A body registered in pursuance of section 94B(6)(a)(ii) must notify the Registrar General of any of the following events (if practicable, within 21 days of its occurrence)
- 
- (a) any change in the name or the address of the body or any amalgamation with any other religious or belief body, giving the name and address of any approved celebrant who is a member of the body so registered,
  - (b) the death of an approved celebrant who is a member of the body so registered,
  - (c) any change of name, address or designation of an approved celebrant who is a member of the body so registered,
  - (d) the cessation of an approved celebrant who is a member of the body so registered from exercising the functions of an approved celebrant, giving the person's name and address.
- (2) The Registrar General must, on receipt of any such notification, make whatever alteration to the register maintained under section 94B the Registrar General considers necessary or desirable.

#### Textual Amendments

- F45** Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13)**, 36; S.S.I. 2014/212, art. 2, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), **sch.**); S.S.I. 2014/287, art. 3, **sch.**

#### 94E Temporary authorisation of celebrants

- (1) The Registrar General may, in accordance with such terms and conditions as may be specified in the authorisation, grant to any member of a religious or belief body a temporary written authorisation to register—
- (a) a civil partnership or partnerships specified in the authorisation, or
  - (b) civil partnerships during such period as is specified in the authorisation.
- (2) The Registrar General may grant an authorisation to a person under subsection (1) only if satisfied that the religious or belief body of which the person is a member meets the qualifying requirements.

- [ An authorisation under subsection (1)(b) may be granted in relation to—
- <sup>F66</sup>(2A)
  - (a) civil partnerships between persons of the same sex only,
  - (b) civil partnerships between persons of different sexes only, or
  - (c) both.]

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- (3) The Registrar General may grant an authorisation to a person under subsection (1)(b) [<sup>F67</sup>in relation to civil partnerships between persons of the same sex] only if the religious or belief body of which the person is a member—
- (a) is prescribed by virtue of section 94A(1)(a)(i), or
  - (b) has nominated members (whether or not including that person) under section 94B(1).

- [ The Registrar General may grant an authorisation to a person under subsection (1)(b) <sup>F68</sup>(3A) in relation to civil partnerships between persons of different sexes only if the religious or belief body of which the person is a member—
- (a) is prescribed by virtue of section 94A(2A)(a)(i), or
  - (b) has nominated members (whether or not including that person) under section 94B(1A).]

- (4) In subsection (2), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

- (5) For the purposes of subsection (1), an authorisation which is issued by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.]

#### Textual Amendments

- F45** Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13)**, 36; S.S.I. 2014/212, art. 2, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), **sch.**); S.S.I. 2014/287, art. 3, **sch.**
- F66** S. 94E(2A) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 9(2)(a)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F67** Words in s. 94E(3) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 9(2)(b)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)
- F68** S. 94E(3A) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 9(2)(c)**, 16; S.S.I. 2021/23, reg. 2, **sch.** (with reg. 3)

## 95 Further provision as to registration

- (1) Before the persons present sign in accordance with section 85 [<sup>F69</sup>the approved celebrant or, as the case may be,] the authorised registrar is to require the intended civil partners to confirm that (to the best of their knowledge) the particulars set out in the civil partnership schedule are correct.

[<sup>F70</sup>(1A) In the case of a religious or belief civil partnership, the parties to the civil partnership must, within 3 days of signing the civil partnership schedule in accordance with section 85(4), deliver the civil partnership schedule, or send it by post or arrange that it is delivered, to the district registrar.]

- (2) As soon as practicable [<sup>F71</sup>after—
- (a) in the case of a civil registration, the civil partnership schedule has been signed in accordance with section 85, or
  - (b) in the case of a religious or belief civil partnership, the district registrar receives the civil partnership schedule,

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the district registrar] must cause those particulars to be entered in a register (to be known as the “civil partnership register”) supplied to him for that purpose by the Registrar General.

(3) The form and content of any page of that register is to be prescribed.

[<sup>F72</sup>(3ZA) A civil partnership register may, if the Registrar General so determines, be electronic rather than paper-based.]

[<sup>F73</sup>(3A) The district registrar must not enter the particulars set out in the civil partnership schedule relating to a religious or belief civil partnership in the civil partnership register unless and until the registrar receives a duly signed civil partnership schedule in respect of that civil partnership.

(3B) Where the Registrar General is satisfied that—

- (a) a civil partnership has been properly registered, and
- (b) the civil partnership schedule in respect of the civil partnership has been duly signed but has been lost or destroyed,

the Registrar General may direct the district registrar to complete an exact copy of the original civil partnership schedule and, so far as practicable, to arrange for its signature by those persons who signed the original schedule.

(3C) As soon as possible after the copy schedule has been signed, the district registrar must cause the particulars as set out in it to be entered into the civil partnership register.]

(4) A fee payable by the intended civil partners for their [<sup>F74</sup>civil] registration as civil partners of each other is to be prescribed.

#### Textual Amendments

- F69** Words in s. 95(1) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 24\(14\)\(a\), 36; S.S.I. 2014/287, art. 3, sch.](#)
- F70** S. 95(1A) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 24\(14\)\(b\), 36; S.S.I. 2014/287, art. 3, sch.](#)
- F71** Words in s. 95(2) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 24\(14\)\(c\), 36; S.S.I. 2014/287, art. 3, sch.](#)
- F72** S. 95(3ZA) inserted (25.1.2023) by [Coronavirus \(Recovery and Reform\) \(Scotland\) Act 2022 \(asp 8\), ss. 29\(2\), 59\(4\)\(5\); S.S.I. 2023/3, reg. 2](#)
- F73** S. 95(3A)-(3C) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 24\(14\)\(d\), 36; S.S.I. 2014/287, art. 3, sch.](#)
- F74** Word in s. 95(4) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 24\(14\)\(e\), 36; S.S.I. 2014/287, art. 3, sch.](#)

#### Commencement Information

- I5** S. 95 wholly in force at 5.12.2005; s. 95 not in force at Royal Assent see s. 263; s. 95(3)(4) in force at 14.9.2005 by [S.S.I. 2005/428, art. 2, Sch.](#); s. 95(1)(2) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604, art. 2\(b\)](#)

#### [<sup>F75</sup>95ZA] Registrar's power to require delivery of civil partnership schedule

(1) Where the civil partnership schedule is not delivered to the district registrar within 21 days from the date of registration as entered in the schedule, the registrar may serve a notice in the prescribed form on either of the parties to the civil partnership requiring



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that party within 8 days from the date of service to deliver the schedule, or send it by post, to the registrar.

- (2) If a person on whom a notice has been served under subsection (1) fails to comply with the notice, the district registrar may serve on the person a second notice in the prescribed form requiring the person to attend personally at the registration office of the district registrar, within 8 days from the date of service of the second notice, for the purpose of delivering the civil partnership schedule to the district registrar to enable the registrar to enter the civil partnership in the civil partnership register.]

#### Textual Amendments

- F75** S. 95ZA inserted (S.) (1.9.2014 for specified purposes, 16.12.2014 so far as not already in force) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(15)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by [S.S.I. 2014/218](#), art. 2(3), sch.); S.S.I. 2014/287, art. 3, sch.

### [<sup>F76</sup>95A Validity following entry in civil partnership register

- (1) Subsection (2) applies where the particulars set out in a civil partnership schedule signed in accordance with section 85 are entered in the civil partnership register in pursuance of section 95(2) [<sup>F77</sup>or (3C)].
- (2) The validity of the registration as civil partners to which the schedule relates is not to be questioned in any legal proceedings on the ground of failure to comply with a requirement or restriction imposed by or under this Part.
- (3) Subsection (2)—
- is subject to section 85(2), and
  - does not prejudice section 100.]

#### Textual Amendments

- F76** S. 95A inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(5)**, 63(2); S.S.I. 2006/469, art. 2, Sch. 1
- F77** Words in s. 95A(1) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(16)**, 36; S.S.I. 2014/287, art. 3, sch.

### 96 Civil partnership with former spouse

- (1) Where an intended civil partner has a full gender recognition certificate issued under section 5(1) of the Gender Recognition Act 2004 (c. 7) and the other intended civil partner was the other party in the proceedings in which the certificate was issued, the procedures for their registration as civil partners of each other may—
- if they so elect, and
  - if each of them submits a notice under section 88(1) within 30 days after the certificate is issued,
- be expedited as follows.
- (2) The registration may take place on any of the 30 days immediately following—
- that on which the notices are submitted, or

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- (b) (if the two notices are not submitted on the same day) that on which the later is submitted.
- (3) And accordingly there are to be disregarded—
  - (a) in section 90—
    - (i) in subsection (2)(b), the words from “being” to the end, and
    - (ii) subsection (3),
  - (b) section [F78]91(1), and
  - (c) in section 94, [F79]subsection (1)(b)].

#### Textual Amendments

- F78** Words in s. 96(3)(b) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 24\(17\)\(a\)](#), 36; S.S.I. 2014/287, art. 3, sch.
- F79** Words in s. 96(3)(c) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 24\(17\)\(b\)](#), 36; S.S.I. 2014/287, art. 3, sch.

## 97 Certificates of no impediment for Part 2 purposes

- (1) This section applies where—
  - (a) two people propose to register as civil partners of each other under Chapter 1 of Part 2, and
  - (b) one of them (“A”) resides in Scotland but the other (“B”) resides in England or Wales.
- (2) A may submit a notice of intention to register under section 88 as if A and B intended to register as civil partners in the district in which A resides.
- (3) If the district registrar is satisfied (after consultation, if he considers it necessary, with the Registrar General) that there is no impediment (in terms of section 92(6)) to A registering as B’s civil partner, he must issue a certificate to A in the prescribed form that there is not known to be any such impediment.
- (4) But the certificate may not be issued to A earlier than [F80]28 days] after the receipt (as entered in the civil partnership notice book) of the notice under subsection (2) unless—
  - (a) the circumstances are as mentioned in section 96(1), and
  - (b) A makes an election for the certificate to be issued as soon as possible.
- (5) Any person may, at any time before a certificate is issued under subsection (3), submit to the district registrar an objection in writing to its issue.
- [F81](5A) For the purposes of subsection (5), an objection which is submitted by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.]
- (6) Any objection made under subsection (5) must be taken into account by the district registrar in deciding whether he is satisfied that there is no legal impediment to A registering as B’s civil partner.



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### Textual Amendments

- F80** Words in s. 97(4) substituted (1.3.2015) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 24\(18\)\(a\)](#), 36; [S.S.I. 2015/14](#), [art. 2](#), [sch.](#) (with [art. 3\(4\)](#))
- F81** S. 97(5A) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 24\(18\)\(b\)](#), 36; [S.S.I. 2014/287](#), [art. 3](#), [sch.](#)

### Commencement Information

- I6** S. 97 wholly in force at 5.12.2005; s. 97 not in force at Royal Assent see s. 263; s. 97(3) in force at 14.9.2005 by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 97(1)(2)(4)-(6) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

## [<sup>F82</sup>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.
- (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—

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“(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].”.

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#### Textual Amendments

**F82** S. 97A inserted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 10(2)**, 16; S.S.I. 2021/351, **reg. 2**, **sch.** (with **reg. 3**)

#### [<sup>F83</sup>98] Application of certain provisions to civil partnerships

(1) The following sections of the 1965 Act apply in relation to the civil partnership register as they apply in relation to the registers of births, marriages and deaths—

- (a) section 34 (examination and transmission of registers),
- (b) section 38(1) and (2) (search of indexes kept by Registrar General),
- (c) section 39C (provision of information to district registrars), and
- (d) section 44 (Register of Corrections Etc.).

(2) Section 39A of the 1965 Act (notice of registration events to third parties) applies in relation to a civil partnership as it applies in relation to a marriage.

(3) In that application, the reference in section 39A(2)(c) to the marriage having been registered in accordance with section 15 or 19 of the Marriage (Scotland) Act 1977 (c. 15) is to be read as a reference to the particulars of the formation of the civil partnership having been entered in the civil partnership register under section 95(2) of this Act.]

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#### Textual Amendments

**F83** S. 98 substituted (1.10.2006 for certain purposes and 1.1.2007 for further certain purposes and otherwise prosp.) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(6)**, 63(2); S.S.I. 2006/469, **arts. 2, 3**, **Sch. 1**, **Sch. 2**

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#### Modifications etc. (not altering text)

- C3** S. 98 modified (24.3.2016) by [The Gender Recognition \(Marriage and Civil Partnership Registration\) \(Modification\) \(Scotland\) Order 2016 \(S.S.I. 2016/67\)](#), arts. 1, 4 (as amended (23.9.2022) by [The Gender Recognition \(Marriage and Civil Partnership Registration\) \(Modification\) \(Scotland\) Amendment Order 2022 \(S.S.I. 2022/202\)](#), arts. 1, **2(2)**)

### 99 Correction of errors in civil partnership register

- (1) No alteration is to be made in the civil partnership register except as authorised by or under this or any other Act (“Act” including an Act of the Scottish Parliament).
- (2) Any clerical error in the register or error in it of a kind prescribed may be corrected by the district registrar.
- (3) The Registrar General may authorise district examiners (“district examiner” having the meaning given by section 2(1) of the 1965 Act) to correct any error in the register of a type specified by him which they discover during an examination under section 34 of the 1965 Act.

#### Commencement Information

- I7** S. 99 wholly in force at 5.12.2005; s. 99 not in force at Royal Assent see s. 263; s. 99(2) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 99(1)(3) in force at 5.12.2005 by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

### 100 Offences

- (1) A person (“A”) commits an offence who [<sup>F84</sup>purports to register] in Scotland as the civil partner of another person (“B”) knowing that either or both—
  - (a) A is already married to or in civil partnership with a person other than B, or
  - (b) B is already married to or in civil partnership with a person other than A.
- (2) A person commits an offence who knowingly—
  - (a) falsifies or forges any civil partnership document (that is to say, any document issued or made, or purporting to be issued or made, or required, under this Part),
  - (b) uses, or gives or sends to any person as genuine, any false or forged civil partnership document,
  - (c) being [<sup>F85</sup>an approved celebrant or, as the case may be,] an authorised registrar, purports to register two people as civil partners of each other before any civil partnership schedule available to him at the time of registration has been duly completed,
  - (d) not being [<sup>F85</sup>an approved celebrant or, as the case may be,] an authorised registrar, conducts himself in such a way as to lead intended civil partners to believe that he is authorised to register them as civil partners of each other,
  - (e) being [<sup>F85</sup>an approved celebrant or, as the case may be,] an authorised registrar, purports to register two people as civil partners of each other without both of them being present, or

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- (f) being an authorised registrar, purports to register two people as civil partners of each other in a place other than [<sup>F86</sup>in accordance with section 93].
- (3) A person guilty of an offence under subsection (1) or (2) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both);
  - (b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding [<sup>F87</sup>the statutory maximum] (or both).
- [<sup>F88</sup>(3A) A person commits an offence if the person—
- (a) registers a civil partnership in an area or place in which by virtue of section 94B(4)(b) the person is not permitted to register a civil partnership,
  - (b) registers a civil partnership in contravention of section 94C(7),
  - (c) being a person temporarily authorised under section 94E—
    - (i) if authorised under subsection (1)(a) of that section, registers a civil partnership not specified in the authorisation,
    - (ii) if authorised under subsection (1)(b) of that section, registers a civil partnership outwith the period specified in the authorisation,
    - (iii) in either case, registers a civil partnership otherwise than in accordance with such terms and conditions as may be specified in the authorisation,
  - (d) being a party to a civil partnership, fails to comply with a notice served under section 95ZA(2).
- (3B) A person guilty of an offence under subsection (3A) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.]
- (4) Summary proceedings for an offence under subsection (1)[<sup>F89</sup>, (2) or (3A)] may be commenced at any time within 3 months after evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or within 12 months after the offence is committed (whichever period last expires).
- (5) Subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (time limits) has effect for the purposes of this section as it has for the purposes of that section.

#### Textual Amendments

- F84** Words in s. 100(1) substituted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 28(2)(a)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)
- F85** Words in s. 100(2)(c)(d)(e) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(19)(a)(i)**, 36; S.S.I. 2014/287, art. 3, sch.
- F86** Words in s. 100(2)(f) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(19)(a)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.
- F87** Words in s. 100(3)(b) substituted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 28(2)(b)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)
- F88** S. 100(3A)(3B) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(19)(b)**, 36; S.S.I. 2014/287, art. 3, sch.
- F89** Words in s. 100(4) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(19)(c)**, 36; S.S.I. 2014/287, art. 3, sch.

**Changes to legislation:**

Civil Partnership Act 2004, Chapter 2 is up to date with all changes known to be in force on or before 25 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)