



Civil Partnership Act 2004

2004 CHAPTER 33

PART 3

CIVIL PARTNERSHIP: SCOTLAND

CHAPTER 2

REGISTRATION

100 Offences

- (1) A person (“A”) commits an offence who [^{F1}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 [^{F2}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 [^{F2}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 [^{F2}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

Changes to legislation: Civil Partnership Act 2004, Section 100 is up to date with all changes known to be in force on or before 05 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. (See end of Document for details) View outstanding changes

- (f) being an authorised registrar, purports to register two people as civil partners of each other in a place other than [^{F3}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 [^{F4}the statutory maximum] (or both).

- [^{F5}(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)[^{F6}, (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

- F1** 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.)
- F2** 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.
- F3** 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.
- F4** 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.)
- F5** 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.
- F6** 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, Section 100 is up to date with all changes known to be in force on or before 05 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.

[View outstanding changes](#)

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\(2\)](#)