

EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (“the 2011 Act”) provides for a form of order known as a “forced marriage protection order”, and related orders, that can be made by a Scottish court in order either to protect a person from being forced into a marriage, or to protect a person who has been forced into a marriage. Section 10(1) of the 2011 Act confers a power on the Scottish Ministers to make provision applying Part 1 of the Act to civil partnerships as it applies to marriages. Article 2 of this Order makes such provision.

The effect of the amendments of the 2011 Act provided for in Article 2 is to extend the purposes for which courts can make the forms of order provided for in Part 1 to include the protection of a person from being forced into a civil partnership, or to protect a person who has been forced into a civil partnership. The amendments do not alter the terms on which such orders are imposed.

Section 14 of the 2011 Act is amended by article 2(6)(a) to add a definition of “civil partnership” that includes a purported civil partnership. Article 2(6)(b) also amends the definition of “marriage” to include belief ceremonies in the forms of marriage ceremony mentioned. This is consequential on Chapter 3 of Part 1 of the Marriage and Civil Partnership (Scotland) Act 2014 which made provision for the solemnisation of marriage by authorised celebrants of belief bodies.

Article 3 is consequential on section 15 of the 2011 Act which extends jurisdiction in proceedings for declarator of nullity of marriage to the sheriff court. Article 3 amends section 28A(7) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 to provide for decrees of declarator of nullity of marriage, when granted by a sheriff, to be included in the Register of Divorces maintained by the Registrar General of Births, Deaths and Marriages for Scotland.