
SCOTTISH STATUTORY INSTRUMENTS

2005 No. 567

**The Civil Partnership (Supplementary Provisions
relating to the Recognition of Overseas Dissolutions,
Annulments or Separations) (Scotland) Regulations 2005**

Recognition of an overseas dissolution, annulment or separation in the case of an overseas relationship (or an apparent or alleged relationship) where a civil partner is domiciled in a country whose law does not recognise relationships [^{F1}of the sort in question]

3.—(1) In relation to an overseas dissolution, annulment or separation in the case of an overseas relationship (or an apparent or alleged overseas relationship), section 235 applies with the following modifications.

(2) After subsection (1) insert—

“(1A) The validity of an overseas dissolution, annulment or separation obtained by means of proceedings shall also be recognised if—

- (a) the dissolution, annulment or separation is effective under the law of the country in which it was obtained;
- (b) at the relevant date neither civil partner—
 - (i) was habitually resident in the country in which the dissolution, annulment or separation was obtained;
 - (ii) was domiciled in that country; or
 - (iii) was a national of that country; and
- (c) the party seeking the dissolution, annulment or separation was either habitually resident or domiciled in a country whose law does not recognise [^{F2}the relevant sort of relationship] and does not provide for dissolution, annulment or separation as regards such relationships.

(1B) References in paragraph (1A) to “country” shall include, where appropriate, a territory which comprises part of a country in which different systems of law are in force in matters relating to the dissolution or annulment of a civil partnership or the separation of civil partners.”

(3) After subsection (2) insert—

“(2A) The validity of an overseas dissolution, annulment or separation obtained otherwise than by means of proceedings shall also be recognised if—

- (a) the dissolution, annulment or separation is effective under the law of the country in which it was obtained;
- (b) at the relevant date one civil partner was domiciled in that country and the other was domiciled in a country whose law does not recognise [^{F3}the relevant sort of relationship] and does not provide for recognition of the validity of dissolutions, annulments or separations as regards such relationships; and

(c) neither civil partner was habitually resident in the United Kingdom throughout the period of 1 year immediately preceding that date.

(2B) References in paragraph (2A) to “country” shall include a territory which comprises part of a country in which different systems of law are in force in matters relating to the dissolution or annulment of a civil partnership or the separation of civil partners.”.

[^{F4}(4) After subsection (3) insert—

“(3A) In this section references to “the relevant sort of relationship” are to the sort of relationship that the civil partnership in question is, and include—

(a) in the case of a relationship between two persons who are of the same sex under the relevant law, reference to that sort of relationship whether generally or between two persons of the same sex,

(b) in the case of a relationship between two persons who are of different sexes under the relevant law, reference to that sort of relationship whether generally or between two persons of different sexes.

(3B) In subsection (3A), “the relevant law” means the law in relation to which the question of recognition arises under subsection (1A)(c) or (as the case may be) (2A)(b).”.]

- F1** Words in [reg. 3 heading](#) substituted (28.2.2022) by [The Civil Partnership \(Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Separations\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/461\)](#), regs. 1, **2(2)**
- F2** Words in [reg. 3\(2\)](#) substituted (28.2.2022) by [The Civil Partnership \(Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Separations\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/461\)](#), regs. 1, **2(3)**
- F3** Words in [reg. 3\(3\)](#) substituted (28.2.2022) by [The Civil Partnership \(Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Separations\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/461\)](#), regs. 1, **2(4)**
- F4** [Reg. 3\(4\)](#) inserted (28.2.2022) by [The Civil Partnership \(Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Separations\) \(Scotland\) Amendment Regulations 2021 \(S.S.I. 2021/461\)](#), regs. 1, **2(5)**

Commencement Information

- I1** Reg. 3 in force at 5.12.2005, see [reg. 1\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Civil Partnership (Supplementary Provisions relating to the Recognition of Overseas Dissolutions, Annulments or Separations) (Scotland) Regulations 2005, Section 3.