

Transposition table for Scotland

Regulation (EU) 2016/1191 on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union and amending Regulation (EU) No 1024/2012

<p>Note: as an EU Regulation, this measure is directly applicable in Member States.</p> <p>However, to contribute to implementation, the Scottish Government made the Multilingual Standard Forms (Fees) (Scotland) Regulations 2018 (“the fees SSI”) and the Multilingual Standard Forms (Consequential Amendments) (Scotland) Regulations 2018 (“the consequential amendments SSI”).</p>		
Article	Detail	Implementation
Article or subsection number	Brief explanation of its purpose/what is required	What have we done in national legislation to achieve this?
1	Subject matter	Nothing required.
2	Scope	Nothing required.
3	Definitions	Nothing required.
4	Exemption from legalisation and similar formalities	Nothing required. As the Article is directly applicable, nothing was needed in domestic legislation to make the exemption. This will automatically apply to the documents described in Article 2.
5	Provides that where a Member State requires an original public document to be presented, no certified copy is required; also provides that where a Member State permits a certified copy to be	Nothing required. There is currently no domestic legislation requiring use of certified copies of public documents from other countries if the public documents are used in Scotland.

	presented, it shall be accepted	
6	Provides that a translation of a public document is not required where the document is an official language of a Member State where the document is to be presented; or where certain type of public document are accompanied by a multilingual standard form	Nothing required in relation to Article 6(1)(a) and (2), which are directly applicable without domestic legislation. In relation to paragraph (1)(b) the consequential amendments SSI makes amendments to the Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004. These amendments ensure the 1977 and 2004 Acts reflect the requirement in the EU Regulation that multilingual standard forms from other EU Member States are accepted as translation aids for civil status documents. The amendments disapply the statutory requirement for a translation where civil status documents in a foreign language submitted to a registrar along with a notice of intention to marry or enter into a civil partnership are accompanied by a multilingual standard form, so long as the information included is sufficient for processing the document.
7	Provides that certain public documents shall, upon request, be issued with a multilingual standard form by an authority	Nothing required. National Records of Scotland (NRS) will be responsible for issuing multilingual standard forms on request.
8	Makes provision for the use of multilingual standard forms and their legal value	Nothing required.
9	Content of multilingual standard forms	Nothing required.
10	Languages in which multilingual standard forms are issued	Nothing required.

11	Provides that the fee for obtaining multilingual standard form is not to be greater than the production costs for the form, or of the public document to which the form is attached (whichever is lower).	The fees SSI makes provision for a fee to be paid to NRS for issuing a multilingual standard form in accordance with the EU Regulation. The £10 fee established by the SSI is in line with the fees charged for issuing an extract from the registers. The fee for extracts is charged on a cost recovery basis. NRS anticipate that the actual cost of producing a multilingual standard form will, at least initially, be higher than the cost of producing an extract. This reflects that the arrangements for producing multilingual standard forms are new. Therefore, the £10 fee is in line with the costs of producing the public document to which the multilingual standard form is attached.
12	Provides for electronic versions of multilingual standard forms to be contained in the European e-Justice Portal	Nothing required.
13	Establishes that the Internal Market Information System to be used for the purposes of certain Articles within this Regulation	Nothing required. The Internal Market Information System (IMI) is an existing system, established by an EU Regulation in 2012.
14	Provides a mechanism for Member state authorities to query matters relating to public documents via the IMI in cases of doubt	Nothing required. Where information held within the IMI does not provide the required certainty, NRS in Scotland will handle requests for confirmation that Scottish civil status documents are authentic.
15	Designation of central authority	Nothing required in legislation. In Scotland, NRS has been designated the central authority.

16	Functions of central authority	Nothing required
17	Relationship with other provisions of Union law	Nothing required
18	Amendment to Regulation 1024/2012	Nothing required.
19	Relationship with international conventions, agreements and arrangements	Nothing required
20	Limits the purposes for which Member States may exchange civil status documents to authentication only, subject to laws in Member States on public access to documents	Nothing required.
21	Provides for the Commission and Member States to make information available about the EU Regulation	Nothing required.
22	Provides that the IMI is to be used to communicate key information about the	Nothing required. Details about NRS were communicated to the Commission in pursuance of this Article in early August 2018.

	central authority and documents, and any subsequent changes to this information	
23	Provides for an ad hoc Committee to be established involving Commission and Member State representatives, and for that Committee to take measures to facilitate application of the EU Regulation	Nothing required.
24	Provides for Member States to communicate information about public documents to the Commission and for publication of this information	Nothing required. The deadlines for submission of the information and publication as required by Article 24 have all passed. Where information was required from a Scottish perspective, this was provided by NRS and then sent by the UK Government to the European Commission.
25	Provides for information in multilingual standard forms to be updated if there is a change in a Member State public document	Nothing required.
26	Provides for periodic reviews of the application of the	Nothing required.

	<p>Regulation by the Commission; also provides for the Commission to produce a report on extending the scope of the Regulation to include other types of document</p>	
27	<p>Provides for dates on which the various Articles within the Regulation are to enter into force</p>	<p>Nothing required.</p>

**Family Law
Scottish Government**

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