
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 23

The Civil Partnership (Scotland) Act 2020 (Commencement No. 3, Saving and Transitional Provision) Regulations 2021

Saving and transitional provision: end of interim recognition of different sex relationships

3.—(1) The cessation of the interim treatment of different sex relationships formed outwith Scotland by section 3(4) does not affect—

- (a) anything done prior to 1 June 2021 by one or both of the deemed spouses—
 - (i) in relation to a deemed marriage, or
 - (ii) otherwise as a deemed spouse or as deemed spouses,
- (b) anything done prior to 1 June 2021 by any other person in relation to—
 - (i) a deemed marriage, or
 - (ii) one or both of the deemed spouses (as a deemed spouse or as deemed spouses), or
- (c) any relevant court proceedings which have concluded prior to 1 June 2021.

(2) Anything done prior to 1 June 2021 by a person as a deemed spouse is to be treated on or after 1 June 2021 as if it had been done by that person as a civil partner.

(3) Anything done prior to 1 June 2021 by any other person in relation to a deemed marriage, or in relation to one or both of the deemed spouses (as a deemed spouse or as deemed spouses), is to be treated on or after 1 June 2021 as if it had been done by the other person in relation to a civil partnership, or in relation to that person or those persons as a civil partner or as civil partners.

(4) Paragraph (5) has effect, subject to paragraph (6), in relation to any relevant court proceedings which have not concluded prior to 1 June 2021.

(5) In the proceedings—

- (a) a reference to a deemed marriage has effect on or after 1 June 2021 as, or as including, a reference to a civil partnership between the same parties, and
- (b) a reference to a person as a deemed spouse has effect on or after 1 June 2021 as, or as including, a reference to that person as a civil partner.

(6) Where, before 1 June 2021, section 3(2) applies to the determination of an application for an ancillary order, by virtue of regulation 3(2) and (3) of the Civil Partnership (Scotland) Act 2020 (Commencement No. 1 and Interim Recognition of Different Sex Relationships) Regulations 2020⁽¹⁾, section 3(4) does not affect the continued treatment of the parties to the deemed marriage as spouses for the purpose of the determination of the application.

(7) Unless the contrary intention appears, in any document executed prior to 1 June 2021—

- (a) a reference to a deemed marriage has effect on or after 1 June 2021 as, or as including, a reference to a civil partnership between the same parties, and
- (b) a reference to a person as a deemed spouse has effect on or after 1 June 2021 as, or as including, a reference to that person as a civil partner.

- (8) In this regulation—
- (a) “ancillary order” means an order relating to children, aliment, financial provision or the regulation of occupancy rights in an action for—
 - (i) the dissolution of a civil partnership,
 - (ii) the separation of civil partners, or
 - (iii) declarator of nullity of a civil partnership,
 - (b) “deemed marriage” means a relationship treated as a marriage in accordance with section 3(2), and “deemed spouse” is to be construed accordingly,
 - (c) “relevant court proceedings” means any proceedings in a court or tribunal commenced prior to 1 June 2021 to which either or both of the following is or are relevant for any purpose—
 - (i) a deemed marriage, or
 - (ii) the status of one or both of the deemed spouses as a deemed spouse or as deemed spouses,
 - (d) a reference to anything done includes a reference to anything not done.