
SCOTTISH STATUTORY INSTRUMENTS

2022 No. 201

The Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Amendment Regulations 2022

Amendment of the Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016

2.—(1) The Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016⁽¹⁾ are amended as follows.

(2) In regulation 2 (interpretation), at the end of the definition of “authorised registrar” insert “or, as the case may be, under section 87 of the Civil Partnership Act 2004”.

(3) For regulation 6 (qualifying Scottish marriages solemnised outside the United Kingdom) substitute—

“Qualifying Scottish marriages solemnised outside the United Kingdom

6.—(1) This regulation applies where an application under regulation 3(1) relates to a qualifying Scottish marriage that is treated as having been solemnised in Scotland by virtue of section 25(3), (4) or (5) of the 2004 Act⁽²⁾.

(2) The marriage is to be entered in the draft new register of marriages entry as if it had been solemnised by an authorised registrar, in post on the applicable date, in the City of Edinburgh registration district.

(3) In this regulation, “applicable date” means the date entered by the Registrar General in the draft new register of marriages entry as the date the marriage was solemnised.”.

(4) In regulation 9 (particulars to be entered in civil partnership register entry)—

- (a) in paragraph (1) for “paragraph (2)” substitute “this regulation and regulations 9A and 9B”,
- (b) for paragraph (2) substitute—

“(2) The draft new civil partnership register entry must reflect the name and gender referred to on the full gender recognition certificate, or certificates, granted to one or each of the civil partners.

(3) Where any of the particulars would indicate that a civil partnership of persons of different sexes was registered before 1 June 2021, the Registrar General must not enter those particulars in the draft new civil partnership register entry unless the civil partners request those particulars to be entered.

(4) If by virtue of the prohibition in paragraph (3), the Registrar General is unable to enter the date on which the civil partnership was registered—

- (a) the civil partnership is to be entered in the draft new civil partnership register entry as if it had been registered on the date on which the draft new civil partnership register entry is made; and

⁽¹⁾ S.S.I. 2016/66.

⁽²⁾ Section 25(2) to (6) was inserted by paragraph 2(d) of schedule 2 of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5).

- (b) the particulars to be entered in the draft new civil partnership register entry must be those applicable on that date, except that—
 - (i) the witnesses with addresses particular⁽³⁾ must remain blank; and
 - (ii) where the civil partnership was registered by an authorised registrar, the civil partnership is to be entered in the draft new civil partnership register entry as if it had been registered by an authorised registrar, in post on the date referred to in paragraph (4)(a), at the registration office of the registration district entered in the existing civil partnership register entry.”.
- (5) After regulation 9 insert—

“Qualifying Scottish civil partnerships that are religious or belief civil partnerships

9A.—(1) The Registrar General must not enter in the draft new civil partnership register entry any particulars that would indicate that a civil partnership of persons of the same sex was a religious or belief civil partnership if, on the applicable date, the person who registered the civil partnership was not—

- (a) a person who may register a civil partnership between persons of the same sex under section 94A(1)(a)(i) of the Civil Partnership Act 2004⁽⁴⁾;
- (b) registered under section 94B of that Act to register civil partnerships between persons of the same sex; or
- (c) temporarily authorised under section 94E of that Act to register civil partnerships between persons of the same sex.

(2) The Registrar General must not enter in the draft new civil partnership register entry any particulars that would indicate that a civil partnership of persons of different sexes was a religious or belief civil partnership if, on the applicable date, the person who registered the civil partnership was not—

- (a) a person who may register a civil partnership between persons of different sexes under section 94A(2A)(a)(i) of the Civil Partnership Act 2004;
- (b) registered under section 94B of that Act to register civil partnerships between persons of different sexes; or
- (c) temporarily authorised under section 94E of that Act to register civil partnerships between persons of different sexes.

(3) Where paragraph (1) or (2) applies, the civil partnership is to be entered in the draft new civil partnership register entry as if it had been registered by an authorised registrar, in post on the applicable date, at the registration office of the registration district entered in the existing civil partnership register entry.

(4) In this regulation—

“religious or belief civil partnership” has the same meaning as in section 94A(4)(b) of the Civil Partnership Act 2004;

“applicable date” means the date entered by the Registrar General in the draft new civil partnership register entry as the date the civil partnership was registered.

(3) The witnesses with addresses particular is at box 12 of the form of page of the civil partnership register, prescribed by the Registration of Civil Partnerships (Prescription of Forms, Publicisation and Errors) (Scotland) Regulations 2005 (S.S.I. 2005/458), regulation 6 and schedule 3.

(4) Sections 94A, 94B and 94E were inserted by section 24(13) of the 2014 Act and amended by sections 7 and 8 of the Civil Partnership (Scotland) Act 2020 (asp 15).

Qualifying Scottish civil partnerships registered outside the United Kingdom

9B.—(1) This regulation applies where an application under regulation 8(1) relates to a qualifying Scottish civil partnership that is treated as having been registered in Scotland by virtue of section 25(2) of the 2004 Act.

(2) The civil partnership is to be entered in the draft new civil partnership register entry as if it had been registered by an authorised registrar, in post on the applicable date, in the City of Edinburgh registration district.

(3) In this regulation, “applicable date” means the date entered by the Registrar General in the draft new civil partnership register entry as the date on which the civil partnership was registered.”.

(6) In regulation 12 (continuity of qualifying Scottish marriages)—

(a) the regulation heading becomes “**Continuity of qualifying Scottish marriages and qualifying Scottish civil partnerships**”,

(b) at the end insert “or a qualifying Scottish civil partnership”.

(7) For the form in schedule 2 (application form to register a civil partnership following issue of full gender recognition certificate) substitute the form in the schedule of these Regulations.