



Civil Partnership Act 2004

2004 CHAPTER 33

PART 3

CIVIL PARTNERSHIP: SCOTLAND

CHAPTER 2

REGISTRATION

87 Appointment of authorised registrars

For the purpose of affording reasonable facilities throughout Scotland for registration as civil partners, the Registrar General—

- (a) is to appoint such number of district registrars as he thinks necessary, and
- (b) may, in respect of any district for which he has made an appointment under paragraph (a), appoint one or more assistant registrars,

as persons who may carry out such registration (in this Part referred to as “authorised registrars”).

88 Notice of proposed civil partnership

- (1) In order to register as civil partners, each of the intended civil partners must submit to the district registrar a notice, in the prescribed form ^{F1} . . . , of intention to enter civil partnership (in this Part referred to as a “notice of proposed civil partnership”).
- (2) [^{F2}Each of the intended civil partners must also pay the prescribed fee and submit the following documents—
 - (a) that person's birth certificate,]
 - (b) if that person has previously been married or in civil partnership and—
 - (i) the marriage or civil partnership has been dissolved, a copy of the decree of divorce or dissolution, or

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- (ii) the other party to that marriage or civil partnership has died, the death certificate of that other party, and
 - (c) if that person has previously ostensibly been married or in civil partnership but decree of annulment has been obtained, a copy of that decree.
- (3) If a person is unable to submit a certificate or decree required by subsection (2) he may instead make a declaration to that effect, stating what the reasons are; and he must provide the district registrar with such—
- (a) information in respect of the matters to which the certificate or document would have related, and
 - (b) documentary evidence in support of that information, as the district registrar may require.
- (4) If a document submitted under subsection (2) or (3) is in a language other than English, the person submitting it must attach to the document a translation of it in English, certified by the translator as a correct translation.
- (5) A person submitting a notice under subsection (1) must make and [^{F3}attest in the prescribed manner] the necessary declaration (the form for which must be included in any form prescribed for the notice).
- [^{F4}(5A) Regulations prescribing the form of the notice of proposed civil partnership may make provision for the notice to be electronic rather than paper-based.]
- (6) The necessary declaration is a declaration that the person submitting the notice believes that the intended civil partners are eligible to be in civil partnership with each other.
- [^{F5}(8) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the intended civil partners.
- (9) A requirement under subsection (8) may be imposed at any time—
- (a) on or after the submitting of the notice under subsection (1), but
 - (b) before the district registrar completes the civil partnership schedule.
- (10) In subsection (8), “specified nationality evidence” means such evidence of that person's nationality as may be specified in guidance issued by the Registrar General.]

Textual Amendments

- F1** Words in s. 88(1) omitted (1.10.2006 for certain purposes and otherwise 1.1.2007) by virtue of [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), ss. {52(2)(a)}, 63(2); S.S.I. 2006/469, [arts. 2, 3](#), Schs. 1, 2
- F2** Words in s. 88(2) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(2\)\(b\)](#), 63(2); S.S.I. 2006/469, [arts. 2, 3](#), Schs. 1, 2
- F3** Words in s. 88(5) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(2\)\(c\)](#), 63(2); S.S.I. 2006/469, [arts. 2, 3](#), Schs. 1, 2
- F4** S. 88(5A) inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(2\)\(d\)](#), 63(2); S.S.I. 2006/469, [art. 2](#), Sch. 1
- F5** S. 88(8)-(10) inserted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), [ss. 25, 36](#); S.S.I. 2014/212, [art. 2](#), [sch.](#) (as amended (1.9.2014) by S.S.I. 2014/218, [art. 2\(3\)](#), [sch.](#))

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Commencement Information

- I1** S. 88 wholly in force at 5.12.2005; s. 88 not in force at Royal Assent see s. 263; s. 88(1)(5) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 88(2)-(4)(6) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

89 Civil partnership notice book

- (1) On receipt of a notice of proposed civil partnership, the district registrar is to enter in a book (to be known as “the civil partnership book”) supplied to him for that purpose by the Registrar General such particulars, extracted from the notice, as may be prescribed and the date of receipt by him of that notice.
- (2) The form and content of any page of that book is to be prescribed.

Commencement Information

- I2** S. 89 wholly in force at 5.12.2005; s. 89 not in force at Royal Assent see s. 263; s. 89(1) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 89(2) in force at 14.9.2005 by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#)

90 Publicisation

- (1) Where notices of a proposed civil partnership are [^{F6}received by] a district registrar, he must, as soon as practicable after [^{F7}such receipt](or, if the two documents are not [^{F8}received] on the same day, after [^{F9}the first is received]), publicise the relevant information and send it to the Registrar General who must also publicise it.
- (2) “The relevant information” means—
 - (a) the names of the intended civil partners, and
 - (b) the date on which it is intended to register them as civil partners of each other, being a date more than 14 days after publicisation by the district registrar under subsection (1).
- (3) Paragraph (b) of subsection (2) is subject to section 91.
- (4) The manner in which and means by which relevant information is to be publicised are to be prescribed.

Textual Amendments

- F6** Words in s. 90(1) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(3\)\(a\)](#), 63(2); [S.S.I. 2006/469](#), [art. 2](#), [Sch. 1](#)
- F7** Words in s. 90(1) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(3\)\(b\)](#), 63(2); [S.S.I. 2006/469](#), [art. 2](#), [Sch. 1](#)
- F8** Word in s. 90(1) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(3\)\(c\)](#), 63(2); [S.S.I. 2006/469](#), [art. 2](#), [Sch. 1](#)
- F9** Words in s. 90(1) substituted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(3\)\(d\)](#), 63(2); [S.S.I. 2006/469](#), [art. 2](#), [Sch. 1](#)

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Commencement Information

- I3** S. 90 wholly in force at 5.12.2005; s. 90 not in force at Royal Assent see s. 263; s. 90(4) in force at 14.9.2005 by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#); s. 90(1)-(3) in force at 5.12.2005 by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

91 Early registration

An authorised registrar who receives a request in writing from one or both of two intended civil partners that they should be registered as civil partners of each other on a date specified in the request (being a date 14 days or fewer after publicisation by the district registrar under subsection (1) of section 90) may, provided that he is authorised to do so by the Registrar General, fix that date as the date for registration; and if a date is so fixed, paragraph (b) of subsection (2) of that section is to be construed as if it were a reference to that date.

92 Objections to registration

- (1) Any person may at any time before the registration in Scotland of two people as civil partners of each other submit in writing an objection to such registration to the district registrar.

[^{F10}(1A) For the purpose of subsection (1), an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.]

- (2) But where the objection is that the intended civil partners are not eligible to be in civil partnership with each other because either is incapable of—
- (a) understanding the nature of civil partnership, or
 - (b) validly consenting to its formation,

it shall [^{F11}not be treated as submitted until there has also been produced to the registrar] a supporting certificate [^{F12}attested in the prescribed manner] by a registered medical practitioner.

- (3) A person claiming that he may have reason to submit such an objection may, free of charge and at any time when the registration office at which a notice of proposed civil partnership to which the objection would relate is open for public business, inspect any relevant entry in the civil partnership book.

- (4) Where the district registrar receives an objection in accordance with subsection (1) he must—

- (a) in any case where he is satisfied that the objection relates to no more than a misdescription or inaccuracy in a notice submitted under section 88(1)—
 - (i) notify the intended civil partners of the nature of the objection and make such enquiries into the matter mentioned in it as he thinks fit, and
 - (ii) subject to the approval of the Registrar General, make any necessary correction to any document relating to the proposed civil partnership, or
- (b) in any other case—
 - (i) at once notify the Registrar General of the objection, and

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- (ii) pending consideration of the objection by the Registrar General, suspend the completion or issue of the civil partnership schedule in respect of the proposed civil partnership.
- (5) If the Registrar General is satisfied, on consideration of an objection of which he has received notification under subsection (4)(b)(i) that—
- (a) there is a legal impediment to registration, he must direct the district registrar not to register the intended civil partners and to notify them accordingly, or
 - (b) there is no such impediment, he must inform the district registrar to that effect.
- (6) For the purposes of this section and section 94, there is a legal impediment to registration where the intended civil partners are not eligible to be in civil partnership with each other.

Textual Amendments

- F10** S. 92(1A) inserted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(4)(a)**, 63(2); S.S.I. 2006/469, **arts. 2, 3**, Schs. 1, 2
- F11** Words in s. 92(2) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(4)(b)(i)**, 63(2); S.S.I. 2006/469, **arts. 2, 3**, Schs. 1, 2
- F12** Words in s. 92(2) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(4)(b)(ii)**, 63(2); S.S.I. 2006/469, **arts. 2, 3**, Schs. 1, 2

93 Place of registration

- (1) Two people may be registered as civil partners of each other at a registration office or any other place which they and the local registration authority agree is to be the place of registration.
- (2) The place of registration may, if the approval of the Registrar General is obtained, be
- ^{F13}(a) in a registration district other than that of the authorised registrar carrying out the registration, or
 - (b) in or on Scottish Waters.]
- (3) But the place must not be in religious premises, that is to say premises which—
- (a) are used solely or mainly for religious purposes, or
 - (b) have been so used and have not subsequently been used solely or mainly for other purposes.
- (4) “Local registration authority” has the meaning given by section 5(3) of the 1965 Act.
- ^{F14}(5) “Scottish Waters” has the meaning given by section 26(2) of the Marriage (Scotland) Act 1977 (c. 15).]

Textual Amendments

- F13** Words in s. 93(2) substituted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 51(a)**, 63(2); S.S.I. 2006/469, **art. 3**, Sch. 2 (with art. 4)

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F14 S. 93(5) inserted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 51\(b\), 63\(2\); S.S.I. 2006/469, art. 3, Sch. 2 \(with art. 4\)](#)

94 The civil partnership schedule

Where—

- (a) the district registrar has received a notice of proposed civil partnership in respect of each of the intended civil partners and—
 - (i) is satisfied that there is no legal impediment to their registration as civil partners of each other, or
 - (ii) as the case may be, is informed under section 92(5)(b) that there is no such impediment,
- (b) the 14 days mentioned in paragraph (b) of section 90(2) have expired (or as the case may be the date which, by virtue of section 91, that paragraph is to be construed as a reference to has been reached), and
- (c) the period which has elapsed since the day of receipt of the notices by him (or, if the two notices were not received on the same day, since the day of receipt of the later) does not exceed 3 months,

he is to complete a civil partnership schedule in the prescribed form.

Commencement Information

I4 S. 94 wholly in force at 5.12.2005; s. 94 not in force at Royal Assent see s. 263; s. 94 in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428, art. 2, Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604, art. 2\(b\)](#)

[^{F15}94A Persons who may register civil partnerships

- (1) A civil partnership may be registered by and only by—
 - (a) a person who is—
 - (i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships on its behalf,
 - (ii) registered under section 94B, or
 - (iii) temporarily authorised under section 94E, or
 - (b) a person who is a district registrar or assistant registrar appointed under section 87.
- (2) The Scottish Ministers may prescribe a religious or belief body under subsection (1)(a)(i) only if—
 - (a) the body requests them to do so, and
 - (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.
- (3) For the avoidance of doubt, nothing in subsection (1)(a) or (2)(a)—
 - (a) imposes a duty on any religious or belief body to make a request referred to in subsection (2)(a),

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- (b) imposes a duty on any such body to nominate under section 94B any of its members to be registered as empowered to register civil partnerships,
 - (c) imposes a duty on any person to apply for temporary authorisation under section 94E to register civil partnerships,
 - (d) imposes a duty on any person who is an approved celebrant in relation to civil partnerships to register civil partnerships.
- (4) In this Part—
- (a) any such person as is mentioned in subsection (1)(a) is referred to as an “approved celebrant”,
 - (b) a civil partnership registered by an approved celebrant is referred to as a “religious or belief civil partnership”,
 - (c) a civil partnership registered by an authorised registrar is referred to as a “civil registration”.
- (5) In subsection (2)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

Textual Amendments

F15 Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13), 36**; [S.S.I. 2014/212](#), **art. 2, sch.** (as amended (1.9.2014) by [S.S.I. 2014/218](#), **art. 2(3), sch.**); [S.S.I. 2014/287](#), **art. 3, sch.**

94B Registration of nominated persons as celebrants

- (1) A religious or belief body, not being prescribed by virtue of section 94A(1)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to register civil partnerships.
- (2) The Registrar General must reject a nomination under subsection (1) if in the Registrar General's opinion—
 - (a) the nominating body is not a religious or belief body,
 - (b) the nominee is not a fit and proper person to register a civil partnership,
 - (c) there are already registered under this section sufficient members of the same body as the nominee to meet the needs of that body, or
 - (d) the nominating body does not meet the qualifying requirements.
- (3) In subsection (2)(d), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.
- (4) Where the Registrar General accepts a nomination made under subsection (1), the Registrar General—
 - (a) must determine the period during which the nominee is empowered to register civil partnerships, being a period of not more than 3 years,
 - (b) may determine that the nominee is empowered to register civil partnerships only in such area or place as the Registrar General may specify, and
 - (c) may make acceptance of the nominee's registration subject to such other conditions as the Registrar General thinks fit.

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- (5) Nothing in subsection (4)(a) prevents the Registrar General from accepting a further nomination of that nominee, in accordance with this section, to take effect at any time after the end of the period determined by the Registrar General under subsection (4)(a).
- (6) The Registrar General must—
- (a) if accepting a nomination made under subsection (1)—
 - (i) so inform the nominee and the nominating body, specifying the period during which the acceptance has effect and any condition to which the acceptance is subject,
 - (ii) enter the name of the nominee, the nominating body and such other particulars as the Registrar General thinks fit in a register which the Registrar General must establish and maintain and which must be made available for public inspection at all reasonable times free of charge,
 - (b) if rejecting a nomination made under subsection (1), by notice in writing inform the nominating body of the reasons for that rejection.
- (7) For the purposes of subsection (6)(b), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.
- (8) If the nominating body is aggrieved by a rejection under this section it may, within 28 days of receiving notice of the rejection, appeal to the Scottish Ministers.
- (9) On any such appeal the Scottish Ministers may—
- (a) direct the Registrar General to accept the nomination, or
 - (b) confirm the rejection of the nomination,
- and must inform the nominating body of their decision and the reason for it; and their decision is final.
- (10) If a reason given for confirming the rejection of a nomination is that the nominating body is not a religious or belief body, the body may, within 42 days of receiving notice of the confirmation, appeal against the decision to the Court of Session and seek the determination of that court as to whether the body is a religious or belief body.
- (11) If—
- (a) the Court determines that the nominating body is a religious or belief body, and
 - (b) the reason mentioned in subsection (10) was the only reason given for confirming the rejection of the nomination,
- the Registrar General must give effect to the determination as if it were a direction under subsection (9)(a) to accept the nomination.

Textual Amendments

F15 Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13)**, 36; S.S.I. 2014/212, art. 2, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), **sch.**); S.S.I. 2014/287, art. 3, **sch.**

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94C Removal of celebrant's name from register

- (1) Subject to the provisions of this section, the Registrar General may remove the name of a person registered under section 94B from the register on the ground that—
 - (a) the person has requested that the person's name should be so removed,
 - (b) the body which nominated the person under section 94B(1) no longer desires that the person should be so registered,
 - (c) the person—
 - (i) has, while registered as an approved celebrant, been convicted of an offence under this Part,
 - (ii) has, for the purpose of profit or gain, been carrying on a business of registering civil partnerships,
 - (iii) is not a fit and proper person to register civil partnerships, or
 - (iv) for any other reason, should not be registered as an approved celebrant.
- (2) The Registrar General may not remove the name of a person from the register on any ground mentioned in subsection (1)(c) unless the Registrar General has given the person at least 21 days notice in writing of the intention to do so.
- (3) For the purposes of subsection (2), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.
- (4) The Registrar General must—
 - (a) in the notice given under subsection (2), specify the ground of removal and call upon the person to give any reasons, within the period specified in the notice, why the person's name should not be removed from the register, and
 - (b) consider any representations made within that period by the person.
- (5) Where a person's name has been removed from the register on any of the grounds mentioned in paragraph (c) of subsection (1), the person or the body which nominated the person under section 94B(1) may, if aggrieved by the removal, within 28 days of receiving notice of the removal appeal to the Scottish Ministers.
- (6) On an appeal under subsection (5) the Scottish Ministers may give any direction they think proper to the Registrar General as to the removal from, or restoration to, the register of the person's name; and such direction is final.
- (7) Where a person has received a notice in pursuance of subsection (2), the person must not register a civil partnership unless and until the person's name is restored to the register or, as the case may be, the Registrar General has decided not to remove the person's name from the register.

Textual Amendments

F15 Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13)**, 36; S.S.I. 2014/212, **art. 2**, **sch.** (as amended (1.9.2014) by [S.S.I. 2014/218](#), **art. 2(3)**, **sch.**); S.S.I. 2014/287, **art. 3**, **sch.**

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94D Alterations to register maintained under section 94B

- (1) A body registered in pursuance of section 94B(6)(a)(ii) must notify the Registrar General of any of the following events (if practicable, within 21 days of its occurrence)
 - (a) any change in the name or the address of the body or any amalgamation with any other religious or belief body, giving the name and address of any approved celebrant who is a member of the body so registered,
 - (b) the death of an approved celebrant who is a member of the body so registered,
 - (c) any change of name, address or designation of an approved celebrant who is a member of the body so registered,
 - (d) the cessation of an approved celebrant who is a member of the body so registered from exercising the functions of an approved celebrant, giving the person's name and address.
- (2) The Registrar General must, on receipt of any such notification, make whatever alteration to the register maintained under section 94B the Registrar General considers necessary or desirable.

Textual Amendments

F15 Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13)**, 36; [S.S.I. 2014/212](#), **art. 2**, **sch.** (as amended (1.9.2014) by [S.S.I. 2014/218](#), **art. 2(3)**, **sch.**); [S.S.I. 2014/287](#), **art. 3**, **sch.**

94E Temporary authorisation of celebrants

- (1) The Registrar General may, in accordance with such terms and conditions as may be specified in the authorisation, grant to any member of a religious or belief body a temporary written authorisation to register—
 - (a) a civil partnership or partnerships specified in the authorisation, or
 - (b) civil partnerships during such period as is specified in the authorisation.
- (2) The Registrar General may grant an authorisation to a person under subsection (1) only if satisfied that the religious or belief body of which the person is a member meets the qualifying requirements.
- (3) The Registrar General may grant an authorisation to a person under subsection (1)(b) only if the religious or belief body of which the person is a member—
 - (a) is prescribed by virtue of section 94A(1)(a)(i), or
 - (b) has nominated members (whether or not including that person) under section 94B(1).
- (4) In subsection (2), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.
- (5) For the purposes of subsection (1), an authorisation which is issued by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.]

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Textual Amendments

F15 Ss. 94A-94E inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force for the insertion of ss. 94A(1)(2)(a)(3)(4), 94B(1)(2)(a)-(c)(4)-(11), 94C, 94D, 94E(1)(3)(5) and otherwise prosp.) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(13)**, 36; [S.S.I. 2014/212, art. 2, sch.](#) (as amended (1.9.2014) by [S.S.I. 2014/218, art. 2\(3\), sch.](#)); [S.S.I. 2014/287, art. 3, sch.](#)

95 Further provision as to registration

- (1) Before the persons present sign in accordance with section 85 the authorised registrar is to require the intended civil partners to confirm that (to the best of their knowledge) the particulars set out in the civil partnership schedule are correct.
- (2) As soon as practicable after the civil partnership schedule has been signed, the authorised registrar must cause those particulars to be entered in a register (to be known as the “civil partnership register”) supplied to him for that purpose by the Registrar General.
- (3) The form and content of any page of that register is to be prescribed.
- (4) A fee payable by the intended civil partners for their registration as civil partners of each other is to be prescribed.

Commencement Information

I5 S. 95 wholly in force at 5.12.2005; s. 95 not in force at Royal Assent see s. 263; s. 95(3)(4) in force at 14.9.2005 by [S.S.I. 2005/428, art. 2, Sch.](#); s. 95(1)(2) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604, art. 2\(b\)](#)

[^{F16}95ZA Registrar's power to require delivery of civil partnership schedule

- (1) Where the civil partnership schedule is not delivered to the district registrar within 21 days from the date of registration as entered in the schedule, the registrar may serve a notice in the prescribed form on either of the parties to the civil partnership requiring that party within 8 days from the date of service to deliver the schedule, or send it by post, to the registrar.
- (2) If a person on whom a notice has been served under subsection (1) fails to comply with the notice, the district registrar may serve on the person a second notice in the prescribed form requiring the person to attend personally at the registration office of the district registrar, within 8 days from the date of service of the second notice, for the purpose of delivering the civil partnership schedule to the district registrar to enable the registrar to enter the civil partnership in the civil partnership register.]

Textual Amendments

F16 S. 95ZA inserted (S.) (1.9.2014 for specified purposes, 16.12.2014 so far as not already in force) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(15)**, 36; [S.S.I. 2014/212, art. 2, sch.](#) (as amended (1.9.2014) by [S.S.I. 2014/218, art. 2\(3\), sch.](#)); [S.S.I. 2014/287, art. 3, sch.](#)

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[^{F17}95A Validity following entry in civil partnership register

- (1) Subsection (2) applies where the particulars set out in a civil partnership schedule signed in accordance with section 85 are entered in the civil partnership register in pursuance of section 95(2).
- (2) The validity of the registration as civil partners to which the schedule relates is not to be questioned in any legal proceedings on the ground of failure to comply with a requirement or restriction imposed by or under this Part.
- (3) Subsection (2)—
 - (a) is subject to section 85(2), and
 - (b) does not prejudice section 100.]

Textual Amendments

F17 S. 95A inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 52\(5\), 63\(2\)](#); S.S.I. 2006/469, [art. 2](#), Sch. 1

96 Civil partnership with former spouse

- (1) Where an intended civil partner has a full gender recognition certificate issued under section 5(1) of the Gender Recognition Act 2004 (c. 7) and the other intended civil partner was the other party in the proceedings in which the certificate was issued, the procedures for their registration as civil partners of each other may—
 - (a) if they so elect, and
 - (b) if each of them submits a notice under section 88(1) within 30 days after the certificate is issued,
 be expedited as follows.
- (2) The registration may take place on any of the 30 days immediately following—
 - (a) that on which the notices are submitted, or
 - (b) (if the two notices are not submitted on the same day) that on which the later is submitted.
- (3) And accordingly there are to be disregarded—
 - (a) in section 90—
 - (i) in subsection (2)(b), the words from “being” to the end, and
 - (ii) subsection (3),
 - (b) section 91, and
 - (c) in section 94, paragraph (b).

97 Certificates of no impediment for Part 2 purposes

- (1) This section applies where—
 - (a) two people propose to register as civil partners of each other under Chapter 1 of Part 2, and
 - (b) one of them (“A”) resides in Scotland but the other (“B”) resides in England or Wales.

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- (2) A may submit a notice of intention to register under section 88 as if A and B intended to register as civil partners in the district in which A resides.
- (3) If the district registrar is satisfied (after consultation, if he considers it necessary, with the Registrar General) that there is no impediment (in terms of section 92(6)) to A registering as B's civil partner, he must issue a certificate to A in the prescribed form that there is not known to be any such impediment.
- (4) But the certificate may not be issued to A earlier than 14 days after the receipt (as entered in the civil partnership notice book) of the notice under subsection (2) unless—
 - (a) the circumstances are as mentioned in section 96(1), and
 - (b) A makes an election for the certificate to be issued as soon as possible.
- (5) Any person may, at any time before a certificate is issued under subsection (3), submit to the district registrar an objection in writing to its issue.
- (6) Any objection made under subsection (5) must be taken into account by the district registrar in deciding whether he is satisfied that there is no legal impediment to A registering as B's civil partner.

Commencement Information

- I6** S. 97 wholly in force at 5.12.2005; s. 97 not in force at Royal Assent see s. 263; s. 97(3) in force at 14.9.2005 by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 97(1)(2)(4)-(6) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

[^{F18}98 Application of certain provisions to civil partnerships

- (1) The following sections of the 1965 Act apply in relation to the civil partnership register as they apply in relation to the registers of births, marriages and deaths—
 - (a) section 34 (examination and transmission of registers),
 - (b) section 38(1) and (2) (search of indexes kept by Registrar General),
 - (c) section 39C (provision of information to district registrars), and
 - (d) section 44 (Register of Corrections Etc.).
- (2) Section 39A of the 1965 Act (notice of registration events to third parties) applies in relation to a civil partnership as it applies in relation to a marriage.
- (3) In that application, the reference in section 39A(2)(c) to the marriage having been registered in accordance with section 15 or 19 of the Marriage (Scotland) Act 1977 (c. 15) is to be read as a reference to the particulars of the formation of the civil partnership having been entered in the civil partnership register under section 95(2) of this Act.]

Textual Amendments

- F18** S. 98 substituted (1.10.2006 for certain purposes and 1.1.2007 for further certain purposes and otherwise prosp.) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (asp 14), [ss. 52\(6\)](#), [63\(2\)](#); [S.S.I. 2006/469](#), [arts. 2, 3](#), [Sch. 1](#), [Sch. 2](#)

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99 Correction of errors in civil partnership register

- (1) No alteration is to be made in the civil partnership register except as authorised by or under this or any other Act (“Act” including an Act of the Scottish Parliament).
- (2) Any clerical error in the register or error in it of a kind prescribed may be corrected by the district registrar.
- (3) The Registrar General may authorise district examiners (“district examiner” having the meaning given by section 2(1) of the 1965 Act) to correct any error in the register of a type specified by him which they discover during an examination under section 34 of the 1965 Act.

Commencement Information

- I7** S. 99 wholly in force at 5.12.2005; s. 99 not in force at Royal Assent see s. 263; s. 99(2) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 99(1)(3) in force at 5.12.2005 by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

100 Offences

- (1) A person (“A”) commits an offence who [^{F19}purports to register] in Scotland as the civil partner of another person (“B”) knowing that either or both—
 - (a) A is already married to or in civil partnership with a person other than B, or
 - (b) B is already married to or in civil partnership with a person other than A.
- (2) A person commits an offence who knowingly—
 - (a) falsifies or forges any civil partnership document (that is to say, any document issued or made, or purporting to be issued or made, or required, under this Part),
 - (b) uses, or gives or sends to any person as genuine, any false or forged civil partnership document,
 - (c) being an authorised registrar, purports to register two people as civil partners of each other before any civil partnership schedule available to him at the time of registration has been duly completed,
 - (d) not being an authorised registrar, conducts himself in such a way as to lead intended civil partners to believe that he is authorised to register them as civil partners of each other,
 - (e) being an authorised registrar, purports to register two people as civil partners of each other without both of them being present, or
 - (f) being an authorised registrar, purports to register two people as civil partners of each other in a place other than a registration office or a place agreed under section 93.
- (3) A person guilty of an offence under subsection (1) or (2) is liable—
 - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both);
 - (b) on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding [^{F20}the statutory maximum] (or both).

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- (4) Summary proceedings for an offence under subsection (1) or (2) may be commenced at any time within 3 months after evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or within 12 months after the offence is committed (whichever period last expires).
- (5) Subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (time limits) has effect for the purposes of this section as it has for the purposes of that section.

Textual Amendments

- F19** Words in s. 100(1) substituted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 28(2)(a)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)
- F20** Words in s. 100(3)(b) substituted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 28(2)(b)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

Status:

Point in time view as at 01/09/2014.

Changes to legislation:

Civil Partnership Act 2004, Chapter 2 is up to date with all changes known to be in force on or before 01 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.