



Civil Partnership Act 2004

2004 CHAPTER 33

PART 3

CIVIL PARTNERSHIP: SCOTLAND

CHAPTER 2

REGISTRATION

[^{F1}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 [^{F2}between persons of the same sex].

[A religious or belief body, not being prescribed by virtue of section 94A(2A)(a)(i),
^{F3}(1A) 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 between persons of different sexes.]
- (2) The Registrar General must reject a nomination under subsection (1) [^{F4}or (1A)] 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 [^{F5}in relation to registering civil partnerships between persons of the same sex or, as the case may be, civil partnerships between persons of different sexes], 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.

Changes to legislation: Civil Partnership Act 2004, Section 94B is up to date with all changes known to be in force on or before 13 March 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. (See end of Document for details) View outstanding changes

- (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.
 - (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) [^{F6}or (1A)]—
 - (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) [^{F7}or (1A)], by notice in writing inform the nominating body of the reasons for that rejection.
- [The register mentioned in subsection (6)(a)(ii) is to be in two parts—
- ^{F8}(6A) (a) the first part containing the details mentioned in subsection (6)(a)(ii) in relation to persons nominated by religious or belief bodies to register civil partnerships between persons of the same sex, and
- (b) the second part containing those details in relation to persons nominated by religious or belief bodies to register civil partnerships between persons of different sexes.]
- (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—

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- (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

- F1** 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.**
- F2** Words in s. 94B(1) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(2)(a)**, 16; S.S.I. 2021/23, [reg. 2](#), **sch.** (with [reg. 3](#))
- F3** S. 94B(1A) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(2)(b)**, 16; S.S.I. 2021/23, [reg. 2](#), **sch.** (with [reg. 3](#))
- F4** Words in s. 94B(2) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(2)(c)(i)**, 16; S.S.I. 2021/23, [reg. 2](#), **sch.** (with [reg. 3](#))
- F5** Words in s. 94B(2) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(2)(c)(ii)**, 16; S.S.I. 2021/23, [reg. 2](#), **sch.** (with [reg. 3](#))
- F6** Words in s. 94B(6)(a) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(2)(d)(i)**, 16; S.S.I. 2021/23, [reg. 2](#), **sch.** (with [reg. 3](#))
- F7** Words in s. 94B(6)(b) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(2)(d)(ii)**, 16; S.S.I. 2021/23, [reg. 2](#), **sch.** (with [reg. 3](#))
- F8** S. 94B(6A) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), **ss. 8(2)(e)**, 16; S.S.I. 2021/23, [reg. 2](#), **sch.** (with [reg. 3](#))

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)