

**Executive Note**  
**The Civil Partnership Family Homes (Form of Consent) (Scotland) Regulations 2006**  
**SSI/2006/115**

The above instrument is made in exercise of the powers conferred by sections 258(2) and 106(3)(a)(i) of the Civil Partnership Act 2004. This instrument is subject to negative resolution procedure.

**Policy Objective**

The purpose of the instrument is to give effect to section 106(3)(a)(i) of the Civil Partnership Act 2004 by prescribing a form of words to be used when a civil partner who has occupancy rights in a family home under the Act is consenting to the dealing of that home by the other partner. The instrument, which has a similar purpose to that of The Matrimonial Homes (Form of Consent) (Scotland) Regulations 1982 for spouses, will come into effect on 30<sup>th</sup> March 2006.

The Civil Partnership Act 2004 came into force across the whole of the UK on 5 December 2005. The Act aims to give social and legal inclusion to couples in same-sex relationships. It provides for legal recognition to same-sex relationships, giving people in these relationships access to rights and duties towards each other on the same basis as married couples if such couples have entered into a civil partnership.

Part 3, chapter 3 of the 2004 Act deals with ‘occupancy rights and tenancies’. Section 106(3)(a)(i) gives Scottish Ministers power to make regulations with respect to the drafting of forms for use where a non-entitled civil partner gives consent to the entitled partner to sell the family home to a third party. These Regulations prescribe the forms of consent: in Schedule 1 where the consent is inserted in the document effecting the dealing; and in Schedule 2 where the consent is in a separate document.

**Financial Effects**

This instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive, Justice Department  
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