

2015 No. 14 (C. 3)

CIVIL PARTNERSHIP

MARRIAGE

**The Marriage and Civil Partnership (Scotland) Act 2014
(Commencement No. 4 and Savings Provisions) Order 2015**

<i>Made</i>	- - - -	<i>20th January 2015</i>
<i>Laid before the Scottish Parliament</i>		<i>22nd January 2015</i>
<i>Coming into force</i>	- -	<i>1st March 2015</i>

The Scottish Ministers make the following Order in exercise of the powers conferred by sections 36(2) and (3) of the Marriage and Civil Partnership (Scotland) Act 2014(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) This Order may be cited as the Marriage and Civil Partnership (Scotland) Act 2014 (Commencement No. 4 and Savings Provisions) Order 2015 and comes into force on 1st March 2015.

(2) In this Order—

“the 1977 Act” means the Marriage (Scotland) Act 1977(b);

“the 2004 Act” means the Civil Partnership Act 2004(c);

“the 2014 Act” means the Marriage and Civil Partnership (Scotland) Act 2014; and

“district registrar” has the meaning given in section 7(12) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965(d).

Appointed day

2.—(1) Subject to article 3, the appointed day is 1st March 2015 for the provisions of the 2014 Act specified in column 1 of the Schedule to this Order (the subject matter of which is described in column 2 of the Schedule).

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision, the provision comes into force on 1st March 2015 for that purpose only.

(a) 2014 asp 5.
(b) 1977 c.15.
(c) 2004 c.33.
(d) 1965 c.49.

Savings

3.—(1) Despite the amendments made by section 18(2)(b) and (4) of the 2014 Act, sections 6(4)(a) and 19(1) of the 1977 Act continue to have effect for all purposes on and after 1st March 2015 as they had effect immediately before that date, where each of the parties to a marriage intended to be solemnised have submitted to the district registrar a notice of intention to marry under section 3(1) of the 1977 Act(a) before 1st March 2015.

(2) Despite the amendments made by section 24(7)(b), (8)(b)(ii) and (12)(b)(i) of the 2014 Act, sections 90(2)(b), 91(1) and 94(1)(b) of the 2004 Act(b) continue to have effect for all purposes on and after 1st March 2015 as they had effect immediately before that date, where each of the intended civil partners has submitted to the district registrar a notice of intention to enter civil partnership under section 88(1) of the 2004 Act(c) before 1st March 2015.

(3) Despite the amendment made by section 18(3) of the 2014 Act, section 7(2) of the 1977 Act continues to have effect for all purposes on and after 1st March 2015 as it had effect immediately before that date, where a party to a marriage intended to be solemnised has submitted to the district registrar a notice of intention to marry under section 7(1) of the 1977 Act before 1st March 2015.

(4) Despite the amendment made by section 24(18)(a) of the 2014 Act, section 97(4) of the 2004 Act continues to have effect for all purposes on and after 1st March 2015 as it had effect immediately before that date, where the intended civil partner has submitted to the district registrar a notice of intention to enter civil partnership under section 88(1) of the 2004 Act before 1st March 2015.

MARCO BIAGI

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
20th January 2015

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- (a) Section 3(1) was amended by section 50(2)(a) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) ("the 2006 Act"), paragraph 43(a) of Schedule 28(4) to the Civil Partnership Act 2004 (c.33), paragraph 3 of Schedule 2 to the Marriage (Prohibited Degrees of Relationship) Act 1986 (c.16), and sections 3(2)(a) and 8(2) of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5) ("the 2014 Act").
- (b) Section 91(1) was amended by section 24(8)(a) and (b)(i) and (iii) of the 2014 Act; section 94(1)(b) was amended by section 24(12)(a) and (b)(ii) of the 2014 Act.
- (c) Section 88(1) was amended by section 52(2)(a) of the 2006 Act.

SCHEDULE

Article 2

<i>Column 1</i> <i>Provision</i>	<i>Column 2</i> <i>Subject matter</i>	<i>Column 3</i> <i>Purpose</i>
Section 18	The Marriage Schedule	For all remaining purposes.
Section 24(1)	Registration of civil partnership	For the purpose of bringing into force the other provisions of section 24 of the 2014 Act referred to in column 1.
Section 24(7)(b), (8)(b)(ii), (12)(b)(i) and (18)(a)	Registration of civil partnership	

EXPLANATORY NOTE

(This note is not part of the Order)

This Order commences the provisions in the Marriage and Civil Partnership (Scotland) Act 2014 (“the 2014 Act”) which amend the Marriage (Scotland) Act 1977 (“the 1977 Act”) and the Civil Partnership Act 2004 (“the 2004 Act”) respectively so as to increase from 14 to 28 days the minimum period (i) for issuing the Marriage Schedule, (ii) for issuing a certificate that a person has legal capacity to marry, (iii) for solemnising a marriage after receipt of a marriage notice (unless early solemnisation is authorised), (iv) for registering a civil partnership after publicisation of the notice of proposed civil partnership by the district registrar, (v) for issuing the civil partnership schedule, and (vi) for issuing a certificate of no impediment to register as civil partners. These provisions are listed in the Schedule to the Order.

Article 3 of the Order makes savings provisions with the effect that the existing 14 day notice period for these matters continues to apply where a relevant notice of intention to marry or of proposed civil partnership has been submitted before 1st March 2015.

The Bill for the 2014 Act received Royal Assent on 12th March 2014. Sections 34 to 37 of the 2014 Act came into force on the day after Royal Assent.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1	16th December 2014	2014/287
Section 2	16th December 2014	2014/287
Section 3	16th December 2014	2014/287
Section 4 (partially)	1st September 2014	2014/212 and 2014/218
Section 4 (so far as not already commenced)	16th December 2014	2014/287
Section 5	16th December 2014	2014/287
Section 6 (partially)	1st September 2014	2014/212 and 2014/218
Section 6 (so far as not already commenced)	16th December 2014	2014/287
Section 7	21st May 2014	2014/121
Section 8	16th December 2014	2014/287
Section 9	1st September 2014	2014/212 and 2014/218
Section 10	1st September 2014	2014/212 and 2014/218
Section 11 (partially)	1st September 2014	2014/212 and 2014/218
Section 11 (so far as not already commenced)	16th December 2014	2014/287
Section 12 (partially)	1st September 2014	2014/212 and 2014/218
Section 12 (partially)	16th December 2014	2014/287
Section 13 (partially)	1st September 2014	2014/212 and 2014/218
Section 13 (partially)	16th December 2014	2014/287
Section 14 (partially)	1st September 2014	2014/212 and 2014/218
Section 14 (partially)	16th December 2014	2014/287
Section 15	16th December 2014	2014/287
Section 16	16th December 2014	2014/287
Section 17	1st September 2014	2014/212 and 2014/218
Section 18 (partially)	1st September 2014	2014/212 and 2014/218
Section 19	21st May 2014	2014/121
Section 20	21st May 2014	2014/121

Section 21	1st September 2014	2014/212 and 2014/218
Section 22	21st May 2014	2014/121
Section 23	21st May 2014	2014/121
Section 24 (partially)	1st September 2014	2014/212 and 2014/218
Section 24 (partially)	16th December 2014	2014/287
Section 25	1st September 2014	2014/212 and 2014/218
Section 26	16th December 2014	2014/287
Section 27	21st May 2014	2014/121
Section 28	1st September 2014	2014/212 and 2014/218
Section 29 (partially)	1st September 2014	2014/212 and 2014/218
Section 29 (so far as not already commenced)	16th December 2014	2014/287
Section 30	1st September 2014	2014/212 and 2014/218
Section 31	16th December 2014	2014/287
Section 32	21st May 2014	2014/121
Section 33	1st September 2014	2014/212 and 2014/218
Schedule 1 (partially)	1st September 2014	2014/212 and 2014/218
Schedule 1 (so far as not already commenced)	16th December 2014	2014/287
Schedule 2 (partially)	1st September 2014	2014/212 and 2014/218
Schedule 2 (so far as not already commenced)	16th December 2014	2014/287

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