
SCOTTISH STATUTORY INSTRUMENTS

2021 No. 23

The Civil Partnership (Scotland) Act 2020 (Commencement No. 3, Saving and Transitional Provision) Regulations 2021

Transitional provision: overseas relationships

4.—(1) Section 212 of the 2004 Act (meaning of “overseas relationship”)(**1**) applies for the purpose of determining whether a relationship between persons of different sexes entered into before 1 February 2021(**2**) is an overseas relationship as though for subsection (1)(b)(ii) there were substituted—

“(ii) neither of whom was already a civil partner or lawfully married on the date the relationship concerned was entered into, and

(iii) neither of whom was a civil partner or lawfully married—

(aa) immediately before 1 February 2021, or

(bb) in the case of a relationship that was dissolved or annulled before that date, immediately before the date of dissolution or annulment.”.

(2) Paragraph (1) has effect in place of article 3 of the Civil Partnership (Overseas Relationships) (Scotland) Order 2005(**3**) in relation to any case where a relationship referred to in that paragraph was entered into before 5 December 2005.

(1) Section 212 is amended by section 2(2) of the Civil Partnership (Scotland) Act 2020 and is modified in its application to overseas relationships entered into before 5 December 2005 by [S.S.I. 2005/573](#).
(2) 1 February 2021 is the date on which section 3 of the Civil Partnership (Scotland) Act 2020 comes into force, in accordance with regulation 2 of [S.S.I. 2020/414](#).
(3) [S.S.I. 2005/573](#).