

2021 No. 351 (C. 25)

CIVIL PARTNERSHIP

The Civil Partnership (Scotland) Act 2020 (Commencement No. 4, Saving and Transitional Provision) Regulations 2021

<i>Made</i>	- - - -	<i>5th October 2021</i>
<i>Laid before the Scottish Parliament</i>		<i>7th October 2021</i>
<i>Coming into force</i>	- -	<i>30th November 2021</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 16(2) and (3) of the Civil Partnership (Scotland) Act 2020(a) and all other powers enabling them to do so.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Civil Partnership (Scotland) Act 2020 (Commencement No. 4, Saving and Transitional Provision) Regulations 2021 and come into force on 30 November 2021.

(2) In these Regulations—

“the 2004 Act” means the Gender Recognition Act 2004(b),

“the 2020 Act” means the Civil Partnership (Scotland) Act 2020.

Provisions coming into force on 30 November 2021

2.—(1) 30 November 2021 is the day appointed for the coming into force of the provisions of the 2020 Act specified in column 1 of the table in the schedule of these Regulations, the subject matter of which is described in column 2 of the table.

(2) Where a purpose is specified in column 3 of the table in relation to any provision, the provision comes into force on 30 November 2021 for that purpose only.

Transitional and saving provision

3.—(1) This regulation applies where—

(a) an application under section 1 of the 2004 Act has been received by a Gender Recognition Panel(c) (“the Panel”) before 30 November 2021,

(b) the Panel has not, before that date, granted or rejected the application, and

(a) 2020 asp 15.

(b) 2004 c. 7.

(c) Gender Recognition Panels were established by, and are constituted in accordance with, the provisions of schedule 1 of the Gender Recognition Act 2004 (c. 7).

- (c) it appears to the Panel that the amendments made by paragraph 5 of schedule 2 of the 2020 Act might affect the outcome of the application.
- (2) The Panel must—
- (a) inform the applicant of the difference of outcome that appears possible,
 - (b) ask if the applicant wishes for the application to be dealt with in accordance with the 2004 Act as amended by that paragraph, and
 - (c) give the applicant a reasonable opportunity to provide any further information or statutory declarations that would be required for the application to be so dealt with.
- (3) The Panel must deal with the application in accordance with the 2004 Act as so amended if the applicant—
- (a) expresses a wish for the Panel to do so, and
 - (b) duly provides any information or statutory declarations required under paragraph (2)(c).
- (4) Otherwise the Panel must continue to deal with the application in accordance with the 2004 Act as it would have effect without the amendments referred to in paragraph (1)(c).

SHONA ROBISON
A member of the Scottish Government

St Andrew's House,
Edinburgh
5th October 2021

SCHEDULE

Regulation 2

<i>Column 1 Provision</i>	<i>Column 2 Subject matter</i>	<i>Column 3 Purpose</i>
Section 10	Second registration of civil partnership	
Section 14 and schedule 2	Consequential modifications	Bringing into force, for all remaining purposes, the modifications of enactments provided for in paragraphs 5, 6(2) and 7 of schedule 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the Civil Partnership (Scotland) Act 2020 (“the 2020 Act”) and make transitional and saving provision relating to applications under the Gender Recognition Act 2004.

Regulation 2 brings the provisions of the 2020 Act listed in the schedule of the Regulations into force on 30 November 2021. The provisions brought into force include an amendment to the Civil Partnership Act 2004 relating to the registration of civil partnerships between persons who have previously registered a relationship overseas, and amendments to the Gender Recognition Act 2004 consequential on the extension of civil partnership to mixed sex couples, including provision enabling a full gender recognition certificate to be issued to a party to a civil partnership registered in Scotland. A consequential amendment to the law on dissolution of civil partnerships is also commenced.

Regulation 3 makes transitional and saving provision concerning applications under section 1 of the Gender Recognition Act 2004 that have been submitted before 30 November 2021 but not yet determined on that date. Where it appears to the Gender Recognition Panel considering the application that the outcome of the application may be different if dealt with in accordance with the amended provisions, provision is made for the applicant to be given an opportunity to have the application dealt with in accordance with those provisions and to provide any further information required for that purpose.

NOTE AS TO EARLIER COMMENCEMENT REGULATIONS

(This note is not part of the Regulations)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.S.I. No.</i>
Section 1 (partially)	1 February 2021	2020/414
Section 1 (for all remaining purposes)	1 June 2021	2021/23
Section 2(1), (3)(f) and (4)(b) (partially)	18 January 2021	2020/457
Section 2 (partially)	1 February 2021	2020/414
Section 2 (for all remaining purposes)	1 June 2021	2021/23
Section 3	1 February 2021	2020/414
Sections 4, 5 and 6	1 June 2021	2021/23
Section 7(1), (2)(b) and (2)(f) (partially)	18 January 2021	2020/457
Section 7(1), (2)(b) and (2)(f) (for all remaining purposes)	1 June 2021	2021/23
Section 7(2)(b) (partially)	1 June 2021	2021/23
Sections 8 and 9	1 June 2021	2021/23
Section 11 (partially)	1 February 2021	2020/414
Section 11 (for all remaining purposes)	1 June 2021	2021/23
Section 12	1 June 2021	2021/23
Section 14 (partially)	18 January 2021	2020/457
Section 14 (partially)	1 June 2021	2021/23
Schedule 1 (partially)	1 February 2021	2020/414
Schedule 1 (for all remaining purposes)	1 June 2021	2021/23
Schedule 2, paragraph 5(1) and (19)(b) (partially)	18 January 2021	2020/457
Schedule 2, all remaining provisions other than paragraphs 5, 6(2) and (3), and 7.	1 June 2021	2021/23

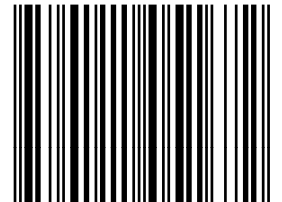
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