

2022 No. 202

GENDER RECOGNITION

CIVIL PARTNERSHIP

**The Gender Recognition (Marriage and Civil Partnership
Registration) (Modification) (Scotland) Amendment Order 2022**

Made - - - - *7th June 2022*

Laid before the Scottish Parliament *9th June 2022*

Coming into force - - *23rd September 2022*

The Scottish Ministers make the following Order in exercise of the powers conferred by section 23(1) of the Gender Recognition Act 2004^(a) and all other powers enabling them to do so.

In accordance with section 23(5) of that Act, the Scottish Ministers have undertaken appropriate consultation with persons likely to be affected by it.

Citation and commencement

1. This Order may be cited as the Gender Recognition (Marriage and Civil Partnership Registration) (Modification) (Scotland) Amendment Order 2022 and comes into force on 23 September 2022.

Amendment of the Gender Recognition (Marriage and Civil Partnership Registration) (Modification) (Scotland) Order 2016

2.—(1) The Gender Recognition (Marriage and Civil Partnership Registration) (Modification) (Scotland) Order 2016^(b) is amended as follows.

(2) In article 4(7) (modification of the operation of section 98 of the Civil Partnership Act 2004), after “this article” insert “and article 5”.

(3) After article 4, insert—

“Modification of the operation of section 41A of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 – civil partnerships

5.—(1) The operation of section 41A(1) of the 1965 Act (admissibility of registration information as evidence)^(c) in relation to qualifying Scottish civil partnerships registered under regulation 10 of the 2016 Regulations is modified as follows.

(a) 2004 c. 7. The Order is made by the Scottish Ministers in accordance with section 23(2).

(b) S.S.I. 2016/67.

(c) “the 1965 Act” and “the 2016 Regulations” are defined in article 2 of S.S.I. 2016/67. Section 41A of that Act was added by section 44(6) of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14).

(2) Where the extract issued is an extract of a new civil partnership register entry, it shall be sufficient evidence of the date the civil partnership recorded in that entry was registered only where that date is the same as it is on the corresponding existing civil partnership register entry.”.

CHRISTINA McKELVIE

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
7th June 2022

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Gender Recognition (Marriage and Civil Partnership Registration) (Modification) (Scotland) Order 2016 (“the 2016 Order”). The 2016 Order modifies the operation of the law concerning the registration of marriages and civil partnerships where a new entry is made in the register of marriages or the civil partnership register in accordance with the Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016 (“the 2016 Regulations”). Such an entry may be made when a full Gender Recognition Certificate has been issued to a party, or to both parties, to a marriage or civil partnership, so the information on the register does not identify them as having obtained a gender recognition certificate.

In consequence of amendments to the 2016 Regulations, a new civil partnership register entry may show a civil partnership as having been registered on a date other than that shown on the existing entry. This Order amends the 2016 Order so that, in cases in which a new entry has been made in the civil partnership register, an extract of the entry is only sufficient evidence of the date of registration where the dates shown on the existing entry and the new entry are the same.

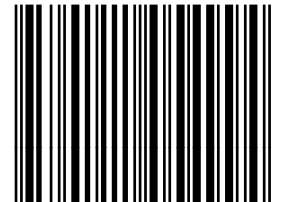
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£4.90

<http://www.legislation.gov.uk/id/ssi/2022/202>

ISBN 978-0-11-105499-4



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