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Civil Partnership Act 2004

2004 CHAPTER 33

PART 3

CIVIL PARTNERSHIP: SCOTLAND

CHAPTER 2

REGISTRATION

VALID FROM 05/12/2005

87 Appointment of authorised registrars

For the purpose of affording reasonable facilities throughout Scotland for registration as civil partners, the Registrar General—

- (a) is to appoint such number of district registrars as he thinks necessary, and
- (b) may, in respect of any district for which he has made an appointment under paragraph (a), appoint one or more assistant registrars,

as persons who may carry out such registration (in this Part referred to as “authorised registrars”).

88 Notice of proposed civil partnership

- (1) In order to register as civil partners, each of the intended civil partners must submit to the district registrar a notice, in the prescribed form and accompanied by the prescribed fee, of intention to enter civil partnership (in this Part referred to as a “notice of proposed civil partnership”).
- (2) A notice submitted under subsection (1) must also be accompanied by—
 - (a) the birth certificate of the person submitting it,
 - (b) if that person has previously been married or in civil partnership and—

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- (i) the marriage or civil partnership has been dissolved, a copy of the decree of divorce or dissolution, or
 - (ii) the other party to that marriage or civil partnership has died, the death certificate of that other party, and
 - (c) if that person has previously ostensibly been married or in civil partnership but decree of annulment has been obtained, a copy of that decree.
- (3) If a person is unable to submit a certificate or decree required by subsection (2) he may instead make a declaration to that effect, stating what the reasons are; and he must provide the district registrar with such—
- (a) information in respect of the matters to which the certificate or document would have related, and
 - (b) documentary evidence in support of that information, as the district registrar may require.
- (4) If a document submitted under subsection (2) or (3) is in a language other than English, the person submitting it must attach to the document a translation of it in English, certified by the translator as a correct translation.
- (5) A person submitting a notice under subsection (1) must make and sign the necessary declaration (the form for which must be included in any form prescribed for the notice).
- (6) The necessary declaration is a declaration that the person submitting the notice believes that the intended civil partners are eligible to be in civil partnership with each other.

Commencement Information

- II** S. 88 wholly in force at 5.12.2005; s. 88 not in force at Royal Assent see s. 263; s. 88(1)(5) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 88(2)-(4)(6) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

89 Civil partnership notice book

- (1) On receipt of a notice of proposed civil partnership, the district registrar is to enter in a book (to be known as “the civil partnership book”) supplied to him for that purpose by the Registrar General such particulars, extracted from the notice, as may be prescribed and the date of receipt by him of that notice.
- (2) The form and content of any page of that book is to be prescribed.

Commencement Information

- I2** S. 89 wholly in force at 5.12.2005; s. 89 not in force at Royal Assent see s. 263; s. 89(1) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 89(2) in force at 14.9.2005 by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#)

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90 Publicisation

- (1) Where notices of a proposed civil partnership are submitted to a district registrar, he must, as soon as practicable after the day on which they are submitted (or, if the two documents are not submitted on the same day, after the day on which the first is submitted), publicise the relevant information and send it to the Registrar General who must also publicise it.
- (2) “The relevant information” means—
 - (a) the names of the intended civil partners, and
 - (b) the date on which it is intended to register them as civil partners of each other, being a date more than 14 days after publicisation by the district registrar under subsection (1).
- (3) Paragraph (b) of subsection (2) is subject to section 91.
- (4) The manner in which and means by which relevant information is to be publicised are to be prescribed.

Commencement Information

- I3** S. 90 wholly in force at 5.12.2005; s. 90 not in force at Royal Assent see s. 263; s. 90(4) in force at 14.9.2005 by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#); s. 90(1)-(3) in force at 5.12.2005 by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

VALID FROM 05/12/2005

91 Early registration

An authorised registrar who receives a request in writing from one or both of two intended civil partners that they should be registered as civil partners of each other on a date specified in the request (being a date 14 days or fewer after publicisation by the district registrar under subsection (1) of section 90) may, provided that he is authorised to do so by the Registrar General, fix that date as the date for registration; and if a date is so fixed, paragraph (b) of subsection (2) of that section is to be construed as if it were a reference to that date.

VALID FROM 05/12/2005

92 Objections to registration

- (1) Any person may at any time before the registration in Scotland of two people as civil partners of each other submit in writing an objection to such registration to the district registrar.
- (2) But where the objection is that the intended civil partners are not eligible to be in civil partnership with each other because either is incapable of—
 - (a) understanding the nature of civil partnership, or
 - (b) validly consenting to its formation,

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it shall be accompanied by a supporting certificate signed by a registered medical practitioner.

- (3) A person claiming that he may have reason to submit such an objection may, free of charge and at any time when the registration office at which a notice of proposed civil partnership to which the objection would relate is open for public business, inspect any relevant entry in the civil partnership book.
- (4) Where the district registrar receives an objection in accordance with subsection (1) he must—
 - (a) in any case where he is satisfied that the objection relates to no more than a misdescription or inaccuracy in a notice submitted under section 88(1)—
 - (i) notify the intended civil partners of the nature of the objection and make such enquiries into the matter mentioned in it as he thinks fit, and
 - (ii) subject to the approval of the Registrar General, make any necessary correction to any document relating to the proposed civil partnership, or
 - (b) in any other case—
 - (i) at once notify the Registrar General of the objection, and
 - (ii) pending consideration of the objection by the Registrar General, suspend the completion or issue of the civil partnership schedule in respect of the proposed civil partnership.
- (5) If the Registrar General is satisfied, on consideration of an objection of which he has received notification under subsection (4)(b)(i) that—
 - (a) there is a legal impediment to registration, he must direct the district registrar not to register the intended civil partners and to notify them accordingly, or
 - (b) there is no such impediment, he must inform the district registrar to that effect.
- (6) For the purposes of this section and section 94, there is a legal impediment to registration where the intended civil partners are not eligible to be in civil partnership with each other.

VALID FROM 05/12/2005

93 Place of registration

- (1) Two people may be registered as civil partners of each other at a registration office or any other place which they and the local registration authority agree is to be the place of registration.
- (2) The place of registration may, if the approval of the Registrar General is obtained, be outwith the district of the authorised registrar carrying out the registration.
- (3) But the place must not be in religious premises, that is to say premises which—
 - (a) are used solely or mainly for religious purposes, or
 - (b) have been so used and have not subsequently been used solely or mainly for other purposes.

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(4) “Local registration authority” has the meaning given by section 5(3) of the 1965 Act.

94 The civil partnership schedule

Where—

- (a) the district registrar has received a notice of proposed civil partnership in respect of each of the intended civil partners and—
 - (i) is satisfied that there is no legal impediment to their registration as civil partners of each other, or
 - (ii) as the case may be, is informed under section 92(5)(b) that there is no such impediment,
- (b) the 14 days mentioned in paragraph (b) of section 90(2) have expired (or as the case may be the date which, by virtue of section 91, that paragraph is to be construed as a reference to has been reached), and
- (c) the period which has elapsed since the day of receipt of the notices by him (or, if the two notices were not received on the same day, since the day of receipt of the later) does not exceed 3 months,

he is to complete a civil partnership schedule in the prescribed form.

Commencement Information

- 14** S. 94 wholly in force at 5.12.2005; s. 94 not in force at Royal Assent see s. 263; s. 94 in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

95 Further provision as to registration

- (1) Before the persons present sign in accordance with section 85 the authorised registrar is to require the intended civil partners to confirm that (to the best of their knowledge) the particulars set out in the civil partnership schedule are correct.
- (2) As soon as practicable after the civil partnership schedule has been signed, the authorised registrar must cause those particulars to be entered in a register (to be known as the “civil partnership register”) supplied to him for that purpose by the Registrar General.
- (3) The form and content of any page of that register is to be prescribed.
- (4) A fee payable by the intended civil partners for their registration as civil partners of each other is to be prescribed.

Commencement Information

- 15** S. 95 wholly in force at 5.12.2005; s. 95 not in force at Royal Assent see s. 263; s. 95(3)(4) in force at 14.9.2005 by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#); s. 95(1)(2) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

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VALID FROM 01/10/2006

[^{F1}95A Validity following entry in civil partnership register

- (1) Subsection (2) applies where the particulars set out in a civil partnership schedule signed in accordance with section 85 are entered in the civil partnership register in pursuance of section 95(2).
- (2) The validity of the registration as civil partners to which the schedule relates is not to be questioned in any legal proceedings on the ground of failure to comply with a requirement or restriction imposed by or under this Part.
- (3) Subsection (2)—
 - (a) is subject to section 85(2), and
 - (b) does not prejudice section 100.]

Textual Amendments

- F1** S. 95A inserted (1.10.2006) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), [ss. 52\(5\)](#), 63(2); [S.S.I. 2006/469](#), [art. 2](#), Sch. 1

VALID FROM 05/12/2005

96 Civil partnership with former spouse

- (1) Where an intended civil partner has a full gender recognition certificate issued under section 5(1) of the Gender Recognition Act 2004 (c. 7) and the other intended civil partner was the other party in the proceedings in which the certificate was issued, the procedures for their registration as civil partners of each other may—
 - (a) if they so elect, and
 - (b) if each of them submits a notice under section 88(1) within 30 days after the certificate is issued,
 be expedited as follows.
- (2) The registration may take place on any of the 30 days immediately following—
 - (a) that on which the notices are submitted, or
 - (b) (if the two notices are not submitted on the same day) that on which the later is submitted.
- (3) And accordingly there are to be disregarded—
 - (a) in section 90—
 - (i) in subsection (2)(b), the words from “being” to the end, and
 - (ii) subsection (3),
 - (b) section 91, and
 - (c) in section 94, paragraph (b).

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97 Certificates of no impediment for Part 2 purposes

- (1) This section applies where—
 - (a) two people propose to register as civil partners of each other under Chapter 1 of Part 2, and
 - (b) one of them (“A”) resides in Scotland but the other (“B”) resides in England or Wales.
- (2) A may submit a notice of intention to register under section 88 as if A and B intended to register as civil partners in the district in which A resides.
- (3) If the district registrar is satisfied (after consultation, if he considers it necessary, with the Registrar General) that there is no impediment (in terms of section 92(6)) to A registering as B’s civil partner, he must issue a certificate to A in the prescribed form that there is not known to be any such impediment.
- (4) But the certificate may not be issued to A earlier than 14 days after the receipt (as entered in the civil partnership notice book) of the notice under subsection (2) unless—
 - (a) the circumstances are as mentioned in section 96(1), and
 - (b) A makes an election for the certificate to be issued as soon as possible.
- (5) Any person may, at any time before a certificate is issued under subsection (3), submit to the district registrar an objection in writing to its issue.
- (6) Any objection made under subsection (5) must be taken into account by the district registrar in deciding whether he is satisfied that there is no legal impediment to A registering as B’s civil partner.

Commencement Information

- I6** S. 97 wholly in force at 5.12.2005; s. 97 not in force at Royal Assent see s. 263; s. 97(3) in force at 14.9.2005 by [S.S.I. 2005/428, art. 2, Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604, art. 2\(b\)](#); s. 97(1)(2)(4)-(6) in force at 5.12.2005 insofar as not already in force by [S.S.I. 2005/604, art. 2\(b\)](#)

VALID FROM 05/12/2005

98 Application of certain sections of 1965 Act to civil partnership register

Sections 34 (examination of registers by district examiners), 37(1) and (2) (search of indexes kept by registrars), 38(1) and (2) (search of indexes kept by Registrar General) and 44 (Register of Corrections etc.) of the 1965 Act apply in relation to the civil partnership register as they apply in relation to the registers of births, deaths and marriages.

99 Correction of errors in civil partnership register

- (1) No alteration is to be made in the civil partnership register except as authorised by or under this or any other Act (“Act” including an Act of the Scottish Parliament).
- (2) Any clerical error in the register or error in it of a kind prescribed may be corrected by the district registrar.

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- (3) The Registrar General may authorise district examiners (“district examiner” having the meaning given by section 2(1) of the 1965 Act) to correct any error in the register of a type specified by him which they discover during an examination under section 34 of the 1965 Act.

Commencement Information

- I7** S. 99 wholly in force at 5.12.2005; s. 99 not in force at Royal Assent see s. 263; s. 99(2) in force at 14.9.2005 for certain purposes by [S.S.I. 2005/428](#), [art. 2](#), [Sch.](#) and otherwise 5.12.2005 insofar as not already in force by [S.S.I. 2005/604](#), [art. 2\(b\)](#); s. 99(1)(3) in force at 5.12.2005 by [S.S.I. 2005/604](#), [art. 2\(b\)](#)

VALID FROM 05/12/2005

100 Offences

- (1) A person (“A”) commits an offence who registers in Scotland as the civil partner of another person (“B”) knowing that either or both—
- A is already married to or in civil partnership with a person other than B, or
 - B is already married to or in civil partnership with a person other than A.
- (2) A person commits an offence who knowingly—
- falsifies or forges any civil partnership document (that is to say, any document issued or made, or purporting to be issued or made, or required, under this Part),
 - uses, or gives or sends to any person as genuine, any false or forged civil partnership document,
 - being an authorised registrar, purports to register two people as civil partners of each other before any civil partnership schedule available to him at the time of registration has been duly completed,
 - not being an authorised registrar, conducts himself in such a way as to lead intended civil partners to believe that he is authorised to register them as civil partners of each other,
 - being an authorised registrar, purports to register two people as civil partners of each other without both of them being present, or
 - being an authorised registrar, purports to register two people as civil partners of each other in a place other than a registration office or a place agreed under section 93.
- (3) A person guilty of an offence under subsection (1) or (2) is liable—
- on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both);
 - on summary conviction, to imprisonment for a term not exceeding 3 months or to a fine not exceeding level 3 on the standard scale (or both).
- (4) Summary proceedings for an offence under subsection (1) or (2) may be commenced at any time within 3 months after evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or within 12 months after the offence is committed (whichever period last expires).

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(5) Subsection (3) of section 136 of the Criminal Procedure (Scotland) Act 1995 (c. 46) (time limits) has effect for the purposes of this section as it has for the purposes of that section.

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