



# Civil Partnership (Scotland) Act 2020

## 2020 asp 15

### *Dissolution*

#### **11 Postponement of decree of dissolution where religious impediment to marry exists**

- (1) The Civil Partnership Act 2004 is amended as follows.
- (2) After section 121 insert—

#### **“121A Postponement of decree of dissolution where religious impediment to marry exists**

- (1) Notwithstanding that irremediable breakdown of a civil partnership has been established in an action for dissolution, the court may—
  - (a) on the application of a party (“the applicant”), and
  - (b) if satisfied—
    - (i) that subsection (2) applies, and
    - (ii) that it is just and reasonable to do so,postpone the grant of decree in the action until it is satisfied that the other party has complied with subsection (3).
- (2) This subsection applies where—
  - (a) the applicant is prevented from entering into a religious marriage by virtue of a requirement of the religion of that marriage, and
  - (b) the other party can act so as to remove, or enable or contribute to the removal of, the impediment which prevents that marriage.
- (3) A party complies with this subsection by acting in the way described in subsection (2)(b).
- (4) The court may, whether or not on the application of a party and notwithstanding that subsection (2) applies, recall a postponement under subsection (1).
- (5) The court may, before recalling a postponement under subsection (1), order the other party to produce a certificate from the relevant religious body

- confirming that the other party has acted in the way described in subsection (2) (b).
- (6) For the purposes of subsection (5), a religious body is “relevant” if the applicant considers the body competent to provide the confirmation referred to in that subsection.
- (7) In this section—  
“religious marriage” means a marriage solemnised by a marriage celebrant of a specified religious body, and “religion of that marriage” is to be construed accordingly,  
“specified” means specified by regulations made by the Scottish Ministers.
- (8) Any reference in this section to a marriage celebrant of a specified religious body is a reference to—  
(a) a minister, clergyman, pastor or priest of such a body,  
(b) a person who has, on the nomination of such a body, been registered under section 9 of the Marriage (Scotland) Act 1977 as empowered to solemnise marriages,  
(c) any person who is recognised by such a body as entitled to solemnise marriages on its behalf.”.
- (3) In section 126(4) (regulations), for “or 106(3)(a)(i)” substitute “, 106(3)(a)(i) or 121A(7)”.