



# Civil Partnership (Scotland) Act 2020

## 2020 asp 15

### *Power to enable marriages to become civil partnerships*

#### **4 Power to enable marriages to become civil partnerships**

- (1) The Scottish Ministers may by regulations make provision for, or in connection with, enabling the parties to a marriage—
  - (a) to register as civil partners of each other,
  - (b) to change their marriage into a civil partnership.
- (2) Regulations under subsection (1) may in particular make provision—
  - (a) about the marriages to which the regulations apply,
  - (b) about the ways in which marriages may be changed into civil partnerships under the regulations,
  - (c) modifying the Civil Partnership Act 2004 in its application—
    - (i) to registering civil partnerships and changing marriages into civil partnerships under the regulations, and
    - (ii) to civil partnerships formed by registration and civil partnerships formed by marriages changing into civil partnerships under the regulations,
  - (d) modifying the definition of “qualifying civil partnership” in section 5 of the Marriage (Scotland) Act 1977,
  - (e) modifying section 11(2)(b) of the Marriage and Civil Partnership (Scotland) Act 2014 in its application to qualifying civil partnerships where the parties to the civil partnership were married to each other immediately before the civil partnership was formed,
  - (f) about the effect of registering civil partnerships and changing marriages into civil partnerships under the regulations,
  - (g) about when the resulting civil partnership is to be treated as having been formed and when the marriage is to be treated as having ended,
  - (h) for fees of such amounts as may be specified in or determined in accordance with the regulations.
- (3) Regulations which make provision under subsection (1)(b) may provide for the regulations to apply only to marriages in categories specified in the regulations.

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*Status: This is the original version (as it was originally enacted).*

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- (4) Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.
- (5) Regulations under subsection (1)—
  - (a) may make different provision for different purposes,
  - (b) may include incidental, supplementary, consequential, transitional, transitory or saving provision,
  - (c) may modify any enactment (including this Act),
  - (d) are (except where subsection (6) applies) subject to the negative procedure.
- (6) Regulations under subsection (1) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.