
Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 28

Section 261(2)

CONSEQUENTIAL AMENDMENTS: SCOTLAND

PART 1

AMENDMENTS OF THE SUCCESSION (SCOTLAND) ACT 1964 (C. 41)

- 1 In section 1(2) (intestacy: saving for legal rights or prior rights), after “spouse” insert “ or civil partner ”.
- 2 In section 2(1)(e) (intestacy: succession rights of surviving spouse)—
 - (a) for “or a wife” substitute, “ , wife or civil partner ”, and
 - (b) after “spouse” insert “ or civil partner ”.
- 3 In section 5(1) (representation on intestacy), for “or spouse” substitute “ , spouse or civil partner ”.
- 4 In section 8 (prior rights on intestacy in dwelling house and furniture), in subsections (1), (3) and (4), after “spouse” (in each place, including the provisos to subsections (1) and (3)) insert “ or civil partner ”.
- 5 In section 9 (prior right to financial provision on intestacy)—
 - (a) in subsection (1), for “or wife, the surviving spouse” substitute “ , wife or civil partner the survivor ”, and
 - (b) in the proviso to that subsection and in subsections (2), (3), (4) and (6), after “spouse”, (in each place) insert “ or civil partner ”.
- 6 In section 10(2) (calculation of legal rights), for “jus relictii, jus relictæ or legitim” substitute “ legal rights ”.
- 7 In section 15(2)(a) (transfer of heritage in satisfaction of claim to legal rights or prior rights), after “spouse” insert “ or civil partner ”.
- 8 In section 16(2) (transfer of interest of tenant notwithstanding condition prohibiting assignation), after “spouse” insert “ or civil partner ”.
- 9 In section 31(1) (presumption of survivorship in respect of claims to property)—
 - (a) after “spouse” insert “ or civil partner ”, and
 - (b) in paragraph (a), after “wife” insert “ or civil partners to each other ”.
- 10 In section 36(1) (interpretation), in the definition of “prior rights”, after “spouse” insert “ or civil partner ”.

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

PART 2

AMENDMENTS OF THE FAMILY LAW (SCOTLAND) ACT 1985 (C. 37)

- 11 In section 1(1) (obligation of aliment), after paragraph (b) insert—
“(bb) a partner in a civil partnership to the other partner”.
- 12 (1) Amend section 2 (actions for aliment) as follows.
(2) in subsection (2), after paragraph (a) insert—
“(aa) for dissolution of a civil partnership, separation of civil partners or declarator of nullity of a civil partnership”.
- (3) In subsection (9), after “wife” insert “ or the partners in a civil partnership ”.
- 13 In section 6(1) (interim aliment)—
(a) in paragraph (a), for “party” (in both places) substitute “ person ”,
(b) after paragraph (b) insert—
“(c) in an action for dissolution of a civil partnership, separation of civil partners or declarator of nullity of a civil partnership, by either partner against the other partner”.
- 14 (1) Amend section 8 (orders for financial provision) as follows.
(2) In subsection (1)—
(a) after “either party to the marriage” insert “ and in an action for dissolution of a civil partnership, either partner ”, and
(b) in each of paragraphs (a) to (c), for “marriage” substitute “ action ”.
- (3) In subsection (5), after “marriage” insert “ or the partners in a civil partnership ”.
- 15 (1) Amend section 9 (principles to be applied in deciding what order if any to make for financial provision) as follows.
(2) In subsection (1)—
(a) in paragraph (a), at the end insert “ or as the case may be the net value of the partnership property should be so shared between the partners in the civil partnership ”,
(b) in paragraph (b), for “party” (in each place) substitute “ person ”,
(c) in paragraph (c), the existing words “after divorce, for a child of the marriage under the age of 16 years” become sub-paragraph (i), after that sub-paragraph insert—
“(ii) after dissolution of the civil partnership, for a child under that age who has been accepted by both partners as a child of the family”,
and for “parties” substitute “ persons ”,
(d) in paragraph (d), for “party” (in both places) substitute “ person ”, the existing words “the date of the decree of divorce, to the loss of that support on divorce” become sub-paragraph (i) and after that sub-paragraph insert—
“(ii) the date of the decree of dissolution of the civil partnership, to the loss of that support on dissolution,” and

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (e) in paragraph (e), for “party” substitute “ person ”, after first “divorce” insert “ or of the dissolution of the civil partnership, ” and after second “divorce” insert “ or dissolution ”.
 - (3) In subsection (2), in the definitions of “economic advantage” and “contributions”, after “marriage” insert “ or civil partnership ”.
- 16 (1) Amend section 10 (sharing of value of matrimonial property) as follows.
- (2) In subsection (1)—
 - (a) after “property” insert “ or partnership property ”, and
 - (b) for “the parties to the marriage” substitute “ persons ”.
 - (3) In subsection (2)—
 - (a) omit first “matrimonial”,
 - (b) for “the parties or either of them” substitute “ one or both of the parties to the marriage or as the case may be of the partners ”,
 - (c) in paragraph (a), after “property” insert “ or before the registration of the partnership so far as they relate to the partnership property ”, and
 - (d) in paragraph (b), at the end insert “ or partnership ”.
 - (4) In subsection (3)—
 - (a) in paragraph (a), for “parties” substitute “ persons ”, and
 - (b) in paragraph (b), at the end insert “ or for dissolution of the civil partnership ”.
 - (5) After subsection (4) insert—
 - “(4A) Subject to subsection (5) below, in this section and in section 11 of this Act “the partnership property” means all the property belonging to the partners or either of them at the relevant date which was acquired by them or by one of them (otherwise than by way of gift or succession from a third party)—
 - (a) before the registration of the partnership for use by them as a family home or as furniture or furnishings for such a home, or
 - (b) during the partnership but before the relevant date.”
 - (6) In subsection (5)—
 - (a) for “party” (in each place) substitute “ person ”, and
 - (b) at the end insert “ or partnership property ”.
 - (7) In subsection (6)—
 - (a) in paragraph (a), for “parties” substitute “ persons ” and at the end insert “ or partnership property ”,
 - (b) in paragraph (b), after “property” insert “ or partnership property ”, for “parties” substitute “ persons ” and at the end insert “ or partnership ”,
 - (c) in paragraph (c), for “party” substitute “ person ”,
 - (d) in paragraph (d), after “property” insert “ or partnership property ” and for “matrimonial” substitute “ family ”, and
 - (e) in paragraph (e), at the end insert “ or the dissolution of the civil partnership ”.
 - (8) In subsection (7), for “parties” (in both places) substitute “ persons ”.
- 17 (1) Amend section 11 (factors to be taken into account) as follows.

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (2) In subsection (2)—
 - (a) in paragraph (a), for “party” (in both places) substitute “ person ”, and
 - (b) in paragraph (b), after “property” insert “ or the partnership property ”.
- (3) In subsection (3)(g), for “parties” substitute “ persons ”.
- (4) In subsection (4)—
 - (a) in each of paragraphs (a) and (c), for “party” substitute “ person ”,
 - (b) in paragraph (b), for “party prior to divorce” substitute “ person prior to divorce or to the dissolution of the civil partnership ”, and
 - (c) in paragraph (d), for “parties” substitute “ persons ”.
- (5) In subsection (5)—
 - (a) in paragraph (a), for “party” substitute “ person ”,
 - (b) in paragraph (b), at the end insert “ or of the civil partnership ”,
 - (c) in paragraph (c), for “parties during the marriage” substitute “ persons during the marriage or civil partnership ”, and
 - (d) in paragraph (d), for “parties” substitute “ persons ”.
- (6) In subsection (6), for “party” substitute “ person ”.
- (7) In subsection (7), after “party” insert “ to the marriage or as the case may be of either partner ”.
- 18 (1) Amend section 12 (orders for payment of capital sum or transfer of property) as follows.
 - (2) In subsection (1)—
 - (a) in paragraph (a), at the end insert “ or of dissolution of a civil partnership ”, and
 - (b) in paragraph (b), for “decree of divorce” substitute “ the decree ”.
 - (3) In subsection (4), the existing words “either party to the marriage” become paragraph (a) and after that paragraph insert the following paragraph—
 - “(b) either partner.”.
- 19 (1) Amend section 12A (orders for payment of capital sum: pensions lump sums) as follows.
 - (2) In subsection (1)—
 - (a) for (“the liable party”) substitute “ or a partner in a civil partnership (“the liable person”) ”, and
 - (b) in paragraph (a), after “property” insert “ or the partnership property ” and for “party” substitute “ person ”.
 - (3) In subsection (2), for (“the other party”) substitute “ or as the case may be to the other partner (“the other person”) ”.
 - (4) In each of subsections (3) to (8), for “party”, wherever it occurs, substitute “ person ”.
- 20 (1) Amend section 13 (orders for periodical allowance) as follows.
 - (2) In subsection (1)—
 - (a) in paragraph (a), at the end insert “ or of dissolution of a civil partnership ”,
 - (b) in paragraph (b), for “decree of divorce” substitute “ the decree ”, and

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) in paragraph (c), for “decree of divorce” substitute “ such decree ”.
 - (3) In subsection (4), after “executor” insert “ , or as the case may be either partner or his executor, ”.
 - (4) in subsection (7)—
 - (a) in paragraph (a), for “party” substitute “ person ” and for “party's” substitute “ person's ”, and
 - (b) for paragraph (b) substitute—
 - “(b) shall cease to have effect on the person receiving payment—
 - (i) marrying,
 - (ii) entering into a civil partnership, or
 - (iii) dying,
- except in relation to any arrears due under it.”.
- 21 (1) Amend section 14 (incidental orders) as follows.
- (2) In subsection (1), at the end insert “ or of dissolution of a civil partnership ”.
 - (3) In subsection (2)—
 - (a) in paragraph (c), after “marriage” insert “ , or as the case may be the partners, ”,
 - (b) in paragraph (d), the existing words “the matrimonial home” become sub-paragraph (i), after that sub-paragraph insert “ or ” and the following sub-paragraph—
 - “(ii) the family home of the partnership,”,
 - and for “party to the marriage” substitute “ person ”,
 - (c) in paragraph (e), for “parties” substitute “ persons ”, the existing words “the matrimonial home” become sub-paragraph (i) and after that sub-paragraph insert “ or ” and the following sub-paragraph—
 - “(ii) the family home of the partnership,”,
 - (d) in paragraph (g), for “party to the marriage” substitute “ person ”, and
 - (e) in paragraph (h), at the end insert “ or in any corresponding settlement in respect of the civil partnership ”.
 - (4) In subsection (3), for “decree of divorce” substitute “ the decree ”.
 - (5) After subsection (5) insert—
 - “(5A) So long as an incidental order granting a partner in a civil partnership the right to occupy a family home or the right to use furnishings and plenishings therein remains in force then—
 - (a) section 102(1), (2), (5)(a) and (9) of the Civil Partnership Act 2004, and
 - (b) subject to section 15(3) of this Act, section 111 of that Act,
- shall, except to the extent that the order otherwise provides, apply in relation to the order in accordance with subsection (5B).
- (5B) Those provisions apply—
 - (a) as if that partner were a non-entitled partner and the other partner were an entitled partner within the meaning of section 101 or 106(2) of that Act as the case may require,

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (b) as if the right to occupy a family home under that order were a right specified in paragraph (a) or (b) of section 101(1) of that Act, and
 - (c) with any other necessary modification.”
- (6) In subsection (7), at the end insert “ or of dissolution of a civil partnership ”.
- 22 (1) Amend section 16 (agreements on financial provision) as follows.
- (2) In subsection (1)—
 - (a) after “marriage” insert “ or the partners in a civil partnership ”, and
 - (b) after “divorce” insert “ or on dissolution of the civil partnership ”.
 - (3) In subsection (3)—
 - (a) after “marriage” insert “ or the partners in a civil partnership ”,
 - (b) after first “divorce” insert “ or on dissolution of the civil partnership ”,
 - (c) in paragraphs (a) to (c), for “party” and “party's” (in each place) substitute, respectively, “ person ” and “ person's ”, and
 - (d) after second “divorce” insert “ or of dissolution of the civil partnership ”.
- 23 (1) Amend section 17 (financial provision on declarator of nullity of marriage) as follows.
- (2) In subsection (1)—
 - (a) after first “marriage” insert “ or of a civil partnership ”,
 - (b) after first “divorce” insert “ or for dissolution of a civil partnership ”,
 - (c) after second “marriage” insert “ and “action for dissolution of a civil partnership” includes an action for declarator of nullity of a civil partnership ”, and
 - (d) for “and “divorce”” substitute “ , “divorce” and “dissolution of a civil partnership” ”.
 - (3) In subsection (2)—
 - (a) after first “marriage” insert “ or of nullity of a civil partnership ”, and
 - (b) at the end insert “ or civil partnership ”.
- 24 In section 18(1) (orders relating to avoidance transactions), for “party” (in both places) substitute “ person ”.
- 25 In section 21 (award of aliment or custody where divorce or separation refused)—
- (a) for “or separation” substitute “ , separation or dissolution of a civil partnership ”, and
 - (b) for “parties” substitute “ persons ”.
- 26 (1) In section 22 (expenses of action)—
- (a) for “party to a marriage” substitute “ person ”,
 - (b) for paragraph (a) substitute—
 - “(a) an action for aliment brought—
 - (i) by either party to a marriage, or
 - (ii) by either party in a civil partnership,
 on his own behalf against the other party or partner,”
 - (c) in paragraph (b), after “separation” insert “ (whether of the parties to a marriage or the civil partners in a civil partnership) ”,
 - (d) after paragraph (b) insert—

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- “(bb) an action for dissolution of a civil partnership, declarator that a civil partnership exists or declarator of nullity of a civil partnership,”, and
- (e) after fifth “marriage” insert “ or the other partner in the civil partnership ”.
- 27 In section 24(1) (marriage not to affect property rights or legal capacity)—
- (a) after fifth “marriage” insert “ or civil partnership ”,
- (b) in paragraph (a), after “marriage” insert “ , or as the case may be the partners in the civil partnership, ”, and
- (c) in paragraph (b), for “the parties to the marriage” substitute “ those parties or partners ”.
- 28 (1) Amend section 25 (presumption of equal shares in household goods) as follows.
- (2) In subsection (1)—
- (a) after first and third “marriage” insert “ or civil partnership ”, and
- (b) after second “marriage” insert “ or the partners in a civil partnership ”,
- (3) In subsection (2), the existing words “the parties were married” become paragraph (a) and after that paragraph insert—
- “(b) the partners were in civil partnership,”, and
- (4) In subsection (3)—
- (a) for “in any matrimonial” substitute “ or civil partnership in any family ”, and
- (b) after second “marriage” insert “ or the partners ”.
- 29 In section 26 (presumption of equal shares in money and property derived from housekeeping allowance)—
- (a) after first “marriage” insert “ or civil partnership ”,
- (b) after second “marriage” insert “ or as the case may be of a partner in a civil partnership ”, and
- (c) after second and third “party” insert “ or partner ”.
- 30 In section 27(1) (interpretation)—
- (a) at the appropriate places insert—
- ““civil partnership”, in relation to an action for declarator of nullity of a civil partnership, means purported civil partnership,”,
- ““partner”, in relation to a civil partnership, includes a person who has a partner in a civil partnership which has been terminated and an ostensible partner in a civil partnership which has been annulled,”, and
- (b) in the definition of “family”, at the end insert “ and in relation to a civil partnership means the members of the civil partnership together with any child accepted by them both as a child of the family. ”

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

^{F1}PART 3

AMENDMENTS OF THE BANKRUPTCY (SCOTLAND) ACT 1985 (C. 66)

Textual Amendments

F1 Sch. 28 Pt. 3 repealed (30.11.2016) by The Bankruptcy (Scotland) Act 2016 (Consequential Provisions and Modifications) Order 2016 (S.I. 2016/1034), art. 1, Sch. 2 Pt. 1

31	.....
32	.....
33	.....
34	.....
35	.....
36	.....
37	.....
38	.....
39	.....
40	.....
41	.....

PART 4

MISCELLANEOUS AMENDMENTS

PROSPECTIVE

Damages (Scotland) Act 1976 (c. 13)

42	^{F2}
----	---------------------

Textual Amendments

F2 Sch. 28 para. 42 repealed (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 45(2), 46(2), Sch. 3; S.S.I. 2006/212, art. 2 (subject to arts. 3-13)

Marriage (Scotland) Act 1977 (c. 15)

43	Amend section 3 (notice of intention to marry) as follows—
	(a) in subsection (1), after paragraph (a) insert—
	“(aa) if he has previously been in civil partnership and the civil partnership has been dissolved, a copy of the decree of dissolution or annulment;”, and

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

(b) in subsection (2), after “paragraph (a)” insert “, (aa)”.

- 44 In section 5(4)(b) (ground on which there is a legal impediment to a marriage), at the end insert “ or in civil partnership ”.

Presumption of Death (Scotland) Act 1977 (c. 27)

- 45 (1) Amend section 1(3) (jurisdiction of Court of Session to entertain action of declarator) as follows.

(2) In paragraph (b)(i), after “spouse” insert “ or civil partner ”.

(3) After paragraph (b) insert “; or

(c) in a case where the pursuer in the action is the civil partner of the missing person, the following conditions are met—

(i) the two people concerned registered as civil partners of each other in Scotland; and

(ii) it appears to the court to be in the interests of justice to assume jurisdiction in the case.”

- 46 (1) Amend section 3 (effect of decree) as follows.

(2) In subsection (1), after “marriage” insert “ or of a civil partnership ”.

(3) In subsection (3)—

(a) after first “marriage” insert “ or civil partnership ”, and

(b) for “the dissolution of the marriage” substitute “ its dissolution ”.

Administration of Justice Act 1982 (c. 53)

- 47 In section 13(1) (interpretation), in the definition of “relative”, after paragraph (a) insert—

“(aa) the civil partner or former civil partner;”.

Rent (Scotland) Act 1984 (c. 58)

- 48 In Schedule 1 (statutory tenants by succession)—

(a) in paragraph 2, after “spouse” (in both places) insert “ or civil partner ” and after “spouse's” insert “ or civil partner's ”, and

(b) in paragraph 6, after “spouse” (in both places) insert “ or civil partner ”.

- 49 In Schedule 1A (statutory or statutory assured tenants by succession: certain cases), in paragraph 2—

(a) in sub-paragraph (1), after “spouse” (in both places) insert “ or civil partner ” and after “spouse's” insert “ or civil partner's ”,

(b) in sub-paragraph (2), at the end insert “ and a person who was living with the original tenant in a relationship which had the characteristics of the relationship between civil partners shall be treated as the civil partner of the original tenant ”, and

(c) in sub-paragraph (3), after “couples” insert “ or under section 101 of the Civil Partnership Act 2004 ” and after “spouse” insert “, or as the case may be as the surviving civil partner, ”.

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Mental Health (Scotland) Act 1984 (c. 36)

- 50 (1) Amend section 53 (definition of “relative” and “nearest relative”) as follows.
- (2) In subsection (1)(a), at the end insert “ or civil partner ”.
- (3) In subsection (4)—
- (a) in paragraph (b), for “or wife” substitute “ , wife or civil partner ” and after “spouse” insert “ or civil partner ”, and
- (b) in paragraph (c), after “wife,” insert “ civil partner, ”.
- (4) After subsection (5) insert—
- “(5A) In this section “civil partner” includes a person who is living with the patient in a relationship which has the characteristics of the relationship between civil partners (or, if the patient is for the time being an in-patient in a hospital, was so living until the patient was admitted), and has been or had been so living for a period of not less than 6 months; but a person shall not be treated by virtue of this subsection as the nearest relative of a partner in a civil partnership unless the civil partner of the patient is disregarded by virtue of paragraph (b) of subsection (4) of this section.”
- (5) In subsection (6)(b)—
- (a) after “married patient” insert “ or of a partner in a civil partnership ”, and
- (b) after “wife” insert “ , or as the case may be the civil partner, ”.
- 51 In section 54 (children and young persons in care of local authority), for “or wife” substitute “ , wife or civil partner ”.

Housing Associations Act 1985 (c. 69)

- 52 (1) Amend section 105 (meaning of “member of a person’s family”) as follows.
- (2) In subsection (1)(a)—
- (a) after “spouse” insert “ or civil partner ”, and
- (b) at the end insert “ or in a relationship which has the characteristics of the relationship between civil partners ”.
- (3) In subsection (2)(a), after “a relationship by marriage” insert “ or civil partnership ”.

Debtors (Scotland) Act 1987 (c. 18)

- 53 In section 106 (interpretation), in paragraph (a) of the definition of “maintenance order”—
- (a) after “divorce” insert “ or on dissolution of a civil partnership ”, and
- (b) after “marriage” insert “ or of nullity of a civil partnership ”.

Housing (Scotland) Act 1987 (c. 26)

- 54 In section 83 (“members of a person’s family”)—
- (a) in subsection (1)(a), after “spouse” insert “ or civil partner ”,
- (b) in subsection (2)(a), after “marriage” insert “ or by virtue of civil partnership ”, and

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.
Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (c) in subsection (3), after “references to” insert “ that person’s civil partner or to ”.

Civil Evidence (Scotland) Act 1988 (c. 32)

- 55 (1) Amend section 8 (evidence in actions concerning family relationships, etc.) as follows.
- (2) In subsection (2), for “separation or declarator of marriage, nullity of marriage” substitute “ for dissolution of civil partnership, for separation of spouses or of civil partners, for declarator of marriage or of nullity of marriage or of civil partnership or for ”.
- (3) After subsection (3) insert—
- “(3A) Subject to subsection (4) below, in any action for dissolution of civil partnership, separation of civil partners or declarator of nullity of civil partnership, the evidence referred to in subsection (1) above shall consist of or include evidence other than that of a partner in the civil partnership (or purported civil partnership).”
- (4) In subsection (4), after “(3)” insert “ or (3A) ”.

Housing (Scotland) Act 1988 (c. 43)

- 56 (1) Amend section 31 (right of succession of spouse) as follows.
- (2) In subsection (1), after “spouse” (in both places) insert “ or civil partner ”.
- (3) In subsection (3)(b), after “spouse” insert “ or civil partner ”.
- (4) In subsection (4)—
- (a) the existing words from “as his” to the end become paragraph (a), and
- (b) after that paragraph insert the following paragraph—
- “(b) in a relationship which had the characteristics of the relationship between civil partners shall be treated as the tenant’s civil partner”.
- 57 In Part 1 of Schedule 5 (grounds on which sheriff must order possession), in paragraph (b) of ground 1, after “spouse’s” insert “ or civil partner’s ”.

Crofters (Scotland) Act 1993 (c. 44)

- 58 In section 61(2) (interpretation), for “or husband” substitute “ , husband or civil partner ”.

Civil Evidence (Family Mediation) (Scotland) Act 1995 (c. 6)

- 59 In section 1(2) (inadmissibility in civil proceedings of information as to what occurred during family mediation), after paragraph (c) insert the following paragraph—
- “(cc) between partners in a civil partnership or persons in a purported civil partnership concerning matters arising out of the breakdown or termination of their relationship,”.

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

Children (Scotland) Act 1995 (c. 36)

- 60 (1) Amend section 12 (restrictions on decrees for divorce, separation or annulment affecting children) as follows.
- (2) In subsection (1), the existing words “divorce, judicial separation, or declarator of nullity of marriage” become paragraph (a) and after that paragraph insert “ or ” and the following paragraph—
- “(b) dissolution or declarator of nullity of a civil partnership or separation of civil partners,”.
- (3) ^{F3}

Textual Amendments

- F3** Sch. 28 para. 60(3) repealed (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\)](#), ss. 45(2), 46(2), [Sch. 3](#); [S.S.I. 2006/212](#), [art. 2](#) (subject to [arts. 3-13](#))

Commencement Information

- I1** Sch. 28 para. 60 partly in force; Sch. 28 para. 60 not in force at Royal Assent see s. 263; Sch. 28 para. 60(1)(2) in force at 5.12.2005 by [S.S.I. 2005/604](#), [arts. 2, 4](#)

^{F4}61

Textual Amendments

- F4** Sch. 28 para. 61 repealed (24.6.2013) by [The Childrens Hearings \(Scotland\) Act 2011 \(Modification of Primary Legislation\) Order 2013 \(S.S.I. 2013/211\)](#), [art. 1](#), [sch. 2](#)

Sexual Offences (Amendment) Act 2000 (c. 44)

- 62 In section 3(2)(c) (abuse of position of trust: defence), after “to” insert “ , or in civil partnership with,”.

Housing (Scotland) Act 2001 (asp 10)

- 63 In section 31(c) (effect of work on rent)—
- (a) after “spouse” insert “ or civil partner ”, and
- (b) for “husband and wife except that the persons are of the same sex” substitute “ civil partners ”.
- 64 (1) Amend section 108 (meaning of “family” etc.) as follows.
- (2) In subsection (1)(a), after “spouse” insert “ or civil partner ”.
- (3) In subsection (2)(a), after “marriage” insert “ or by virtue of civil partnership ”.
- 65 (1) Amend Schedule 2 (grounds for recovery of possession of house) as follows.
- (2) In paragraph 5—
- (a) in sub-paragraph (a), after “spouse” insert “ or civil partner ”, and
- (b) in sub-paragraph (b), for “husband and wife except that the persons are of the same sex” substitute “ civil partners ”.

Status: Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation: Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

- (3) In paragraph 15—
- (a) in sub-paragraph (a), for “(or former spouse)” substitute “ or civil partner (or former spouse or former civil partner) ”, and
 - (b) in sub-paragraph (b), for “husband and wife except that the persons are of the same sex” substitute “ civil partners ”.
- 66 In Schedule 3 (succession: qualified persons), in paragraph 2(1)(a)—
- (a) in sub-head (i), after “spouse” insert “ or civil partner ”, and
 - (b) in sub-head (ii), for “husband and wife except that the persons are of the same sex” substitute “ civil partners ”.

Criminal Justice (Scotland) Act 2003 (asp 7)

- 67 (1) Amend section 14 (victim statements) as follows.
- (2) In subsection (10)(a), at the end insert “ or civil partner ”.
- (3) For subsection (11) substitute—
- “(11) In subsection (10)(b), “cohabitee” means a person who has lived with the victim—
- (a) as if in a married relationship; or
 - (b) in a relationship which had the characteristics of the relationship between civil partners,
- for at least six months and was so living immediately before the offence (or apparent offence) was perpetrated.”

Agricultural Holdings (Scotland) Act 2003 (asp 11)

- 68 (1) Amend section 71 (meaning of “family”) as follows.
- (2) In subsection (2)(a), after “spouse” insert “ or civil partner ”, and
- (3) In subsection (3)(a), after “marriage” insert “ or by virtue of civil partnership ”.

Mental Health (Care and Treatment) (Scotland) Act 2003 (asp 13)

- 69 (1) Amend section 254 (meaning of “nearest relative”) as follows.
- (2) In subsection (2)(a), at the end insert “ or civil partner ”.
- (3) In subsection (3), after “spouse” insert “ or civil partner ”.
- (4) In subsection (7)(a)(ii), for “husband and wife except that the person and the relevant person are of the same sex” substitute “ civil partners ”.
- 70 In section 313(5)(a)(ii) (defence in respect of sexual offence), after “spouse” insert “ or civil partner ”.

Status:

Point in time view as at 27/09/2017. This version of this schedule contains provisions that are prospective.

Changes to legislation:

Civil Partnership Act 2004, SCHEDULE 28 is up to date with all changes known to be in force on or before 23 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.