
STATUTORY INSTRUMENTS

2014 No. 3168

**The Marriage (Same Sex Couples) Act 2013
(Consequential and Contrary Provisions and Scotland)
and Marriage and Civil Partnership (Scotland)
Act 2014 (Consequential Provisions) Order 2014**

Transitional and saving provision relating to article 4

5.—(1) The revocation of article 5 of the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 does not affect—

- (a) anything done prior to the date of revocation by one or both of the deemed civil partners—
 - (i) in relation to the deemed civil partnership, or
 - (ii) otherwise as a deemed civil partner,
 - (b) anything done prior to the date of revocation by any other person in relation to—
 - (i) a deemed civil partnership, or
 - (ii) one or both of the deemed civil partners (as a deemed civil partner), or
 - (c) any relevant court proceedings which have concluded prior to the date of revocation.
- (2) Anything done prior to the date of revocation—
- (a) by one or both of the deemed civil partners (as a deemed civil partner) is to be treated on or after the date of revocation as if it had been done by that person or those persons as a married person or as a married couple, or
 - (b) by any other person in relation to a deemed civil partnership, or in relation to one or both of the deemed civil partners (as a deemed civil partner), is to be treated on or after the date of revocation as if it had been done by the other person in relation to a marriage or in relation to that person or those persons as a married person or as a married couple.
- (3) In any relevant court proceedings which have not concluded prior to the date of revocation and in any document made prior to the date of revocation—
- (a) a reference to a deemed civil partnership has effect on or after the date of revocation as, or as including, a reference to a marriage, and
 - (b) a reference to one or both of the deemed civil partners has effect on or after the date of revocation as, or as including, a reference to that person or those persons as a married person or as a married couple.
- (4) In its application to a document made prior to the date of revocation, paragraph (3) is subject to any contrary intention appearing from the document.
- (5) A reference in this article to anything done includes a reference to anything not done.
- (6) In this article—
- (a) “date of revocation” means 16th December 2014,
 - (b) “deemed civil partnership” refers to a marriage of a same sex couple under the law of England and Wales which has been treated as a civil partnership under the law of Scotland

by virtue of article 5 of the Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014, and “deemed civil partner” is to be construed accordingly,

- (c) “document” has the same meaning as in Schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010⁽¹⁾,
- (d) “relevant court proceedings” means any proceedings in a court or tribunal commenced prior to the date of revocation which concern—
 - (i) a deemed civil partnership, or
 - (ii) one or both of the deemed civil partners (as a deemed civil partner).

⁽¹⁾ 2010 asp 10.