

Executive Note

The Civil Partnership Act 2004 (Modification of Subordinate Legislation) Order 2005 SSI/2005/572

The above instrument is made in exercise of the powers conferred by section 259(1) and (2) of the Civil Partnership Act 2004. This instrument is subject to negative resolution procedure.

Policy Objective

The purpose of the instrument is to make consequential amendments to subordinate legislation to ensure that civil partners are given parity of treatment as spouses in areas of law not contained in the 2004 Act. The instrument will come into effect on commencement of the Act on 5 December 2005.

The Civil Partnership Act 2004 will come into force across the whole of the UK on 5 December. The Act aims to give social and legal inclusion to couples in same-sex relationships. It provides for legal recognition to same-sex relationships, giving people in these relationships access to rights and duties towards each other on the same basis as married couples if such couples have entered into a civil partnership.

The Civil Partnership Act 2004 (Modification of Subordinate Legislation) Order 2005 provides for consequential amendments to be made to the following items of subordinate legislation:

- Cremation (Scotland) Regulations 1935
- Anatomy Regulations 1988
- National Health Service (Charges to Overseas Visitors) (Scotland) Regs., 1989
- Nursing and Midwifery Student Allowances (Scotland) Regs., 1992
- Council Tax (Discounts) (Scotland) Regs., 1992
- Education Authority Bursaries (Scotland) Regs., 1995
- Education (Fees and Awards) (Scotland) Regs., 1997
- Home Energy Efficiency Scheme Regs., 1997
- Scotland Act 1998 (Transitory and Transitional Provisions) (Scottish Parliamentary Pension Scheme) Order 1999
- Students' Allowances (Scotland) Regs., 1999
- Scotland Act 1998 (Transitory and Transitional Provisions) (Publication and Interpretation etc. of Acts of the Scottish Parliament) Order 1999
- Education (Student Loans) (Scotland) Regs., 2000
- Graduate Endowment (Scotland) Regs., 2001
- Scottish Local Government Election Rules 2002
- Education Maintenance Allowances (Scotland) Regs., 2004
- Amendment of the Council Tax (Discount for Unoccupied Dwellings) (Scotland) Regs., 2005

Financial Effects

This instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive, Justice Department
November 2005