
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 287

**The Marriage and Civil Partnership (Scotland)
Act 2014 (Commencement No. 3, Saving,
Transitional Provision and Revocation) Order 2014**

Transitional and savings provisions – overseas marriages

5.—(1) Subject to paragraph (2) the coming into force of section 26 of the 2014 Act does not affect court proceedings in Scotland concerning an overseas marriage, where those proceedings were issued under any provision of the 2004 Act or the Family Law (Scotland) Act 1985(1) before 16th December 2014.

(2) Where those proceedings were issued under sections 103(1) or 104(1) of the 2004 Act, the proceedings are to be treated as issued under section 3(1) or 4(1) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981(2).

(3) If a decree of aliment under section 3 of the Family Law (Scotland) Act 1985 requiring one of the civil partners to make payments to the other is in force on 16th December 2014 in relation to an overseas marriage, the decree continues to have effect despite the marriage no longer being treated as a civil partnership by virtue of Part 5 of the 2004 Act.

(4) If an order under section 103(3) or 104 of the 2004 Act is in force on 16th December 2014 in relation to an overseas marriage the order has effect as if made under section 3 or 4, of the Matrimonial Homes (Family Protection) (Scotland) Act 1981.

(5) In this article, an “overseas marriage” means a marriage under the law of any country or territory outside the United Kingdom which is treated as a civil partnership by virtue of Part 5 of the 2004 Act.

(1) 1985 c.37.

(2) 1981 c.59. Section 4(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1985 (c.73).