

## **POLICY NOTE**

### **THE CIVIL PARTNERSHIP (PRESCRIBED BODIES) (SCOTLAND) REGULATIONS 2014**

**SSI 2014/303**

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by section 94A(1)(a)(i) of the Civil Partnership Act 2004 (“the 2004 Act”) and all other powers enabling them to do so. The instrument is subject to the negative procedure.

#### **Policy Objectives**

The 2004 Act was amended by the Marriage and Civil Partnership (Scotland) Act 2014 (“the 2014 Act”). In particular, the 2014 Act introduces the religious and belief registration of civil partnerships.

Under the 2004 Act, as amended by the 2014 Act, there are three ways for celebrants to be authorised to register civil partnerships. These ways are:

- a religious or belief body may be prescribed by Scottish Statutory Instrument so that all of its celebrants may register civil partnerships;
- a religious or belief body may nominate persons to the Registrar General of Births, Deaths and Marriages for Scotland (“the Registrar General”) to be registered as celebrants;
- The Registrar General may grant temporary authorisation to a member of a religious or belief body. Such temporary authorisation may be for a specific civil partnership or partnerships or may be for a specified period of time. Temporary authorisation for a period of time for civil partnerships may only be granted if the religious or belief body is prescribed for civil partnerships or has nominated members to be registered by the Registrar General to register civil partnerships.

#### **Consultation**

The Scottish Government contacted religious bodies prescribed under the Marriage (Prescription of Religious Bodies) (Scotland) Regulations 1977 (SI 1977/1670) to solemnise marriage and who were believed to be in favour of taking part in civil partnerships. The Scottish Unitarian Association confirmed that they wished to be prescribed so their celebrants could register civil partnerships.

National Records of Scotland have contacted other bodies believed to be in favour of taking part in civil partnerships so that these bodies can, if they wish, put forward members to be authorised by the Registrar General so they can register civil partnerships.

#### **Impact Assessments**

No impact assessments were prepared for these regulations. However, the Scottish Government prepared a Business and Regulatory Impact Assessment (BRIA) <http://www.scotland.gov.uk/Topics/Justice/law/17867/samesex/BRIA> and an Equality Impact

Assessment <http://www.scotland.gov.uk/Topics/Justice/law/17867/samesex/EQIA> for the introduction of the Marriage and Civil Partnership (Scotland) Bill to Parliament on 26 June 2013. Accompanying documents were also produced for the Bill in line with the Parliament's Standing Orders: <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/64983.aspx>

### **Financial Effects**

There are no significant financial effects arising from these Regulations. Prescribing religious and belief bodies to register civil partnerships produces some very modest savings in administration costs. As indicated above, a BRIA was prepared for the introduction of the Marriage and Civil Partnership (Scotland) Bill to Parliament on 26 June 2013.

**Scottish Government  
Justice Directorate  
November 2014**