
SCOTTISH STATUTORY INSTRUMENTS

2015 No. 371

**The Qualifying Civil Partnership
Modification (Scotland) Order 2015**

Meaning of qualifying civil partnership

3.—(1) Section 5 (objections to marriage) of the 1977 Act⁽¹⁾ is modified as follows.

(2) For subsection (6) substitute—

“(6) For the purposes of subsection (4)(b) a “qualifying civil partnership” is—

(a) a civil partnership which—

(i) was registered in—

(A) Scotland, or

(B) England and Wales or Northern Ireland; and

(ii) has not been dissolved, annulled or ended by death; or

(b) a civil partnership which is treated under Chapter 2 of Part 5 of the Civil Partnership Act 2004⁽²⁾ as having formed by virtue of an overseas relationship being registered and has not been dissolved, annulled or ended by death.”

(3) In subsection 5(7), for “subsection (6)(a)” substitute “subsection (6)(a)(i)(A)”.

(4) After subsection (7) insert—

“(8) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of subsection (6)(a)(i)(B) as having been registered in England and Wales or, as the case may be, Northern Ireland if—

(a) the parties to the civil partnership elected England and Wales or, as the case may be, Northern Ireland as the relevant part of the United Kingdom under the Order; and

(b) details of the civil partnership have been sent to the Registrar General for England and Wales or, as the case may be, the Registrar General in Northern Ireland.”

⁽¹⁾ Section 5 has been amended by section 8(3) of the Marriage and Civil Partnership (Scotland) Act 2014 ([asp 5](#)) (“the 2014 Act”).

⁽²⁾ 2004 c.33.