

2016 No. 427

CIVIL PARTNERSHIP

MARRIAGE

**The Civil Partnership, Marriage Between Persons of Different
Sexes and Same Sex Marriage (Prescribed Bodies) (Scotland)
Amendment Regulations 2016**

Made - - - - *15th December 2016*
Laid before the Scottish Parliament *19th December 2016*
Coming into force - - *14th February 2017*

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 8(1)(a)(ii) and (1B)(a)(i) of the Marriage (Scotland) Act 1977(a) and section 94A(1)(a)(i) of the Civil Partnership Act 2004(b) and all other powers enabling them to do so.

In accordance with section 8(1A)(a) and (1C)(a) of the Marriage (Scotland) Act 1977(c) and section 94A(2)(a) of the Civil Partnership Act 2004 the body referred to in regulations 2, 3 and 4 has requested the Scottish Ministers to prescribe it.

Citation and Commencement

1. These Regulations may be cited as the Civil Partnership, Marriage Between Persons of Different Sexes and Same Sex Marriage (Prescribed Bodies) (Scotland) Amendment Regulations 2016 and come into force on 14th February 2017.

Amendment of the Civil Partnership (Prescribed Bodies) (Scotland) Regulations 2014

2. In the schedule of the Civil Partnership (Prescribed Bodies) (Scotland) Regulations 2014(d) before the entry relating to the Scottish Unitarian Association insert—

“Humanist Society Scotland”.

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- (a) 1977 c.15; section 8(1) was amended by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 c.55, section 22(1)(b) and (2), and by the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5) (“the 2014 Act”), section 12(2). The functions of the Secretary of State in section 8(1)(a)(ii) of the 1977 Act were transferred to the Scottish Ministers by virtue of section 53 of the Scotland Act 1998 c.46.
- (b) 2004 c.33. Section 94A was inserted by section 24(13) of the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5). A second section 94A was inserted by S.I. 2015/396.
- (c) Section 8(1A)(a) and (1C)(a) were inserted by the 2014 Act, section 12(2)(b).
- (d) S.S.I. 2014/303.

Amendment of the Marriage Between Persons of Different Sexes (Prescribed Bodies) (Scotland) Regulations 2014

3.—(1) The Marriage Between Persons of Different Sexes (Prescribed Bodies) (Scotland) Regulations 2014(**a**) are amended as follows.

(2) In regulation 2 before “8(1)(a)(ii)” insert “section”.

(3) In the schedule after the entry relating to the Free Presbyterian Church of Scotland insert—
“Humanist Society Scotland”.

Amendment of the Same Sex Marriage (Prescribed Bodies) (Scotland) Regulations 2014

4. In the schedule of the Same Sex Marriage (Prescribed Bodies) (Scotland) Regulations 2014(**b**) before the entry relating to the Religious Society of Friends (Quakers) insert—

“Humanist Society Scotland”.

ANGELA CONSTANCE
A member of the Scottish Government

St Andrew’s House,
Edinburgh
15th December 2016

(a) S.S.I. 2014/304.
(b) S.S.I. 2014/305.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 94A(1)(a)(i) of the Civil Partnership Act 2004 (“the 2004 Act”) enables the Scottish Ministers to prescribe religious or belief bodies so that their celebrants, or persons recognised by the body as entitled to register civil partnerships, are able to register civil partnerships without the need to be registered individually as approved celebrants or temporarily authorised under the 2004 Act.

The Civil Partnership (Prescribed Bodies) (Scotland) Regulations 2014 prescribe the Scottish Unitarian Association. Regulation 2 amends those Regulations with the addition of Humanist Society Scotland as a prescribed body.

Section 8 of the Marriage (Scotland) Act 1977 (“the 1977 Act”) enables the Scottish Ministers to prescribe religious or belief bodies so that their ministers, clergymen, pastors, priests or other celebrants, or persons recognised by the body as entitled to solemnise marriage, are able to solemnise marriages without the need to be registered individually as approved celebrants or temporarily authorised under the 1977 Act. Separate provision may be made for marriage between persons of different sexes and same sex marriage.

The Marriage Between Persons of Different Sexes (Prescribed Bodies) (Scotland) Regulations 2014 prescribe a number of religious or belief bodies. Regulation 3 amends those Regulations with the addition of Humanist Society Scotland as a prescribed body. Regulation 3 also corrects a minor typographical error by inserting a missing word – “section”.

The Same Sex Marriage (Prescribed Bodies) (Scotland) Regulations 2014 prescribe the Religious Society of Friends (Quakers) and the Scottish Unitarian Association. Regulation 4 amends those Regulations with the addition of Humanist Society Scotland as a prescribed body.

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