
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 66

The Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016

PROSPECTIVE

Interpretation

2. In these Regulations—

“the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965(1);

“the 1977 Act” means the Marriage (Scotland) Act 1977(2);

“the 2004 Act” means the Gender Recognition Act 2004;

“authorised registrar” means a person appointed under section 17 of the 1977 Act;

“civil partnership register” means the register established under section 95 of the Civil Partnership Act 2004(3);

“district registrar” has the same meaning as in section 7(1) and (12) of the 1965 Act(4);

“existing civil partnership register entry” in relation to one or both civil partners to a qualifying Scottish civil partnership, means, as applicable—

(a) an entry of which a certified, or other copy is kept by the Registrar General;

(b) an entry in the civil partnership register;

containing a record of the civil partnership, but does not include a new civil partnership register entry made under these Regulations;

“existing register of marriages entry” in relation to one or both parties to a qualifying Scottish marriage, means, as applicable—

(a) an entry of which a certified, or other copy is kept by the Registrar General; or

(b) an entry in the register of marriages(5);

containing a record of the marriage, but does not include a new register of marriages entry made under these Regulations;

“full gender recognition certificate” has the same meaning as in section 25(1) of the 2004 Act(6);

(1) [1965 c.49](#).

(2) [1977 c.15](#).

(3) [2004 c.33](#).

(4) Section 7(1) was amended by the Local Electoral Administration and Registration Services (Scotland) Act 2006 ([asp 14](#)) (“the 2006 Act”), section 37(4).

(5) Register of marriages means the register of marriages kept by the district registrar.

(6) Section 25 was amended by the 2014 Act, schedule 2, paragraph 2.

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the [legislation.gov.uk](https://www.legislation.gov.uk) editorial team to *The Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“new civil partnership register entry” in relation to one or both civil partners to a qualifying Scottish civil partnership means an entry in the civil partnership register containing a record of the civil partnership, made under these Regulations;

“new register of marriages entry” in relation to one or both parties to a qualifying Scottish marriage, means an entry in the register of marriages, containing a record of the marriage, made under these Regulations;

“qualifying Scottish civil partnership” has the same meaning as in paragraph 20A(4) of Schedule 3 to the 2004 Act(7);

“qualifying Scottish marriage” has the same meaning as in paragraph 20A(4) of Schedule 3 to the 2004 Act(8);

“register of marriages” means the register of marriages provided by the Registrar General under section 32(1) of the 1965 Act(9);

“registration district” has the same meaning as in section 5 of the 1965 Act(10); and

“the Registrar General” means the Registrar General of Births, Deaths and Marriages for Scotland.

Commencement Information

II Reg. 2 in force at 24.3.2016, see [reg. 1](#)

(7) Paragraph 20A(4) of Schedule 3 to the 2004 Act was inserted by the 2014 Act, schedule 2, paragraph 9(2). By virtue of section 25(2) of the 2004 Act certain civil partnerships registered outside the United Kingdom are treated for the purposes of the 2004 Act as registered in Scotland.

(8) By virtue of section 25(3) to (5) of the 2004 Act certain marriages solemnised outside the United Kingdom are treated as solemnised in Scotland for the purposes of the 2004 Act.

(9) Section 32(1) was amended by the Marriage (Scotland) Act 1977 (“the 1977 Act”), Schedule 2, paragraph 8.

(10) Section 5 was relevantly amended by the 2006 Act, section 37(2).

Status:

This version of this provision is prospective.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016. Any changes that have already been made by the team appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to :

- reg. 2 coming into force by [S.S.I. 2016/66 reg. 1](#)
- reg. 2 words inserted by [S.S.I. 2022/201 reg. 2\(2\)](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- reg. 9(2)-(4) substituted for reg. 9(2) by [S.S.I. 2022/201 reg. 2\(4\)\(b\)](#)
- reg. 9A9B inserted by [S.S.I. 2022/201 reg. 2\(5\)](#)