

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the Civil Partnership (Scotland) Act 2020 (“the 2020 Act”) and make transitional and saving provision relating to applications under the Gender Recognition Act 2004.

Regulation 2 brings the provisions of the 2020 Act listed in the schedule of the Regulations into force on 30 November 2021. The provisions brought into force include an amendment to the Civil Partnership Act 2004 relating to the registration of civil partnerships between persons who have previously registered a relationship overseas, and amendments to the Gender Recognition Act 2004 consequential on the extension of civil partnership to mixed sex couples, including provision enabling a full gender recognition certificate to be issued to a party to a civil partnership registered in Scotland. A consequential amendment to the law on dissolution of civil partnerships is also commenced.

Regulation 3 makes transitional and saving provision concerning applications under section 1 of the Gender Recognition Act 2004 that have been submitted before 30 November 2021 but not yet determined on that date. Where it appears to the Gender Recognition Panel considering the application that the outcome of the application may be different if dealt with in accordance with the amended provisions, provision is made for the applicant to be given an opportunity to have the application dealt with in accordance with those provisions and to provide any further information required for that purpose.