
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014 (“the 2014 Regulations”) which prescribe the procedure by which certain civil partnerships become marriages other than as a result of the parties taking part in a marriage ceremony.

Regulation 2(2) amends regulation 3 of the 2014 Regulations to make clear that the date and place to be entered in the marriage register when a civil partnership is changed into a marriage are the date and place of the signing of the application form to make that change by the parties and the district registrar. Notwithstanding that, the parties are treated as having been married to each other since the date on which their civil partnership was registered by virtue of section 11(2)(b) of the Marriage and Civil Partnership (Scotland) Act 2014. Extracts of such entries from the marriage register are annotated to signify that the marriage has been changed from a civil partnership and the date from which they are treated as having been married.

Regulation 2(3) increases the fee payable on making an application to change a civil partnership into a marriage under the 2014 Regulations from £30 to £45.

Regulation 2(4) revokes regulations 6 and 8 of the 2014 Regulations. Regulation 6 provided for certain applications submitted before 16 December 2015 to be exempt from a fee. Regulation 8 provided for modifications to how provisions of the Gender Recognition Act 2004 that have since been repealed were to have effect in relation to persons in civil partnerships changed into marriages under the 2014 Regulations.

Regulation 2(5) corrects an error in regulation 7(3) of the 2014 Regulations in regard to the situations in which a marriage changed from a civil partnership is treated as void. The reference to subsection “(4)” removed was incorrect as that subsection prescribes circumstances in which a marriage will not be void.

Regulation 2(6) replaces the form by which a couple apply to have their civil partnership changed into a marriage under the 2014 Regulations. In addition to the options of being described as ‘bride’ or ‘bridegroom’ or not being assigned any designation the new form gives each party the option of being described in the marriage register as ‘groom’.