
DRAFT STATUTORY INSTRUMENTS

2014 No.

**The Marriage and Civil Partnership (Scotland) Act
2014 and Civil Partnership Act 2004 (Consequential
Provisions and Modifications) Order 2014**

PART 3

SCOTTISH SAME SEX MARRIAGE IN NORTHERN IRELAND

Treatment of Scottish same sex marriage in Northern Ireland

6.—(1) Under the law of Northern Ireland, a Scottish marriage of a same sex couple is to be treated as a civil partnership registered in Scotland (and accordingly, the spouses are to be treated as civil partners).

(2) In this Part “Scottish marriage” means—

- (a) a marriage which was solemnised in Scotland in accordance with the 1977 Act;
- (b) a marriage which was changed from a civil partnership in accordance with provision made under section 10 of the 2014 Act;
- (c) a marriage which was solemnised in accordance with Part 1 or 3 of Schedule 6 to the 2013 Act in relation to which the relevant part of the United Kingdom is Scotland;
- (d) a marriage which was changed from a civil partnership in accordance with Part 5 of this Order.

Recognition of a dissolution of a deemed civil partnership

7.—(1) If—

- (a) a final order is made in relation to the deemed civil partnership; and
- (b) the validity of that order is recognised throughout the United Kingdom,

that order has, throughout the United Kingdom, the same effect in relation to the Scottish marriage that it has in relation to the deemed civil partnership.

(2) If—

- (a) a separation order is made in relation to the relevant couple as parties to the deemed civil partnership; and
- (b) the validity of that order is recognised throughout the United Kingdom,

that order has, throughout the United Kingdom, the same effect in relation to the couple as parties to the Scottish marriage that it has in relation to them as parties to the deemed civil partnership (and has effect in relation to any other persons accordingly).

(3) In this article—

“deemed civil partnership” means the civil partnership which the actual marriage is treated as being by virtue of article 6;

“final order” means—

- (a) the dissolution or annulment of a civil partnership obtained from a court of civil jurisdiction in Northern Ireland;
- (b) an overseas dissolution or annulment;

“relevant couple” means the same sex couple who are parties to the actual marriage; and

“separation order” means—

- (a) a legal separation of the parties to a civil partnership obtained from a court of civil jurisdiction in Northern Ireland;
- (b) an overseas legal separation of the parties to a civil partnership.