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DRAFT STATUTORY INSTRUMENTS

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**2014 No.**

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

**PART 5**

**MARRIAGE OVERSEAS**

**CHAPTER 2**

Consular and armed forces marriage between civil partners - general

**Meaning of civil partnership**

**15.** In this Part “civil partnership” means a civil partnership which—

- (a) was registered in Scotland; or
- (b) was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004<sup>(1)</sup> where—
  - (i) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order; and
  - (ii) details of the civil partnership were sent to the Registrar General of Births, Deaths and Marriages for Scotland;

and has not been dissolved, annulled or ended by death.

**Effect of consular or armed forces marriage between civil partners**

**16.** Where a civil partnership is changed into a marriage under this Part, section 11 of the 2014 Act applies in relation to the marriage as if the civil partnership had been changed into a marriage in accordance with provision made under the 1977 Act or section 10(1) of the 2014 Act.

**Modification of the 2004 Act**

**17.—(1)** In their application to civil partnerships changed into marriages in accordance with this Part, the following provisions of the 2004 Act have effect subject to the following modifications.

(2) In section 4C<sup>(2)</sup> (married person with interim certificate: issue of full certificate (Scotland))—

- (a) in subsection (3)—
  - (i) paragraph (c) has effect as if for the words “and the parties” to the end were substituted by “and within the period of six months beginning with the day on which that certificate was issued a declaration was signed by a registration officer

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(1) [2004 c.33](#).

(2) Section 4C was inserted by the 2014 Act, schedule 2, paragraph 5. It will come into force on 16th December 2014.

or authorised person in relation to that civil partnership in accordance with Part 2 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014”;

(ii) paragraph (d) has effect as if for the words “submitting of notice has” were substituted by “signing of the declaration”;

(b) for subsection (8) substitute—

“(8) An application under subsection (3) must also include evidence of the declaration referred to in subsection (3)(c).”.

(3) For section 4F(3) (death of civil partner or spouse: issue of full certificate (Scotland)), substitute—

**“4F Death of a civil partner or spouse: issue of full certificate (Scotland)**

(1) A Gender Recognition Panel must issue a full gender recognition certificate to a person where the Panel is satisfied that—

- (a) an interim gender recognition certificate has been issued to the person;
- (b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued;
- (c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977);
- (d) within the period of six months beginning with the day on which the interim gender recognition certificate was issued a declaration was signed by a registration officer or authorised person in relation to that civil partnership in accordance with Part 5 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014; and
- (e) the person’s spouse died—
  - (i) within the period of six months beginning with the day on which the civil partnership became a marriage; and
  - (ii) after the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(2) If, on an application under subsection (1), the Panel is not satisfied—

- (a) as mentioned in that subsection; or
- (b) that the person is neither married nor a civil partner,

the Panel must reject the application.

(3) An application under subsection (1) must be made within the period of six months beginning with the day on which the death occurs.

(4) An application under subsection (1) must include evidence of—

- (a) the death of the person’s spouse and the date on which it occurred;
- (b) the declaration referred to in subsection (1)(d).”.