
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 5

MARRIAGE OVERSEAS

CHAPTER 4

Armed forces marriage between civil partners

Interpretation

25. In this Chapter—

- (a) a reference to a country or territory includes a reference to the waters of a country or territory;
- (b) a reference to Her Majesty's forces serving in a country or territory includes a reference to such forces serving in a ship in the waters of a country or territory;
- (c) a reference to a relevant civilian employed in a country or territory includes a reference to such a civilian employed in a ship in the waters of a country or territory;
- (d) "authorised person" has the same meaning as in paragraph 12(2)(b) of Schedule 6 to the 2013 Act;
- (e) "declaration" has the meaning given in article 28 (armed forces declaration);
- (f) "Her Majesty's forces" has the same meaning as in the 2006 Act;
- (g) "relevant civilian" means a civilian subject to service discipline within the meaning of the 2006 Act.

Countries or territories in which armed forces marriage between civil partners may take place

26.—(1) An authorised person may facilitate a civil partnership being changed into a marriage in those countries or territories outside the United Kingdom which have notified the Secretary of State in writing that there is no objection to such changes taking place in that country or territory and which have not subsequently revoked that notice, where at least one of the parties to the civil partnership is—

- (a) a member of Her Majesty's forces serving in the country or territory in which it is proposed they change their civil partnership into a marriage;
- (b) a relevant civilian who is employed in that country or territory;
- (c) a child of a person falling within sub-paragraph (a) or (b) whose home is with that person in that country or territory.

(2) In a case where one person (“P”) treats, or has treated, another person (“C”), as a child of the family in relation to—

- (a) a marriage to which P is or was a party; or
- (b) a civil partnership to which P is or was a party,

C is to be regarded for the purposes of paragraph (1)(c) as the child of P.

Armed forces change of civil partnership into marriage

27.—(1) Parties to a civil partnership are to be regarded as having changed their civil partnership into a marriage when they have signed the declaration and followed the procedure set out in paragraph (1) of article 29 (armed forces change procedure) and the authorised person has signed the declaration in accordance with paragraph (2) of that article.

(2) No religious service is to be used during the procedure set out in that article.

Armed forces declaration

28. Before the parties to a civil partnership can change their civil partnership into a marriage in accordance with this Chapter, each of the parties must sign a declaration containing—

- (a) the following details pertaining to each of the parties—
 - (i) forename(s);
 - (ii) surname;
 - (iii) nationality;
 - (iv) date of birth;
 - (v) sex;
 - (vi) address;
 - (vii) in respect of each of the parties to the civil partnership who fall within one of the descriptions in article 26(1) (countries or territories in which armed forces marriage between civil partners may take place)—
 - (aa) where that person is a member of Her Majesty’s forces serving in the country or territory in which it is proposed they change their civil partnership into a marriage, the name and location of the unit in which that person is serving;
 - (bb) where that person is a relevant civilian employed in that country or territory, the name and location of the post where that person is employed;
 - (cc) where the person falls within the description in article 26(1)(c) (but does not fall within either paragraph (a) or (b) of that article), the information referred to in (as the case may be) head (aa) or (bb) about each of that person’s parents who falls within the description in paragraph (a) or (b) of that article; and
- (b) a statement to the effect that—
 - (i) the parties are in an existing civil partnership with each other; and
 - (ii) each of the parties knows of no reason why the civil partnership should not be converted into a marriage.

Armed forces change procedure

29.—(1) The parties to a civil partnership must, in order to change their civil partnership into a marriage in accordance with this Chapter—

- (a) attend in person before the authorised person;
 - (b) provide evidence of the formation of their civil partnership with each other; and
 - (c) provide such evidence as may be required by the authorised person to satisfy the authorised person of the details provided in the declaration.
- (2) Once the parties to the civil partnership have signed the declaration referred to in article 28, the authorised person must, in the presence of the parties, also sign the declaration.

Duty to register civil partnerships changed into marriages

30.—(1) The authorised person must maintain a register and therein register every change of a civil partnership into a marriage signed by the authorised person in accordance with article 29(2) (armed forces change procedure).

(2) The authorised person must send to the Registrar General for England and Wales a copy of the declaration signed in accordance with article 29(2).

(3) On receipt of the declarations in accordance with paragraph (2), the Registrar General for England and Wales must send them to the Registrar General of Births, Deaths and Marriages for Scotland.