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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 marriage between civil partners

**Interpretation**

16. In this Chapter—

- (a) “declaration” has the meaning given in article 19 (consular declaration);
- (b) “registration officer” has the same meaning as in paragraph 6 of Schedule 6 to the 2013 Act;
- (c) “United Kingdom national” has the same meaning as in paragraph 15 of Schedule 6 to the 2013 Act.

**Countries or territories in which consular marriage between civil partners may take place**

17. A registration officer may facilitate a civil partnership being changed into a marriage, where at least one of the parties is a United Kingdom national, 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.

**Consular change of civil partnership into marriage**

18.—(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 20 and the registration officer 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.

**Consular declaration**

19. 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; and
- (b) a statement to the effect that—
- (i) each of the parties has had, for the period of 28 days ending on the day on which the change is to be completed, their usual residence within the consular district of the registration officer;
  - (ii) the parties are in an existing civil partnership with each other;
  - (iii) each of the parties knows of no reason why the civil partnership should not be changed into a marriage.

### **Consular change procedure**

**20.**—(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 registration officer in consular premises;
- (b) provide evidence of the formation of their civil partnership with each other; and
- (c) provide such evidence as may be required by the registration officer to satisfy the registration officer of the details provided in the declaration.

(2) Once the parties to the civil partnership have signed the declaration referred to in article 19, the registration officer must, in the presence of the parties, also sign the declaration.

### **Duty to register civil partnerships changed into marriages**

**21.**—(1) The registration officer for a consular district, nominated for such purposes by the Secretary of State, must maintain a register and register in it every declaration signed by the registration officer in accordance with article 20(2) (consular change procedure).

(2) Every nominated registration officer must, at such times as are determined by the Secretary of State, send to the Registrar General for England and Wales a copy of all declarations registered by the registration officer since those details were last sent, and if the officer has not registered a declaration over the relevant time period, confirmation of that fact.

(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.

(4) A certified copy of any entry in a register must be provided by the Secretary of State upon request by any person until such time as an extract is available from the Registrar General of Births, Deaths and Marriages for Scotland.

### **Power to dispense with requirements**

**22.**—(1) If the Secretary of State is satisfied that there are good reasons why the requirement as to residence in article 19(b)(i) (consular declaration) cannot be complied with, the Secretary of State may authorise the registration officer to amend this part of the declaration to reduce the residence period.

(2) The Secretary of State must notify the registration officer in writing of the decision to reduce the residence period and provide a statement of reasons for the decision.

(3) If the Secretary of State authorises the registration officer to amend the declaration in accordance with paragraph (1), the registration officer must record the statement of reasons referred to in paragraph (2) and initial the amendment made to the declaration.