



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 3

#### CIVIL PARTNERSHIP: SCOTLAND

### CHAPTER 6

#### MISCELLANEOUS AND INTERPRETATION

#### *Interpretation*

#### **135 Interpretation of this Part**

[<sup>F1</sup>(1)] In this Part, unless the context otherwise requires—

“the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49);

[<sup>F2</sup>“2014 Act” means the Immigration Act 2014;]

[<sup>F3</sup>“approved celebrant” has the meaning given by section 94A(4)(a);]

“authorised registrar” has the meaning given by section 87;

“caravan” means a caravan which is mobile or affixed to land;

“child of the family” has the meaning given by section 101(7);

“civil partnership book” has the meaning given by section 89;

“civil partnership schedule” has the meaning given by section 94;

[<sup>F4</sup>“civil registration” has the meaning given by section 94A(4)(c);]

“civil partnership register” has the meaning given by section 95(2);

“the court” means the Court of Session or the sheriff;

“district” means a registration district as defined by section 5(1) of the 1965 Act;

“district registrar” has the meaning given by section 7(12) of the 1965 Act;

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“entitled partner” and “non-entitled partner”, subject to sections 106(2) and 111(2), have the meanings respectively assigned to them by section 101(1);

“exclusion order” has the meaning given by section 104(1);

“family” has the meaning given by section 101(7);

“family home” means [<sup>F5</sup>, subject to subsection (2),] any house, caravan, houseboat or other structure which has been provided or has been made available by one or both of the civil partners as, or has become, a family residence and includes any garden or other ground or building <sup>F6</sup>. . . usually occupied with, or otherwise required for the amenity or convenience of, the house, caravan, houseboat or other structure but does not include a residence provided or made available by [<sup>F7</sup>a person for one] civil partner to reside in, whether with any child of the family or not, separately from the other civil partner;

“furniture and plenishings” means any article situated in a family home of civil partners which—

- (a) is owned or hired by either civil partner or is being acquired by either civil partner under a hire-purchase agreement or conditional sale agreement, and
- (b) is reasonably necessary to enable the home to be used as a family residence,

but does not include any vehicle, caravan or houseboat or such other structure as is mentioned in the definition of “family home”;

“notice of proposed civil partnership” has the meaning given by section 88(1);

“occupancy rights” means the rights conferred by section 101(1);

“Registrar General” means the Registrar General of Births, Deaths and Marriages for Scotland;

“registration office” means a registration office provided under section 8(1) of the 1965 Act;

[<sup>F8</sup>“relevant national” has the same meaning as in section 30A;]

[<sup>F9</sup>“religious or belief body” means an organised group of people—

- (a) which meets regularly for religious worship, or
- (b) the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose;]

[<sup>F9</sup>“religious or belief civil partnership” has the meaning given by section 94A(4)(b);]

“tenant” includes—

- (a) a sub-tenant,
- (b) a statutory tenant as defined in section 3 of the Rent (Scotland) Act 1984 (c. 58), and
- (c) a statutory assured tenant as defined in section 16(1) of the Housing (Scotland) Act 1988 (c. 43),

and “tenancy” is to be construed accordingly.

[<sup>F10</sup>(2) If—

- (a) the tenancy of a family home is transferred from one civil partner to the other by agreement or under any enactment, and

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- (b) following the transfer, the civil partner to whom the tenancy was transferred occupies the home but the other civil partner does not, the home shall, on such transfer, cease to be a family home.]

#### Textual Amendments

- F1** S. 135 renumbered as s. 135(1) (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 33, 46(2), **Sch. 1 para. 12**; S.S.I. 2006/212, **art. 2** (subject to arts. 3-13)
- F2** Words in s. 135(1) inserted for specified purposes (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 3 para. 8(a)** (with art. 1(3))
- F3** Words in s. 135(1) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(21)(a)**, 36; S.S.I. 2014/287, art. 3, sch.
- F4** Words in s. 135(1) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(21)(b)**, 36; S.S.I. 2014/287, art. 3, sch.
- F5** Words in s. 135(1) inserted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 33, 46(2), **Sch. 1 para. 12(a)(i)**; S.S.I. 2006/212, **art. 2** (subject to arts. 3-13)
- F6** Words in s. 135 repealed (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 45(2), 46(2), **Sch. 3**; S.S.I. 2006/212, **art. 2** (subject to arts. 3-13)
- F7** Words in s. 135(1) substituted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 33, 46(2), **Sch. 1 para. 12(a)(ii)**; S.S.I. 2006/212, **art. 2** (subject to arts. 3-13)
- F8** Words in s. 135(1) inserted for specified purposes (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 3 para. 8(b)** (with art. 1(3))
- F9** Words in s. 135(1) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 24(21)(c)**, 36; S.S.I. 2014/287, art. 3, sch.
- F10** S. 135(2) inserted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), ss. 33, 46(2), **Sch. 1 para. 12(b)**; S.S.I. 2006/212, **art. 2** (subject to arts. 3-13)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(1)(e) and word inserted by [2024 c. 21 s. 76\(2\)\(b\)](#)
- s. 3(1A)(1B) inserted by [2024 c. 21 s. 76\(3\)](#)
- s. 3(3)(4) inserted by [2024 c. 21 s. 76\(4\)](#)
- s. 19(4)(c) and word inserted by [2024 c. 21 s. 76\(7\)\(b\)](#)
- s. 19(5A)(5B) inserted by [2024 c. 21 s. 76\(8\)](#)
- s. 19(7A) inserted by [2024 c. 21 s. 76\(9\)](#)
- s. 102(8A) inserted by [2023 asp 3 s. 56\(2\)](#)
- s. 103(10) inserted by [2023 asp 3 s. 56\(5\)](#)
- s. 108(5) inserted by [2023 asp 3 s. 56\(8\)](#)
- s. 213(1A) inserted by [2013 c. 30 Sch. 2 para. 5\(2\)](#)