



# Civil Partnership Act 2004

## 2004 CHAPTER 33

### PART 3

#### CIVIL PARTNERSHIP: SCOTLAND

### CHAPTER 2

#### REGISTRATION

## 92 Objections to registration

(1) Any person may at any time before the registration in Scotland of two people as civil partners of each other submit in writing an objection to such registration to the district registrar.

[<sup>F1</sup>(1A) For the purpose of subsection (1), an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.]

(2) But where the objection is that the intended civil partners are not eligible to be in civil partnership with each other because either is incapable of—

- (a) understanding the nature of civil partnership, or
- (b) validly consenting to its formation,

it shall [<sup>F2</sup>not be treated as submitted until there has also been produced to the registrar] a supporting certificate [<sup>F3</sup>attested in the prescribed manner] by a registered medical practitioner.

(3) A person claiming that he may have reason to submit such an objection may, free of charge and at any time when the registration office [<sup>F4</sup>of the district registrar] is open for public business, inspect any relevant entry in the civil partnership book.

(4) Where the district registrar receives an objection in accordance with subsection (1) he must—

*Status: Point in time view as at 01/03/2015.*

*Changes to legislation: Civil Partnership Act 2004, Section 92 is up to date with all changes known to be in force on or before 31 August 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (a) in any case where he is satisfied that the objection relates to no more than a misdescription or inaccuracy in a notice submitted under section 88(1)—
    - (i) notify the intended civil partners of the nature of the objection and make such enquiries into the matter mentioned in it as he thinks fit, and
    - (ii) subject to the approval of the Registrar General, make any necessary correction to any document relating to the proposed civil partnership, or
  - (b) in any other case—
    - (i) at once notify the Registrar General of the objection, <sup>F5</sup>...
    - (ii) pending consideration of the objection by the Registrar General, suspend the completion or issue of the civil partnership schedule in respect of the proposed civil partnership<sup>F6</sup>, and
    - (iii) where, in the case of a civil partnership to be registered by an approved celebrant, the civil partnership schedule has already been issued to the parties, if possible notify that celebrant of the objection and advise the celebrant not to register the civil partnership pending consideration of the objection.]
- (5) If the Registrar General is satisfied, on consideration of an objection of which he has received notification under subsection (4)(b)(i) that—
- (a) there is a legal impediment to registration, he must direct the district registrar [<sup>F7</sup>to take all reasonable steps to ensure that the registration of the civil partnership does not take place and must notify, or direct the district registrar to notify, the intended civil partners] accordingly, or
  - (b) there is no such impediment, he must inform the district registrar to that effect.
- (6) For the purposes of this section and section 94, there is a legal impediment to registration where the intended civil partners are not eligible to be in civil partnership with each other.

#### Textual Amendments

- F1** S. 92(1A) inserted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(4)(a)**, 63(2); S.S.I. 2006/469, **arts. 2, 3**, Schs. 1, 2
- F2** Words in s. 92(2) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(4)(b)(i)**, 63(2); S.S.I. 2006/469, **arts. 2, 3**, Schs. 1, 2
- F3** Words in s. 92(2) substituted (1.10.2006 for certain purposes and otherwise 1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 52(4)(b)(ii)**, 63(2); S.S.I. 2006/469, **arts. 2, 3**, Schs. 1, 2
- F4** Words in s. 92(3) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(9)(a)**, 36; S.S.I. 2014/287, art. 3, sch.
- F5** Word in s. 92(4)(b) repealed (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(9)(b)(i)**, 36; S.S.I. 2014/287, art. 3, sch.
- F6** S. 92(4)(b)(iii) and word inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(9)(b)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.
- F7** Words in s. 92(5)(a) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 24(9)(c)**, 36; S.S.I. 2014/287, art. 3, sch.

**Status:**

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