

EXECUTIVE NOTE

The Registration of Civil Partnerships (Prescription of Forms, Publicisation and Errors) (Scotland) Regulations 2005 SSI 2005/ 458

1. The above instrument was made in exercise of the powers conferred by sections 88(1) and (5), 89, 90(4), 94, 95(3), 97(3), 99(2), 122(3) and 258(2) and (3) of the Civil Partnership Act 2004. Those powers are exercisable by the Registrar General for Scotland by regulation, with the approval of the Scottish Ministers. The instrument is subject to annulment in pursuance of a resolution of the Scottish Parliament.

Policy Objectives

2. The purpose of the Civil Partnership Act is to enable same-sex couples to obtain legal recognition of their relationship by forming a civil partnership. They may do so by registering as civil partners of each other provided:

- they are of the same sex;
- they are not already in a civil partnership or lawfully married;
- they are not within the prohibited degrees of relationship;
- they are both aged sixteen or over (and, if either of them is under 18 and the registration is to take place in England and Wales or Northern Ireland, the consent of the appropriate people or bodies has been obtained).

3. The Act then sets out the legal consequences of forming a civil partnership, including the rights and responsibilities of civil partners. It also provides for arrangements for the registration of civil partnerships:

- a) Section 88(1) and (5) requires each intended civil partner to submit a notice of intention to enter a civil partnership and make and sign a declaration in the prescribed form.
- b) Section 89(2) requires the district registrar to enter details in the civil partnership book the form and content of which is to be prescribed by the Registrar General.
- c) Section 90(4) requires the Registrar General to prescribe the manner in which and means by which civil partnership registrations are to be publicised.
- d) Section 94 requires the district registrar to complete a civil partnership schedule in the prescribed form.
- e) Section 95(3) requires the Registrar General to prescribe the form and content of the civil partnership register.
- f) Section 97(3) requires the district registrar to issue a Certificate of No Impediment in the prescribed form.

- g) Section 99(2) provides for the district registrar to correct a prescribed error in the civil partnership register.
 - h) Section 122 requires the Registrar General to maintain a register which shall be known as the “Register of Dissolutions of Civil Partnership”, the form of which is to be determined by the Registrar General.
4. These Regulations accordingly prescribe at:
- a) **Paragraph 3 and Schedule 1** the notice of proposed civil partnership.
 - b) **Paragraph 4** the particulars to be extracted from a civil partnership notice and entered in the civil partnership book.
 - c) **Paragraph 5 and Schedule 2** the civil partnership schedule.
 - d) **Paragraph 6 and Schedule 3** the form and content of a page in the civil partnership register.
 - e) **Paragraph 7 and Schedule 4** the certificate of no impediment.
 - f) **Paragraph 8** the manner in which and means by which civil partnership registrations are to be publicised.
 - g) **Paragraph 9 and Schedule 5** the errors in the civil partnership register which may be corrected by a district registrar.
 - h) **Paragraph 10** the form of the “Register of Dissolutions of Civil Partnership”.

Consultation

5. The General Register Office for Scotland (GROS) established a working group consisting of representatives of the Convention of Scottish Local Authorities, the Association of Registrars of Scotland and individual registrars to consider the proposed forms, the method of publicisation and the types of errors. GROS also had a meeting with the Equality Network to discuss the proposed registration procedures and to provide an opportunity for comment on the proposed forms. The particulars set out in the Regulations reflect the agreed outcome of these discussions.

Financial Effects

6. The costs associated with the registration of Civil Partnerships will be covered by the fees that the local authorities will charge for accepting notice, registering a civil partnership and the production and issue of extracts of entries in the Civil Partnership Register, as with marriage at present.

General Register Office for Scotland
26 September 2005