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SCOTTISH STATUTORY INSTRUMENTS

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**2014 No. 212 (C. 18)**

**CIVIL PARTNERSHIP  
GENDER RECOGNITION  
MARRIAGE**

The Marriage and Civil Partnership (Scotland) Act 2014  
(Commencement No. 2 and Saving Provisions) Order 2014

|  |         |                           |
|--|---------|---------------------------|
| <i>Made</i>                                    | - - - - | <i>22nd July 2014</i>     |
| <i>Laid before the Scottish<br/>Parliament</i> | - - - - | <i>24th July 2014</i>     |
| <i>Coming into force</i>                       | - -     | <i>1st September 2014</i> |

The Scottish Ministers make the following Order in exercise of the powers conferred on them by section 36(2) and (3) of the Marriage and Civil Partnership (Scotland) Act 2014<sup>(1)</sup> and all other powers enabling them to do so.

**Citation, commencement and interpretation**

1. (1) This Order may be cited as the Marriage and Civil Partnership (Scotland) Act 2014 (Commencement No. 2 and Saving Provisions) Order 2014 and comes into force on 1st September 2014.

(2) In this Order—

“the 1977 Act” means the Marriage (Scotland) Act 1977<sup>(2)</sup>;

“the 2004 Act” means the Civil Partnership Act 2004<sup>(3)</sup>;

“the 2014 Act” means the Marriage and Civil Partnership (Scotland) Act 2014;

“the GRA 2004” means the Gender Recognition Act 2004<sup>(4)</sup>.

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(1) 2014 asp 5.  
(2) 1977 c.15.  
(3) 2004 c.33.  
(4) 2004 c.7.

### **Appointed day**

2. (1) Subject to article 3, the appointed day is 1st September 2014 for the provisions of the 2014 Act specified in column 1 of the Schedule (the subject matter of which is described in column 2 of the Schedule).

(2) Where a purpose is specified in column 3 of the Schedule in relation to any provision, the provision comes into force on 1st September 2014 for that purpose only.

### **Saving**

3. (1) The Marriage (Prescription of Religious Bodies) (Scotland) Regulations 1977<sup>(5)</sup> continue to have effect despite the coming into force on 1st September 2014, for the purposes specified in the Schedule, of section 12(2) of the 2014 Act.

(2) The abolition of the common law offence of bigamy by section 28(3) of the 2014 Act does not apply to—

- (a) any marriages or purported marriages entered into before 1st September 2014, and any prosecution in relation to such marriages or purported marriages where proceedings commence or after that date; or
- (b) any prosecution for the common law offence of bigamy where proceedings commenced before that date.

St Andrew's House, Edinburgh  
22nd July 2014

*ALEX NEIL*  
A member of the Scottish Government

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(5) *S.I. 1977/1670*. The Regulations were made under section 8(1)(a)(ii) of the Marriage (Scotland) Act 1977 which is amended by section 12(2) of the Marriage and Civil Partnership (Scotland) Act 2014.

## SCHEDULE

Article 2

| <i>Column 1<br/>Provision</i> | <i>Column 2<br/>Subject matter</i>   | <i>Column 3<br/>Purpose</i>  |
|-------------------------------|--|--|
| Section 4(8) to (10)          | Meaning of marriage and related expressions in enactments and documents      |  |
| Section 6                     | Jurisdiction in proceedings relating to same sex marriages                   | For the purpose of bringing into force the provisions of schedule 1 to the 2014 Act referred to in column 1.                 |
| Section 9                     | Power to modify meaning of “qualifying civil partnership”                    |  |
| Section 10                    | Change of qualifying civil partnership into marriage                         |  |
| Section 11(5) and (6)         | Effect of marriage between civil partners in a qualifying civil partnership  |  |
| Section 12(2)(a) and (b)      | Persons who may solemnise marriage, and qualifying requirements              | For the purpose of making regulations under section 8(1)(a)(ii), (1B)(a)(i) and (1E) to (1G) of the 1977 Act.                |
| Section 13(2)(e)              | Registration of nominated persons as celebrants, and qualifying requirements | For the purpose of making regulations under section 9(2A) to (2C) of the 1977 Act.   |
| Section 14(2)                 | Qualifying requirements for temporary authorisation of celebrants            | For the purpose of making regulations under section 12(1D) to (1F) of the 1977 Act.  |
| Section 17                    | Power of district registrar to require evidence of nationality: marriage     |  |
| Section 18(2)(a)              | The Marriage Schedule  |  |
| Section 21                    | Places at which civil marriages may be solemnised                            |  |
| Section 24(13)                | Registration of civil partnership, and qualifying requirements               | For the purpose of making regulations under section 94A(1)(a)(i) and (5), section 94B(3) and section 94E(4) of the 2004 Act. |
| Section 24(15)                | Registration of civil partnership  | For the purpose of prescribing forms of notice referred to in section 95ZA(1) and (2) of the 2004 Act.                       |

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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| <i>Column 1<br/>Provision</i>   | <i>Column 2<br/>Subject matter</i>   | <i>Column 3<br/>Purpose</i>  |
|---------------------------------|--|--|
| Section 25                      | Power of district registrar to require evidence of nationality: civil partnership            |  |
| Section 28                      | Bigamy   |  |
| Section 29                      | Change of gender of married persons or civil partners  | For the purpose of bringing into force the provisions of schedule 2 to the 2014 Act referred to in column 1.                                 |
| Section 30                      | Renewed marriage or civil partnership following issue of full gender recognition certificate |  |
| Section 33                      | Form of register of marriages  |  |
| Paragraph 1(4) of schedule 1    | Jurisdiction in relation to same sex marriages   | For the purpose of making regulations under paragraph 2 of Schedule 1B to the Domicile and Matrimonial Proceedings Act 1973 <sup>(6)</sup> . |
| Paragraph 7 of schedule 2       | Applications for change of gender by civil partners  | For the purpose of making an order under section 5D of the GRA 2004.   |
| Paragraph 9(2)(b) of schedule 2 | Marriage and civil partnership registration following gender recognition                     | For the purpose of making regulations under paragraph 20A of Schedule 3 to the GRA 2004.   |
| Paragraph 15 of schedule 2      | Alternative grounds for granting applications for gender recognition                         | For the purpose of making an order under section 3C(5)(b)(ii) of the GRA 2004.   |
| Paragraph 17 of schedule 2      | Evidence for granting applications on alternative grounds                                    | For the purpose of making an order under section 3D(6)(b) of the GRA 2004.   |

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<sup>(6)</sup> 1973 c.45.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order bring into force sections 4(8) to (10), 9, 10, 11(5) and (6), 17, 18(2)(a), 21, 25, 28, 30 and 33 of the Marriage and Civil Partnership (Scotland) Act 2014 (“the 2014 Act”).

It also brings into force sections 6, 12(2)(a) and (b), 13(2)(e), 14(2), 24(13) and (15) and 29 of and paragraph 1(4) of schedule 1 and paragraphs 7, 9(2)(b), 15 and 17 of schedule 2 to the 2014 Act only for purposes set out in column 3 of the Schedule to the Order.

The appointed day in article 2 for all of these provisions to come into force is 1st September 2014.

Article 3 makes saving provisions about existing regulations and in relation to the common law offence of bigamy.

The Bill for the 2014 Act received Royal Assent on 12th March 2014. Sections 34 to 37 of the 2014 Act came into force on the day after Royal Assent.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

| <i>Provision</i> | <i>Date of Commencement</i> | <i>S.S.I. No.</i>        |
|------------------|-----------------------------|--------------------------|
| Section 7        | 21st May 2014               | <a href="#">2014/121</a> |
| Section 19       | 21st May 2014               | <a href="#">2014/121</a> |
| Section 20       | 21st May 2014               | <a href="#">2014/121</a> |
| Section 22       | 21st May 2014               | <a href="#">2014/121</a> |
| Section 23       | 21st May 2014               | <a href="#">2014/121</a> |
| Section 27       | 21st May 2014               | <a href="#">2014/121</a> |
| Section 32       | 21st May 2014               | <a href="#">2014/121</a> |