

REGISTERING A CIVIL PARTNERSHIP IN SCOTLAND

- By law both parties to a proposed civil partnership in Scotland are required to submit notice forms to the registrar of the district in which the civil partnership is to be registered informing him of their intention to register a civil partnership.
- Forms for giving notice can be obtained from any registrar of births etc. in Scotland or from the National Records of Scotland website at www.gro-scotland.gov.uk.
- Notice must be given in the three-month period prior to the date of the intended civil partnership and not later than 15 days before that date.

This leaflet gives general guidance only and should not be treated as a complete and authoritative statement of the law. If, after reading it, you are still in doubt you should seek advice from any registrar of births etc. in Scotland or from staff in Marriage/Civil Partnership Section of the National Records of Scotland (NRS), New Register House, Edinburgh EH1 3YT.

WHO CAN REGISTER A CIVIL PARTNERSHIP IN SCOTLAND

Any two persons, regardless of where they live, may register a civil partnership in Scotland provided that:

- both persons are at least 16 years of age on the day they wish to register their civil partnership
- they are not related to one another in a way which would prevent their registering their civil partnership (see the list at the end of this leaflet)
- each is unmarried or not already registered as a civil partner (any person who has already been married or registered as a civil partner must produce documentary evidence that the previous marriage or civil partnership registration has been ended by death, divorce, annulment or dissolution)
- they are of the same sex
- they are capable of understanding the nature of a civil partnership and of validly consenting to its formation.

WHERE TO REGISTER A CIVIL PARTNERSHIP

A civil partnership may be registered only by a district registrar or an assistant registrar who has been authorised by the Registrar General for that purpose. The registration of the civil partnership may take place either in a registration office or in a place that the local authority agrees to. Therefore, it is important that you should contact as early as possible the registrar for the registration district in which you want to register your civil partnership. A list of registrars is available on the NRS website at

www.gro-scotland.gov.uk/files1/registration/reglist.pdf

HOW AND WHEN TO GIVE NOTICE

You can each obtain a civil partnership notice form, and information about fees, from any registrar of births etc. in Scotland. In most cases you can get the address of your local registrar from the telephone directory. A list of registrars is also available on the NRS website at

www.gro-scotland.gov.uk/files1/registration/reglist.pdf.

- Each of you must complete and submit a civil partnership notice, along with the required documents (see below) and the appropriate fee, to the **registrar for the district in which the civil partnership is to be registered**.
- Timing is important. The notices must be submitted early enough to enable the registrar to satisfy himself that you are free to register a civil partnership. Normally notices should be in his hands about FOUR weeks before the civil partnership registration but if either of you has been married or in a civil partnership before, the notices should be with the registrar SIX weeks beforehand. The **minimum** period is **15 days before the date of the proposed civil partnership registration**, but if you leave things as late as this you **could** be faced with the need to postpone your civil partnership registration.
- Only in exceptional circumstances will the Registrar General authorise a civil partnership registration to take place if 15 days' notice has not been given.
- Although you need not both attend personally at the registrar's office to hand in your civil partnership notice, at least one of you may be asked to attend there personally before the date of the civil partnership registration. This might be necessary to finalise arrangements with the registrar.
- Every person giving notice is required to sign a declaration to the effect that the particulars and information given on the notice are correct. As a safeguard against the possibility of simultaneous civil partnership registrations a subsequent check of the information is made by NRS.
- The registrar, in certain circumstances, will ask to see your valid passport or other document to provide evidence of your nationality.

DOCUMENTS TO BE PRODUCED

When giving or sending the civil partnership notice forms to the registrar each of you must supply the following:

- Your birth certificate.
- If you have been married or in a registered civil partnership before and the marriage or civil partnership has been dissolved or annulled, a decree of divorce or dissolution or annulment or a certified copy decree. A decree of divorce or dissolution granted outwith Scotland must be absolute or final - a decree nisi is not acceptable.
- If your spouse or civil partner is deceased, the death certificate of your former spouse or civil partner.
- If any of these documents is in a language other than English, a certified translation in English must also be provided.

- Do not delay giving notice simply because you are waiting for any of the documents mentioned above to come to hand. If time is getting short it is better to give notice first and then pass the documents to the registrar when they become available; but they must be made available to the registrar before the civil partnership registration. Provided the documents are in order the civil partnership registration can proceed as arranged.

If you are subject to immigration controls you may have to provide extra documentation to that outlined above. If you are in any doubt about what is required, or if you need further information, you should consult the registrar or write to NRS at the address shown at the start of this leaflet.

MAKING ARRANGEMENTS FOR THE CIVIL PARTNERSHIP REGISTRATION

It is important to make early arrangements for the date and time of your civil partnership registration.

- Make advance arrangements with the registrar. This is particularly important if the civil partnership registration is to be in a registration office or at a place agreed with the local Council in towns and cities, where large numbers of people may want to register civil partnerships at certain times of the year.
- Arrange for two persons, aged 16 years or over, to be present at your civil partnership registration to act as witnesses.
- Be sure to let the registrar know if you change your plans or decide to postpone your civil partnership registration.

THE CIVIL PARTNERSHIP SCHEDULE

When the registrar is satisfied there is no legal impediment to the civil partnership registration, he/she will prepare a Civil Partnership Schedule from the information you have given him/her. The Schedule is a most important document - **no civil partnership registration can proceed without it.**

- The registrar will bring with him/her the Civil Partnership Schedule.
- Both parties must confirm that (to the best of their knowledge) the particulars set out in the Civil Partnership Schedule are correct. The Civil Partnership Schedule must then be signed by both parties, by the registrar registering the civil partnership and by the two witnesses. Thereafter, the registrar will use the Civil Partnership Schedule to enter the relevant information in his/her civil partnership register.
- A fee for the civil partnership registration and, if applicable, for the attendance of an authorised registrar at an agreed place is payable to the registrar in advance.

CIVIL PARTNERSHIP REGISTRATION CERTIFICATE

After the civil partnership registration has been registered you can obtain copies of the civil partnership registration certificate from the registrar on payment of the appropriate fee.

DEGREES OF RELATIONSHIP WITHIN WHICH CIVIL PARTNERSHIP REGISTRATION IS UNLAWFUL

1. Relationships by consanguinity

A man may not form a civil partnership with his:

Father
Son
Grandfather
Grandson
Brother
Uncle
Nephew
Great-grandfather
Great-grandson

A woman may not form a civil partnership with her:

Mother
Daughter
Grandmother
Granddaughter
Sister
Aunt
Niece
Great-grandmother
Great-granddaughter

2. Relationships by affinity – see note below

A man may not form a civil partnership with his:

Former wife's son or grandson
Former civil partner's son or grandson
Mother's or grandmother's former husband
Father's or grandfather's former civil partner

A woman may not form a civil partnership with her:

Former husband's daughter or granddaughter
Former civil partner's daughter or granddaughter
Father's or grandfather's former wife
Mother's or grandmother's former civil partner

3. Relationships by adoption

A man may not form a civil partnership with his:

Adoptive father or former adoptive father
Adopted son or former adopted son

A woman may not form a civil partnership with her:

Adoptive mother or former adoptive mother
Adopted daughter or former adopted daughter

Note:

Parties related within the degrees listed at 2 must be 21 years of age or over at the time of the civil partnership registration and the younger party must not, before his or her 18th birthday, have lived in the same household as the other party and been treated by that person as a child of the family.

In the case of a party to a civil partnership registration whose gender has become the acquired gender under the Gender Recognition Act 2004 any reference to a former wife or husband includes (respectively) any former husband or former wife.