

8 CIVIL PARTNERSHIP ACT 2004 (AN369-2005)

An intention to bring forward a Civil Partnership Bill was announced in the Queen's Speech on 26th November 2003. The Civil Partnership Bill duly received Royal Assent on Thursday 18th November 2004, to become the Civil Partnership Act 2004. 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 which they may do by registering as civil partners of each other provided:-

they are of the same sex;
they are not related in a forbidden degree;
both have attained the age of 16;
neither is married or already in civil partnership; or
neither is incapable of understanding the nature of civil partnership.

The administrative process for Civil Partnerships in Scotland will be very similar to that for civil marriage applications but the only legal requirement for a Local Authority is to arrange for couples of the same sex to sign a register after complying with the administrative requirements set out in the Act.

It is recommended that in Dundee the actual registration process should, if requested, take the form of a Civil Partnership Ceremony, much in the same manner as a Civil Wedding. Most Councils in Scotland are proposing to offer Civil Partnership Ceremonies if requested. The City Registrar has already received requests for Civil Partnership Ceremonies and there is evidence that a number of same sex couples from Dundee already choose to have (unofficial) civil ceremonies outside the Dundee area. It is also recommended that the fee for Civil Partnership Ceremonies should be set at the same level as the fees for civil weddings in Dundee.

Civil Partnership Ceremonies may be held at the Registrars Office or any other place agreed with the City Registrar, so long as the primary purpose of the location is not religious and it is suggested that premises already licensed for Civil Weddings be designated as acceptable, and that for any new venues, the same criteria as for Civil Weddings be adopted.

All Registrar's staff have been consulted on the implications of this legislation, and all have confirmed they are willing to conduct ceremonies if requested. Notwithstanding that, should any of them decide in future that they did not wish to conduct such ceremonies they would not be compelled to do so. Such refusal would not disbar them from consideration for promoted posts in the future.

It is anticipated that regulations and formal guidance will be put in place by the Scottish Executive to allow Civil Partnerships to be entered into by December 2005.

The Committee's instructions are requested.