Executive Note

DRAFT :The Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2006

The above instrument is made in exercise of the powers conferred by section 259(1) to (3) of the Civil Partnership Act 2004. This instrument is subject to affirmative resolution procedure.

Policy Objective

The purpose of the instrument is to make consequential amendments to primary legislation to take account of civil partners. The instrument will come into effect on 30th June 2006.

The Civil Partnership Act 2004 came into force across the whole of the UK on 5 December 2005. The Act aimed to give social and legal inclusion to couples in same-sex relationships. It provided for legal recognition to same-sex relationships, giving people in these relationships access to rights and duties towards each other on the same basis as married couples if such couples have entered into a civil partnership. Schedule 28 of the 2004 Act sets out consequential amendments required to Scottish primary legislation to take account of the new relationship of civil partners. These amendments pick up instances where spouses have a particular right or responsibility and, where it is appropriate, extends these to apply to civil partners.

Given the extent to which the status of marriage is embedded in existing legislation, however, Schedule 28 has not picked up every instance where a consequential amendment is required to take account of civil partners. Section 259 of the Act gives Scottish Ministers an Order making power to make further such amendments as required.

The Civil Partnership Act 2004 (Consequential Amendments) (Scotland) Order 2006 provides for consequential amendments to be made to the following items of primary legislation:

- The Agricultural Holdings (Scotland) Act 1991
- The Title Conditions (Scotland) Act 2003

Financial Effects

This instrument has no financial effects on the Scottish Executive, local government or on business.

Scottish Executive, Justice Department
May 2006