



CIVIL PARTNERSHIP REGISTRATION IN SCOTLAND

(NOTES)
to Form CP10

GUIDANCE NOTES TO HELP YOU COMPLETE THE CIVIL PARTNERSHIP NOTICE APPLICATION FORM CP10

(These notes are not part of the form CP10 prescribed under the Civil Partnership Act 2004)

If you are planning to register your civil partnership in Scotland, please read these notes carefully

NOTE 1 - HOW AND WHEN TO GIVE NOTICE *To help you complete Section A1*

Fill in your proposed date of civil partnership registration at A1. Remember that by law both parties to a proposed civil partnership registration must submit civil partnership notice forms to the registrar of the district in which the civil partnership registration is to take place, informing the registrar of their intention to do so. This means that both parties must be aware of the proposed civil partnership registration and independently complete and sign the declaration on the civil partnership notice form. Failure to give proper notice can result in a civil partnership registration being postponed or prevented from proceeding. Notice must be given in the three-month period prior to the date of civil partnership registration and **NOT LATER THAN 15 DAYS BEFORE THE DATE OF REGISTRATION OF THE CIVIL PARTNERSHIP.**

Timing is important. You must submit the notices early enough to enable the registrar to be satisfied that you are free to register a civil partnership. Normally notices should be in the registrars 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.

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.

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 is necessary to finalise arrangements with the registrar. Personal attendance is necessary at this stage because the registrar will need further information before the civil partnership registration can proceed.

When you give notice you will be required to sign a declaration to the effect that the information given on your notice is correct. **As a safeguard against simultaneous marriage and/or civil partnership the Registrar General makes a subsequent check of the information.** Do not delay giving notice simply because you are waiting for any of the documents mentioned at note 7 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 in advance of the civil partnership registration. Provided the documents are in order the civil partnership registration can proceed as arranged.

NOTE 2 - PLACE OF CIVIL PARTNERSHIP REGISTRATION *To help you complete Section A2*

A civil partnership may be registered only by a 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 which the relevant local council agrees to. Therefore, it is important that you contact, as early as possible, the registrar for the registration district in which you want to register your civil partnership.

Each of you must submit a civil partnership registration notice, along with the required documents (see note 7) and the appropriate fee, to the **registrar for the district in which the civil partnership registration is to take place.**

You can obtain civil partnership registration notice forms, and information about what the civil partnership registration will cost, from any registrar of births, deaths and marriages in Scotland. You can get the address of your local registrar from the phone book or the GROS website www.gro-scotland.gov.uk.

NOTE 3 - STATUS *To help you complete Section B*

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 the Civil Partnership in Scotland 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 what it is to register a civil partnership and of consenting to do so.

NOTE 4 – ABOUT YOUR FATHER/PARENT OR MOTHER/PARENT

To help you complete Sections C and D

In completing these questions, "parent" is as defined by the Human Fertilisation and Embryology Act 2008 in relation to same-sex parents. It also relates to same-sex adoptive parents. The use of "parent" is confined to these circumstances only and does not, for example, apply to "step-parent".

NOTE 5 – ABOUT YOUR PARENTS

To help you complete Section E

The questions are asked to enable the registrar to insert your mother's maiden surname appropriately in your Civil Partnership Schedule.

NOTE 6 - OTHER PARTY TO THE CIVIL PARTNERSHIP

To help you complete Section F

Each of you must complete a civil partnership registration notice to be submitted to the registrar.

NOTE 7 - DOCUMENTS YOU WILL NEED TO PRODUCE

To help you complete Section G

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

G25 Your genuine **birth** certificate. An unauthorised photocopy is not acceptable. If you are unable to produce your birth certificate, state the reason.

G26 If you have been married or have been in a civil partnership before and the marriage or civil partnership ended in divorce, annulment or dissolution, a certificate of **divorce** or **annulment** or a **certified copy decree** or **decree of dissolution**. A decree of divorce granted outwith

Scotland must be absolute or final - a decree nisi is not acceptable. If you have been married or have been in a civil partnership more than once, only the document relating to the termination of the most recent marriage or civil partnership is required. If you are unable to produce the official decree of divorce, annulment or dissolution, state the reason for not doing so. The registrar will require proof of the termination of the earlier marriage or civil partnership.

G27 If your former spouse or civil partner is deceased, the **death certificate** of your former spouse or civil partner. If you are unable to produce a death certificate of your previous spouse or civil partner, state the reason for not doing so. The registrar will require proof of the death.

If any document is in a language other than English, you must also provide a certified translation into English.

If you are domiciled outside the UK you must follow the normal procedure of giving notice to the registrar in Scotland, but you may have to provide extra documentation.

If you are in any doubt about what is required, or if you need further information, you should consult the registrar or write to the General Register Office for Scotland at the address shown at the end of these notes.

NOTE 8 – 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 registration Schedule from the information you have given. 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 registration Schedule. The Civil Partnership Schedule must be signed by both parties, by the registrar and by the two witnesses. Thereafter, the registrar will use the Civil Partnership Schedule to enter the relevant information in the 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.

NOTE 9

Be sure to let the registrar know if you change your plans or decide to postpone your civil partnership registration.

For further information:

Contact any local registrar of births, deaths and marriages; or Marriage/Civil Partnership Section, General Register Office for Scotland, New Register House, Edinburgh EH1 3YT.

Telephone: +44 (0)131 314 4447 email: civilpartnership@gro-scotland.gsi.gov.uk.

NOTE:- Forms and documents should be sent to the registrar in the district where the proposed civil partnership registration is to take place and not to Marriage/Civil Partnership Section, New Register House.