

Report to:	Corporate Resources Committee
Date of Meeting:	29 June 2005
Report by:	Executive Director (Corporate Resources)

Subject:	Civil Partnerships (Scotland) Act 2004
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1 Purpose of Report

1.1 The purpose of the report is to:-

- ◆ Advise Members that as from December 2005, individuals of the same sex will be able to enter into legally binding partnership agreements.

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) that the introduction of the Civil Partnership (Scotland) Act 2004 be noted; and
- (2) that Members agree to implement the legislation in relation to Civil Partnership Agreements and approve the carrying out of ceremonies associated with the commitment to enter into such partnerships.

3 Background

- 3.1 Members may be aware that prior to this Act, a number of authorities carried out "Commitment Ceremonies", where individuals of the same sex demonstrated commitment to each other by having a Commitment Ceremony. These Ceremonies at present have no legal standing.
- 3.2 From 5 December 2005, couples of the same sex will be able to enter into legally binding partnership agreements. These partnership agreements involve the signing of "The Civil Partnership Book" before a Registrar and two witnesses.
- 3.3 The legislation obliges local authorities to make arrangements for the Register to be signed in the presence of a Registrar and two witnesses. To comply with the Council's Equal Opportunities Policy, the Council should carry out ceremonies as well as arranging for the Register to be signed. Such ceremonies would contain readings, music and words of commitment. Although similar in style to a marriage ceremony, the words read by the Registrar would be amended to suit a Civil Partnership.
- 3.4 The Civil Partnership carries the status of a legally binding Partnership. Any party wishing to leave the partnership would require to apply to the Courts for dissolution of the Partnership (similar to anyone wishing to dissolve a marriage). To enter into a Civil Partnership the parties -

- a) must be over 16 years of age
- b) cannot already be married or (after the legislation is in force) be in a Civil Partnership
- c) cannot be related in a forbidden degree, e.g. brothers or sisters etc.

3.5 While the Civil Partnership in itself is not a 'marriage', South Lanarkshire Council would not be in a position to comply with their Equal Opportunities Policy if ceremonies are not offered as an option to same sex couples.

4 Employee Implications

4.1 There will be an increased workload to accommodate Civil Partnerships. At present there is no indication of the level of uptake by same sex couples.

5 Financial Implications

5.1 This could result in increased revenue to the Council.

6 Other Implications

6.1 None.

7 Consultation

7.1 Consultation has taken place with staff involved prior to this Report being prepared and an informal consultation with the Trade Union.

Alan Cuthbertson
Executive Director (Corporate Resources)

15 June 2005

Link(s) to Council Objectives

- ◆ Equal Opportunities
- ◆ Living in the Community

Previous References

None

List of Background Papers

None

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

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