

Minister for Local Government and Community Empowerment
Marco Biagi MSP

T: 0300 244 4000
E: scottish.ministers@gov.scot



Ms Arlene Foster
DFP Private Office
2nd Floor, Claire House
303 Airport Road West
Belfast
BT3 9ED



By email to: private.office@dfpni.gov.uk

Your ref: COR/1245/2015
Our ref: 2015/0031465

24 November 2015

Dear Ms Foster

**ORDER UNDER SECTION 9 OF THE MARRIAGE AND CIVIL PARTNERSHIP
(SCOTLAND) ACT 2014: CIVIL PARTNERSHIPS REGISTERED OUTWITH SCOTLAND
CHANGING TO MARRIAGE IN SCOTLAND**

Thank you for your letter of 4 September 2015. I apologise for the delay in responding.

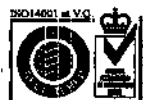
I have considered the issues very carefully but concluded that it would not be appropriate to exclude civil partnerships registered in Northern Ireland from the Order. The Order has now been agreed by Parliament and will come into force shortly.

We recognise the first point you make on uncertainties. As you know, we have produced guidance for couples which says that it is not certain how their relationship will be recognised in the jurisdiction which registered their civil partnership and indicates that they may wish to obtain their own legal advice.

On your second point, Articles 6 and 7 of the Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (SI 2014/3229) makes provision on the treatment of Scottish same sex marriages in Northern Ireland. Article 6 of the Order provides that under the law of Northern Ireland, a Scottish marriage of a same sex couple is to be treated as a civil partnership registered in Scotland. This Order was made by UK Ministers and the Scottish Ministers cannot change it.

However, my officials asked UK officials in June of this year whether SI 2014/3229 should be changed so that a couple in a Northern Ireland civil partnership who change their relationship to marriage in Scotland would still be treated as being in their Northern Ireland civil partnership in Northern Ireland.

St Andrew's House, Edinburgh EH1 3DG
www.gov.scot



Clearly, it would remain the case that any dissolution in Northern Ireland of their relationship would be treated as ending the marriage in Scotland.

As I say, changes to SI 2014/3229 are not in the gift of the Scottish Ministers as this SI is outwith our jurisdiction.

On your final point, my officials have indicated that they would be happy to take part in UK-wide discussions with the Secretariat to the Gender Recognition Panel about the gender recognition implications of a couple in a civil partnership registered in Northern Ireland changing their relationship to marriage in Scotland. I am aware that officials from the UK Ministry of Justice are currently setting this meeting up.



MARCO BIAGI