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Equalities, Human Rights and Civil Justice Committee

The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (Application to Civil Partnerships and Consequential Provision) Order 2023 [draft]



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Equalities, Human Rights and Civil Justice Committee

To consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- a. matters relating to equal opportunities, and upon the observance of equal opportunities within the Parliament; and
- b. matters relating to human rights.
- c. matters relating to civil justice within the responsibility of the Cabinet Secretary for Justice and Veterans.

2. In these Rules

(a) “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions; and

(b) “human rights” includes Convention rights (within the meaning of section 1 of the Human Rights Act 1998) and other human rights as for example contained in any international convention, treaty or other international instrument ratified by the United Kingdom.



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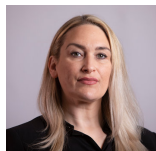
Committee Membership



Convener
Kaukab Stewart
Scottish National Party



Deputy Convener
Maggie Chapman
Scottish Green Party



Karen Adam
Scottish National Party



Pam Gosal
Scottish Conservative
and Unionist Party



Rachael Hamilton
Scottish Conservative
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Scottish National Party



Paul O'Kane
Scottish Labour

Introduction

1. At its meeting on 30 May 2023, the Equalities, Human Rights and Civil Justice Committee considered the following instrument:
 - The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (Application to Civil Partnerships and Consequential Provision) Order 2023 [draft]
2. The instrument is subject to the affirmative procedure (Rule 10.6).

The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (Application to Civil Partnerships and Consequential Provision) Order 2023 [draft]

3. The draft SSI was laid before the Scottish Parliament on 15 May 2023 and referred to the Equalities, Human Rights and Civil Justice Committee.
4. This draft instrument is to be made under powers in the Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (“the 2011 Act”) and the Marriage and Civil Partnership (Scotland) Act 2014.
5. The instrument seeks improvements in service delivery, improved outcomes for service users, and deliver longer term efficiencies. Therefore, reform of summary and solemn fees alongside support for other aid types are both essential elements of the instrument.
6. The purpose of this instrument is to extend civil measures intended to protect a person from forced marriage to forced civil partnerships. To achieve this, the instrument:
 - amends part 1 of the 2011 Act so that forced marriage protection orders can cover forced civil partnerships,
 - amends the definition of “marriage” in the 2011 Act so it covers belief marriages as well as religious and civil marriages and;
 - inserts a definition of “civil partnership” that includes a purported civil partnership.
7. The instrument also amends section 28A(7) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, in relation to the register of divorces operated by National Records of Scotland, so that the references to declarators of nullity of marriage in section 28A are read to include declarators granted by a sheriff.

Delegated Powers and Law Reform Committee consideration

8. The Delegated Powers and Law Reform Committee (DPLR) considered the instrument at its meeting on [23 May 2023](#) and agreed that it did not need to draw the Parliament's attention to the instrument on any grounds within its remit.

Equalities, Human Rights and Civil Justice Committee consideration

9. It is for the Equalities, Human Rights and Civil Justice Committee to recommend to the Parliament whether the instrument should be approved.
10. The Cabinet Secretary for Social Justice ("the Cabinet Secretary"), Shirley-Anne Somerville MSP, has, by motion [S6M-08951](#) proposed that the Committee recommends the approval of the instrument.
11. The Committee took evidence from the Cabinet Secretary at its meeting on 30 May 2023.
12. Following the evidence session, the Cabinet Secretary moved motion S6M-08951—That the Equalities, Human Rights and Civil Justice Committee recommends that The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (Application to Civil Partnerships and Consequential Provision) Order 2023 [draft] be approved.
13. The motion was agreed to without division or dissent.

The Equalities, Human Rights and Civil Justice Committee recommends that The Forced Marriage etc. (Protection and Jurisdiction) (Scotland) Act 2011 (Application to Civil Partnerships and Consequential Provision) Order 2023 [draft] be approved.

