

LOCAL ELECTORAL ADMINISTRATION AND REGISTRATION SERVICES (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Part 2: Registration Services

Marriages and civil partnerships: procedure

Section 48 Marriage procedure: marriages at sea

112. Subsection (1) refers to the Marriage (Scotland) Act 1977 (“the 1977 Act”), which is the principal Scottish marriage legislation.
113. Subsection (2) defines the “district registrar” in line with the changes made by section 37 of the Act. It also makes special provision for the definition of the “district registrar”, where the marriage is to be solemnised in Scottish waters. The Marriage (Scotland) Act 2002 allowed civil marriages to be solemnised by registrars in a wide range of approved places, including on vessels. Marriage on board a vessel at sea between 2 places led to difficulty in determining the registration district in which the marriage was solemnised. Subsection (2) provides that any district registrar can accept notification of intention to marry, in the case of a religious marriage. In the case of a civil marriage, notification has to be given to the district registrar for the registration district which is to provide the registrar who will solemnise the marriage. Transitional provision was also made for marriage notices generally by article 4 of [S.S.I. 2006/469](#).
114. Subsection (3) makes similar provision for the definition of the district registrar who will record the intended marriage in the marriage notice book and the list of intended marriages.
115. Subsection (4) deals with what happens when arrangements for a marriage change and the marriage is taking place at sea rather than in a registration district or vice-versa. It allows the Registrar General to decide whether a new marriage schedule needs to be issued, or whether the new location can be substituted in the marriage schedule, or whether the couple have to submit a new marriage notice.
116. Subsection (5) provides that, where a marriage has been solemnised in Scottish waters, it should be registered in the district of the registrar who issued the initial marriage schedule.
117. Subsection (6) adds to the choice of places at which civil marriage may be solemnised, an approved vessel, while in Scottish waters. It defines “approved vessel” as a vessel approved by the local registration authority whose registrar will solemnise the marriage. This parallels the arrangements for approving other places outwith registration offices at which marriages can be solemnised.

These notes relate to the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) which received Royal Assent on 1 August 2006

118. Subsection (7) widens Scottish Ministers' regulation-making powers concerning the approval by local authorities of places in their areas where civil marriages may be solemnized. The amendments ensure that regulations can cover vessels operating in Scottish waters, as well as places on dry land.
119. Subsection (8) ensures that a marriage taking place on an approved vessel in Scottish waters is properly registered by the authorised registrar.
120. Subsection (9) makes various provisions for interpretation, deleting the definition of "district registrar" which is no longer required, defining "Scottish waters" in line with the Scotland Act 1998, defining the meaning of "vessel" as a vehicle or other structure and defining exactly when a vessel is part of a registration district (e.g. when it is berthed) and when it is in Scottish waters.
121. [Section 48](#) was brought fully into force on 1st January 2007. The Marriage (Approval of Places) (Scotland) Amendment Regulations 2006 ([S.S.I.2006/573](#)) implemented this section with effect from that date to provide for new arrangements for the approval of vessels on board which civil marriages may be solemnised, in particular in Scottish waters.