



Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

PART 2

REGISTRATION SERVICES

Marriages and civil partnerships: procedure

48 Marriage procedure: marriages at sea

- (1) The 1977 Act is amended in accordance with subsections (2) to (9).
- (2) In section 3 (submission of notice of intention to marry), after subsection (5) there is inserted—
 - “(6) In this section, “the district registrar” means—
 - (a) where the marriage is to be solemnised in a registration district, the district registrar for that district;
 - (b) where the marriage is to be solemnised in Scottish waters—
 - (i) in the case where the marriage is to be solemnised by an approved celebrant, the district registrar for any registration district;
 - (ii) in the case where the marriage is to be solemnised by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.
- (3) In section 4 (marriage notice book and list of intended marriages), after subsection (4) (as inserted by section 49(b)) there is inserted—
 - “(5) In this section and sections 5 and 6 of this Act, “the district registrar” means—
 - (a) where the marriage is to be solemnised in a registration district, the district registrar for that district;
 - (b) where the marriage is to be solemnised in Scottish waters—
 - (i) in the case where the marriage is to be solemnised by an approved celebrant, the district registrar to whom the

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- marriage notices or approved certificates in respect of the marriage were submitted;
- (ii) in the case where the marriage is to be solemnised by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.
- (4) In section 6 (issuing of Marriage Schedule), in subsection (7)—
- (a) after “district”, where first occurring, there is inserted “, is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters”; and
 - (b) in paragraph (a), the words “for the district in which the marriage is to be solemnised” are repealed.
- (5) In section 15 (registration of religious marriage), after subsection (4) there is inserted—
- “(5) In this section and section 16 of this Act, “the district registrar” means—
- (a) where the marriage has been solemnised in a registration district, the district registrar for that district;
 - (b) where the marriage has been solemnised in Scottish waters, the district registrar who issued the Marriage Schedule in respect of the marriage.”.
- (6) In section 18 (places at which civil marriages may be solemnised)—
- (a) in subsection (1)—
 - (i) at the end of paragraph (a), “or” is repealed; and
 - (ii) at the end of paragraph (b), there is inserted “; or
 - (c) on or in an approved vessel, while in Scottish waters.”; and
 - (b) after subsection (6) there is inserted—

“(7) For the purposes of this section, “approved vessel” means a vessel approved by virtue of regulations made under section 18A of this Act, by the home local authority.

(8) In subsection (7) above, the “home local authority” means the local authority which is the local registration authority for the authorised registrar’s registration district.”.
- (7) In section 18A (approved places regulations)—
- (a) in subsection (1)—
 - (i) the words “of places in their areas in which civil marriages may be solemnised” become paragraph (a); and
 - (ii) at the end of that paragraph there is inserted “; or
 - (b) of vessels on or in which, while they are in Scottish waters, their authorised registrars may solemnise marriages.
 - (1A) For the purposes of subsection (1)(b) above, a local authority’s authorised registrars are the authorised registrars for whose registration district the local authority is the local registration authority.”;
 - (b) in subsection (2)—

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- (i) in paragraph (a), after “place” there is inserted “or vessel”;
 - (ii) in paragraph (c), after “places” there is inserted “or vessels”;
 - (iii) in paragraph (f)(i), after “places” there is inserted “or vessels”; and
 - (iv) in paragraph (j), after “places” there is inserted “and vessels”; and
- (c) in subsection (9), for the words from the beginning to “instrument”, where secondly occurring, there is substituted “Subject to subsection (10) below, a statutory instrument containing regulations made under subsection (1) above”.
- (8) In section 19 (registration of civil marriage)—
- (a) for paragraphs (a) and (b) of subsection (4) there are substituted—
 - “(a) in a case where the marriage has been solemnised by the authorised registrar—
 - (i) in his registration office;
 - (ii) in any such place as is mentioned in section 18(3) of this Act;
 - (iii) at an approved place in his district; or
 - (iv) in or on an approved vessel in Scottish waters,that authorised registrar;”
 - (b) in a case where the marriage has been solemnised by the authorised registrar—
 - (i) in the registration office of another authorised registrar; or
 - (ii) at an approved place in the district of another authorised registrar,that other authorised registrar;” and
 - (b) after subsection (4) there is inserted—
 - “(5) In this section, “approved place” and “approved vessel” have the meanings given to those expressions, respectively, by subsections (6) and (7) of section 18 of this Act.”.
- (9) In section 26 (interpretation)—
- (a) in subsection (1), for “subsection (2)” there is substituted “subsections (2) and (2A)”;
 - (b) in subsection (2)—
 - (i) the definition of “district registrar” is repealed; and
 - (ii) after the definition of “religious body” there are inserted the following definitions—
 - ““Scottish waters” means the area comprising such of the internal waters and territorial sea of the United Kingdom as are within Scotland (“Scotland” having the meaning given by section 126(1) and (2) of the Scotland Act 1998 (c. 46)), other than any area which is part of a registration district;
 - “vessel” includes any—
 - (a) vehicle; or
 - (b) other structure.”;
 - (c) after subsection (2) there is inserted—
 - “(2A) For the purposes of this Act—

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- (a) the seaward boundary of a registration district which extends into the sea shall, subject to paragraph (b) below, be the low water mark of the ordinary spring tide;
- (b) a vessel which is below the low water mark of the ordinary spring tide is to be regarded as within a registration district if it is—
 - (i) positioned adjacent to land which is within the district;
 - (ii) affixed to the land for the purpose of maintaining its position; and
 - (iii) so positioned for the purpose of enabling access to and from the land;
- (c) a jetty or similar structure which is partly above the low water mark of the ordinary spring tide and partly below that mark is to be regarded as being wholly above that mark.”.

49 Marriage procedure: miscellaneous amendments

In section 4 of the 1977 Act (notice of intended marriages)—

- (a) for subsection (2) there is substituted—

“(2) The district registrar shall maintain a list of the intended marriages in respect of which he has received a marriage notice or an approved certificate (the “district list”).

(2A) Subject to subsection (2B) below, the district list shall be displayed in a conspicuous place at the registration office.

(2B) If the registration office comprises more than one set of premises, it shall be sufficient for the purpose of subsection (2A) above if the district registrar displays the list in a conspicuous place at the principal premises only.

(2C) The district registrar shall, as soon as practicable after he has received a marriage notice or an approved certificate in relation to an intended marriage—

- (a) make an entry in the district list containing the relevant particulars of the marriage; and
- (b) provide (in such form and by such means as the Registrar General thinks fit) the relevant particulars of the marriage to the Registrar General.

(2D) The Registrar General shall maintain a list of proposed marriages in Scotland (the “Scottish list”).

(2E) The Registrar General shall make the Scottish list available for public inspection (at such locations, by such means and in such forms as the Registrar General thinks fit).

(2F) The Registrar General shall, as soon as practicable after the relevant particulars of a marriage are provided to him under subsection (2C)(b) above, make an entry in the Scottish list containing those particulars.

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- (2G) An entry in a district list or the Scottish list shall remain in that list until the proposed date of the marriage to which it relates has elapsed.”; and
- (b) after subsection (3) there is inserted—

“(4) For the purpose of this section, the relevant particulars of a marriage are such particulars, extracted from the marriage notice book, as may be prescribed.”.

50 Marriage procedure: electronic communications

- (1) The 1977 Act is amended in accordance with subsections (2) to (10).

- (2) In section 3 (submission of notice of intention to marry)—

- (a) in subsection (1), for “accompanied by” there is substituted “and”;
- (b) in subsection (3), for “attach to that document” there is substituted “also submit”; and
- (c) after subsection (3), there is inserted—

“(3A) A person submitting a notice under subsection (1) above shall make and attest in the prescribed manner the necessary declaration (the form for which shall be included in any form prescribed for the notice).

(3B) The necessary declaration is a declaration that the person submitting the notice believes that the parties to the marriage are eligible to be married to each other.”.

- (3) In section 5 (objections to marriage)—

- (a) in subsection (1)—
- (i) for “be accompanied by” there is substituted “not be treated as submitted until there has also been produced to the registrar”; and
- (ii) for “signed” there is substituted “attested in the prescribed manner”; and
- (b) after subsection (1) (submission in writing of objection to marriage) there is inserted—

“(1A) For the purpose of subsection (1) above, an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

- (4) In section 6 (issuing of Marriage Schedule), after subsection (4) there is inserted—

“(4A) For the purpose of subsection (4)(a)(i) above, a request which is made by electronic means is to be treated as being written if it is received in a form which is legible and capable of being used for subsequent reference.”.

- (5) In section 7 (marriage outside Scotland where a party resides in Scotland), after subsection (3) there is inserted—

“(4) For the purpose of subsection (3) above, an objection which is submitted by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(6) In section 9 (registration of nominated persons as celebrants), after subsection (5) there is inserted—

“(5A) For the purpose of subsection (5)(b) above, notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(7) In section 10 (removal of celebrant’s name from register), after subsection (2) there is inserted—

“(2A) For the purpose of subsection (2) above, notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(8) In section 12 (temporary authorisation of celebrants)—

- (a) the existing section becomes subsection (1) of that section; and
- (b) after that subsection there is inserted—

“(2) For the purpose of subsection (1) above, an authorisation which is issued by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.”.

(9) In section 19 (marriage ceremony and registration of marriage), after subsection (1) there is inserted—

“(1A) For the purpose of subsection (1) above, a request which is made by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.”.

(10) After section 24 there is inserted—

“24A Form, and manner of attestation, of documents

- (1) Regulations prescribing the form of a document may, unless the document requires to be signed, make provision for the document to be electronic rather than paper-based.
- (2) Regulations prescribing the manner in which a document requires to be attested may make different provision for different cases or circumstances.”.

51 Civil partnership procedure: registrations at sea

In section 93 of the 2004 Act (place of registration)—

- (a) in subsection (2), for the words from “outwith” to the end there is substituted “—
 - (a) in a registration district other than that of the authorised registrar carrying out the registration, or
 - (b) in or on Scottish Waters.”; and
- (b) after subsection (4) there is inserted—

“(5) “Scottish Waters” has the meaning given by section 26(2) of the Marriage (Scotland) Act 1977 (c. 15).”.

52 Civil partnership procedure: miscellaneous amendments

- (1) The 2004 Act is amended in accordance with subsections (2) to (7).
- (2) In section 88 (notice of proposed civil partnership)—
 - (a) in subsection (1), the words “and accompanied by the prescribed fee” are omitted;
 - (b) in subsection (2), for the words from the beginning, to the end of paragraph (a), there is substituted—

“Each of the intended civil partners must also pay the prescribed fee and submit the following documents—

 - (a) that person’s birth certificate,”;
 - (c) in subsection (5), for “sign” there is substituted “attest in the prescribed manner”; and
 - (d) after subsection (5) there is inserted—

“(5A) Regulations prescribing the form of the notice of proposed civil partnership may make provision for the notice to be electronic rather than paper-based.”.
- (3) In section 90 (publicisation of proposed civil partnership), in subsection (1)—
 - (a) for “submitted to” there is substituted “received by”;
 - (b) for “the day on which they are submitted” there is substituted “such receipt”;
 - (c) for “submitted”, where thirdly occurring, there is substituted “received”; and
 - (d) for “the day on which the first is submitted” there is substituted “the first is received”.
- (4) In section 92 (objections to registration)—
 - (a) after subsection (1) there is inserted—

“(1A) For the purpose of subsection (1), an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”; and
 - (b) in subsection (2)—
 - (i) for “be accompanied by” there is substituted “not be treated as submitted until there has also been produced to the registrar”; and
 - (ii) for “signed” there is substituted “attested in the prescribed manner”.
- (5) After section 95 there is inserted—

“95A Validity following entry in civil partnership register

- (1) Subsection (2) applies where the particulars set out in a civil partnership schedule signed in accordance with section 85 are entered in the civil partnership register in pursuance of section 95(2).
- (2) The validity of the registration as civil partners to which the schedule relates is not to be questioned in any legal proceedings on the ground of failure to comply with a requirement or restriction imposed by or under this Part.
- (3) Subsection (2)—
 - (a) is subject to section 85(2), and

(b) does not prejudice section 100.”.

(6) For section 98 (application of certain sections of 1965 Act to civil partnership register) there is substituted—

“98 Application of certain provisions to civil partnerships

(1) The following sections of the 1965 Act apply in relation to the civil partnership register as they apply in relation to the registers of births, marriages and deaths—

- (a) section 34 (examination and transmission of registers),
- (b) section 38(1) and (2) (search of indexes kept by Registrar General),
- (c) section 39C (provision of information to district registrars), and
- (d) section 44 (Register of Corrections Etc.).

(2) Section 39A of the 1965 Act (notice of registration events to third parties) applies in relation to a civil partnership as it applies in relation to a marriage.

(3) In that application, the reference in section 39A(2)(c) to the marriage having been registered in accordance with section 15 or 19 of the Marriage (Scotland) Act 1977 (c. 15) is to be read as a reference to the particulars of the formation of the civil partnership having been entered in the civil partnership register under section 95(2) of this Act.”.

(7) In section 122 (registration of dissolution of civil partnership), after subsection (6) there is inserted—

“(7) Section 39C of the 1965 Act applies in relation to the Register of Dissolutions of Civil Partnership as it applies in relation to the Register of Divorces.”.

53 Provision of information about civil partnerships for certain purposes: fees

(1) In section 10B of the Savings Bank Act 1887 (c. 40) (civil partnership certificates: Scotland), in subsection (2), after “Scotland” there is inserted “and on payment of the sum of £8.50”.

(2) In section 124B of the Social Security Administration Act 1992 (c. 5) (provisions relating to civil partnership: Scotland), after “behalf,” there is inserted “and on payment of the sum of £8.50,”.

(3) In Schedule 3 to the Public Expenditure and Receipts Act 1968 (c. 14)—

- (a) in the entry for the Savings Bank Act 1887, for “section 10” there is inserted “sections 10 and 10B(2)”; and
- (b) in the entry for the Social Security Administration Act 1992, for “section 124(3)” there is inserted “sections 124(3) and 124B(1)”.