



# Family Law (Scotland) Act 2006

## 2006 asp 2

### *Marriage*

#### **2 Void marriages**

After section 20 of the Marriage (Scotland) Act 1977 (c. 15) there shall be inserted—

#### *“Void marriages*

##### **20A Grounds on which marriage void**

- (1) Where subsection (2) or (3) applies in relation to a marriage solemnised in Scotland, the marriage shall be void.
- (2) This subsection applies if at the time of the marriage ceremony a party to the marriage who was capable of consenting to the marriage purported to give consent but did so by reason only of duress or error.
- (3) This subsection applies if at the time of the marriage ceremony a party to the marriage was incapable of—
  - (a) understanding the nature of marriage; and
  - (b) consenting to the marriage.
- (4) If a party to a marriage purported to give consent to the marriage other than by reason only of duress or error, the marriage shall not be void by reason only of that party’s having tacitly withheld consent to the marriage at the time when it was solemnised.
- (5) In this section “error” means—
  - (a) error as to the nature of the ceremony; or
  - (b) a mistaken belief held by a person (“A”) that the other party at the ceremony with whom A purported to enter into a marriage was the person whom A had agreed to marry.”