



# Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

## PART 1

### MARRIAGE

#### CHAPTER 5

##### OTHER CHANGES TO MARRIAGE PROCEDURE

#### **17 Power of district registrar to require evidence of nationality: marriage**

- (1) The 1977 Act is amended as follows.
- (2) In section 3 (notice of intention to marry), after subsection (4) insert—
  - “(4A) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the parties to the marriage.
  - (4B) A requirement under subsection (4A) may be imposed at any time—
    - (a) on or after the submitting of the notice under subsection (1); but
    - (b) before the district registrar completes the Marriage Schedule.
  - (4C) In subsection (4A), “specified nationality evidence” means such evidence of that person’s nationality as may be specified in guidance issued by the Registrar General.”
- (3) In section 7 (marriage outside Scotland where a party resides in Scotland), in subsection (1) for “and (3)” substitute “, (3) and (4A) to (4C)”.

#### **18 The Marriage Schedule**

- (1) The 1977 Act is amended as follows.
- (2) In section 6 (the Marriage Schedule)—

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(a) after subsection (1) insert—

“(1A) Regulations under subsection (1) prescribing the form of the Marriage Schedule may make different provision for different cases or circumstances.”, and

(b) in subsection (4)(a), for “14 days” in both places where those words appear substitute “28 days”.

(3) In section 7(2) (issuing of certificate in respect of legal capacity to marry), for “14 days” substitute “28 days”.

(4) In section 19(1) (period between receipt of marriage notice and solemnisation of marriage), for “14 days” substitute “28 days”.

## **19 Marriage outside Scotland: evidence of dissolution of former civil partnership**

In section 7(1) of the 1977 Act (marriage outside Scotland where a party resides in Scotland), after “3(1)(a),” insert “(aa),”.

## **20 Religious marriages: solemnisation by Church of Scotland deacons**

In section 8(1)(a)(i) of the 1977 Act (solemnisation of marriage by ministers of the Church of Scotland), after “minister” insert “or deacon”.

## **21 Places at which civil marriages may be solemnised**

(1) The 1977 Act is amended as follows.

(2) In section 18 (places at which civil marriages may be solemnised)—

(a) in subsection (1)—

(i) after paragraph (a) insert—

“(aa) at an appropriate place in the registration district of the authorised registrar; or

(ab) with the approval of the Registrar General, at—

(i) the registration office of another authorised registrar;

(ii) an appropriate place in the registration district of another authorised registrar; or

(iii) an appropriate place in Scottish waters.”,

(ii) paragraph (b) (and the word “or” following it) are repealed, and

(iii) paragraph (c) is repealed,

(b) after that subsection insert—

“(1A) In this section—

“appropriate place” means a place which—

(a) the parties to the intended marriage and the local registration authority agree is to be the place of solemnisation; and

(b) is not religious premises;

“local registration authority” means—

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*Status: This is the original version (as it was originally enacted).*

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- (a) the local registration authority for the registration district which includes the place; or
    - (b) where the place is in Scottish waters, the local registration authority for the authorised registrar's registration district;
  - “religious premises” means premises which—
    - (a) are used solely or mainly for religious purposes; or
    - (b) have been so used and have not subsequently been used solely or mainly for other purposes.”, and
  - (c) subsections (2) to (8) are repealed.
- (3) Section 18A (approved places) is repealed.
- (4) In section 19 (marriage ceremony and registration of marriage)—
- (a) in subsection (4)(a)—
    - (i) for sub-paragraph (ii) substitute—
      - “(ii) at an appropriate place (within the meaning given by section 18) in the registration district of the authorised registrar; or”,
    - (ii) sub-paragraph (iii) (and the word “or” following it) are repealed, and
    - (iii) in sub-paragraph (iv), for the words “in or on an approved vessel” substitute “at an appropriate place (within the meaning given by section 18)”,
  - (b) in subsection (4)(b)(ii), for “approved place” substitute “appropriate place (within the meaning given by section 18)”, and
  - (c) subsection (5) is repealed.
- (5) In section 26(2A)(b) (seaward boundary of registration district), for “within a registration district if it” substitute “a place within a registration district if the vessel”.

## **22 Second marriage ceremony: form of endorsement**

In section 20(2)(d) of the 1977 Act (second marriage ceremony), in the form of the endorsement, the word “19” in both places where it appears is repealed.