



# Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

## PART 1

### MARRIAGE

#### CHAPTER 1

##### SAME SEX MARRIAGE

### 1 Marriage of related persons

(1) The Marriage (Scotland) Act 1977 (“the 1977 Act”) is amended as follows.

(2) In section 2 (marriage of related persons)—

(a) for subsection (1) substitute—

“(1) Subject to subsection (1A), a marriage between persons who are related to each other in a forbidden degree is void if solemnised—

(a) in Scotland; or

(b) at a time when either party is domiciled in Scotland.

(1ZA) For the purposes of subsection (1), a person is related to another person in a forbidden degree if related to that person in a degree specified in Schedule 1.”

(b) in subsection (1A), for the words from the beginning to “paragraph,” substitute “ A person who is related to another person in a degree specified in paragraph 2 of Schedule 1 (relationships by affinity) is not related to that person in a forbidden degree ”,

(c) after subsection (1A) insert—

“(1C) For the purposes of paragraph 2 of Schedule 1, “spouse” means—

(a) in the case of a marriage between persons of different sexes, a wife in relation to her husband or a husband in relation to his wife; and

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*Changes to legislation: There are currently no known outstanding effects for the Marriage and Civil Partnership (Scotland) Act 2014, Section 1. (See end of Document for details)*

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- (b) in the case of a marriage between persons of the same sex, one of the parties to the marriage in relation to the other.”,
  - (d) in subsection (7)—
    - (i) for “those provisions” substitute “ subsection (1C)(a) as it applies to paragraph 2 of Schedule 1 ”, and
    - (ii) the word “former” in each place where it appears is repealed, and
  - (e) in subsection (7A)—
    - (i) for “mother” substitute “ parent ”, and
    - (ii) the words “in either column” are repealed.
- (3) For schedule 1 substitute—

“SCHEDULE 1

(introduced by section 2)

DEGREES OF RELATIONSHIP

- (1) ***Relationships by consanguinity***
  - Parent
  - Child
  - Grandparent
  - Grandchild
  - Sibling
  - Aunt or uncle
  - Niece or nephew
  - Great-grandparent
  - Great-grandchild
- (2) ***Relationships by affinity referred to in section 2(1A)***
  - Child of former spouse
  - Child of former civil partner
  - Former spouse of parent
  - Former civil partner of parent
  - Former spouse of grandparent
  - Former civil partner of grandparent
  - Grandchild of former spouse
  - Grandchild of former civil partner
- (3) ***Relationships by adoption***
  - Adoptive parent or former adoptive parent
  - Adopted child or former adopted child.”.

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**Commencement Information**

**II** S. 1 in force at 16.12.2014 by [S.S.I. 2014/287](#), art. 3, [Sch.](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Marriage and Civil Partnership (Scotland) Act 2014, Section 1.