

EXECUTIVE NOTE

The Marriage (Approval of Places) (Scotland) Amendment Regulations 2005 (SSI 2005/657)

1. The above instrument was made in exercise of the powers conferred by section 18A(1) and (2) of the Marriage (Scotland) Act 1977. The instrument is subject to negative resolution procedure.

Policy Objectives

2. Regulation 7(2)(b) as it currently stands does not allow a local authority to approve a place for civil marriage if “the place has a recent or continuing connection with any religion or religious practice which would be incompatible with the use of the place for the solemnisation of civil marriages”. That could for example lead a local authority to conclude that it could not authorise civil marriages to take place in a village hall that is used even occasionally for religious purposes, because that would be a recent or continuing connection with religion or religious practice.

3. The policy intention is that a local authority should concentrate on the primary purpose of a place when considering whether the place should be approved for the solemnisation of civil marriages. Regulation 7(2)(b) has been redrafted to reflect this policy and allow for instance a village hall that is only occasionally used for religious purposes to be considered by the local authority as a place where the solemnisation of a civil marriage could take place.

Consultation

4. It has not been considered that any consultation is necessary. The redrafting of regulation 7(2)(b) fulfils a commitment given to the Justice 1 Committee during the Scottish Parliament’s consideration of provisions in the Civil Partnership Act 2004 that regulation 7(2)(b) should be amended to bring it into line with the “primary purpose” approach noted above, the approach taken by section 93(3) of the Civil Partnership Act 2004.

Financial Effects

5. The instrument has no financial effects on the Scottish Executive or any other organisation.

General Register Office for Scotland
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