

## **EXECUTIVE NOTE**

### **The Marriage (Approval of Places) (Scotland) Amendment Regulations 2006 SSI/2006/573**

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

#### **Policy Objectives**

These Regulations amend the Marriage (Approval of Places) (Scotland) Regulations 2002. They alter the arrangements for the approval of vessels on or in which civil marriages are to be solemnised, including in Scottish waters. The changes implement the changes to the 1977 Act made by section 48 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (“the 2006 Act”) which aim to minimize any possibility of confusion over the district in which a marriage was solemnised. This is because a vessel may be travelling between two points while the marriage ceremony is taking place.

The amendments add definitions in relation to the approval of vessels on or in which civil marriages may be solemnised in Scottish waters. These reflect definitions of “Scottish waters”, the seaward boundary of registration districts, “approved vessel” and “vessel” added to the 1977 Act by the 2006 Act. Under the amendments made by the 2006 Act, marriage in Scottish waters need no longer take place within a registration district. In future, the local authority which may approve a vessel for marriage in Scottish waters will be the local authority for the authorised registrar who is to solemnise the proposed marriage.

The Regulations make clear how the principal Regulations apply in relation to the approval of vessels for marriage in Scottish waters, in various areas. They also require, for such vessels, details of proposed embarkation and disembarkation points for the registrar who is to solemnise the marriage (regulation 2(4)(a) and (5)(a)).

Where a vessel approved for the purposes of civil marriage within Scottish waters ties up or is positioned so as to fall within a registration district in terms of the definition in section 26(2A) of the 1977 Act then provided the same local authority would be responsible for approving a vessel so positioned, the existing approval is sufficient (regulation 2(13)). So one approval for a vessel would be sufficient for marriages to be solemnised within the registration district or in Scottish waters. Other powers allow the Registrar General to permit a registrar to solemnise a marriage in another registrar’s district.

#### **Consultation**

The Regulations are made in accordance with the provisions contained in the 2006 Act which were the subject of 2 consultation exercises in 2000 and 2005.

#### **Financial Effects**

The instrument has no financial effects on the Scottish Executive, local government or on business. There are existing fees in place which cover marriage in Scottish waters.