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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations prescribe the religious or belief bodies whose ministers, clergymen, pastors, priests or other celebrants are entitled to solemnise marriage between persons of different sexes without the need to be registered as approved celebrants. The Church of Scotland are not prescribed in these regulations as their ministers or deacons are entitled to solemnise marriage between persons of different sexes under section 8(1)(a)(i) of the 1977 Act.

Section 12(2)(a) of the Marriage and Civil Partnership (Scotland) Act 2014 amends section 8(1)(a)(ii) of the Marriage (Scotland) Act 1977 so as to allow belief bodies to be prescribed in the same way as religious bodies to solemnise marriages between persons of different sexes.

The Marriage (Prescription of Religious Bodies) (Scotland) Regulations 1977 [S.I. 1977/1670](#) (“the 1977 Regulations”) that currently prescribe the religious bodies whose members are entitled to solemnise marriages are revoked and replaced by these Regulations. The revocation of the 1977 Regulations is subject to the transitional provision in article 4(1) of the Marriage and Civil Partnership (Scotland) Act 2014 (Commencement No. 3, Savings, Transitional Provision and Revocation) Order 2014 ([S.S.I. 2014/287 \(c.28\)](#)) (“the 2014 Order”). This provides that the 1977 Regulations continue to have effect where a notice of intention to marry has been submitted to a district registrar before 16th December 2014.

Article 4(2) of the 2014 Order also has the effect of allowing existing registrations and authorisations under sections 9 and 12 of the 1977 Act to continue to have effect for solemnising opposite sex marriage unless the person concerned is a minister, clergyman, pastor or priest or other celebrant of a religious or belief body prescribed in these Regulations.

Article 4(2) of the 2014 Order is subject to Article 4(3). Article 4(3) ensures that existing registrations under section 9 or temporary authorisations under section 12 cease to have effect from 16th December 2014 where the person holding the registration or temporary authorisation is a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed in these Regulations. This is relevant when a body is being prescribed for the first time.