

2018 No. 374

**REGISTRATION OF BIRTHS, DEATHS & MARRIAGES,
ETC.**

**The Multilingual Standard Forms (Consequential Amendments)
(Scotland) Regulations 2018**

<i>Made</i>	- - - -	<i>11th December 2018</i>
<i>Laid before the Scottish Parliament</i>		<i>13th December 2018</i>
<i>Coming into force</i>	- -	<i>16th February 2019</i>

The Scottish Ministers make the following Regulations in exercise of the powers conferred by section 2(2) of the European Communities Act 1972(a) and all other powers enabling them to do so.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Multilingual Standard Forms (Consequential Amendments) (Scotland) Regulations 2018 and come into force on 16 February 2019.

(2) These Regulations extend to Scotland only.

Amendment of the Marriage (Scotland) Act 1977

2.—(1) The Marriage (Scotland) Act 1977(b) is amended in accordance with paragraphs (2) to (4).

(2) In section 3(3) (notice of intention to marry)(c), after “shall” insert “, unless subsection (3ZA) applies,”.

(3) After section 3(3) insert—

“(3ZA) This subsection applies where—

- (a) the document submitted is accompanied by a multilingual standard form issued by an authority in a Member State of the European Union in accordance with Regulation (EU) 2016/1191 of the European Parliament and of the Council(d); and
- (b) the district registrar considers that the information included in the multilingual standard form is sufficient for processing the document.”.

(a) 1972 c.68. Section 2(2) was amended by the Scotland Act 1998 (c.46) (“the 1998 Act”), schedule 8, paragraph 15(3) (which was amended by section 27(4) of the Legislative and Regulatory Reform Act 2006 (c.51) (“the 2006 Act”). Section 2(2) was also amended by section 27(1)(a) of the 2006 Act and by the European Union (Amendment) Act 2008 (c.7), schedule, Part 1. The functions conferred upon the Minister of the Crown under section 2(2), insofar as within devolved competence, were transferred to the Scottish Ministers by virtue of section 53 of the 1998 Act.

(b) 1977 c.15.

(c) Section 3(3) was amended by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), section 50(2).

(d) OJ L 200, 26.7.2016, p.1.

(4) In section 7(1) (marriage outside Scotland where a party resides in Scotland)(a), after “sections 3(2), (3)” insert “, (3ZA)”.

Amendment of the Civil Partnership Act 2004

3.—(1) Section 88 of the Civil Partnership Act 2004 (notice of proposed civil partnership)(b) is amended in accordance with paragraphs (2) and (3).

(2) In subsection (4), after “must” insert “, unless subsection (4A) applies,”.

(3) After subsection (4) insert—

“(4A) This subsection applies where—

- (a) the document submitted is accompanied by a multilingual standard form issued by an authority in a Member State of the European Union in accordance with Regulation (EU) 2016/1191 of the European Parliament and of the Council, and
- (b) the district registrar considers that the information included in the multilingual standard form is sufficient for processing the document.”.

ASH DENHAM

Authorised to sign by the Scottish Ministers

St Andrew’s House,
Edinburgh
11th December 2018

(a) Section 7(1) was amended by the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), section 3(3) and section 17(3).

(b) 2004 c.33.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations contribute to the implementation of Regulation (EU) 2016/1191 of the European Parliament and of the Council on promoting the free movement of citizens by simplifying the requirements for presenting certain public documents in the European Union (OJ L 200, 26.7.2016, p.1) (“the EU Regulation”). The EU Regulation takes full effect on 16 February 2019.

Amongst other things, the EU Regulation establishes multilingual standard forms which are to accompany certain civil status documents (such as birth certificates) and which are to be issued by the relevant authorities in Member States of the European Union. It also provides (at Article 6.1) that where such a multilingual standard form accompanies a civil status document issued in one Member State, the authorities in another Member State may not require a translation of the civil status document to be provided. This is subject to conditions in the EU Regulation.

Regulations 2 and 3 amend, respectively, the Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004. These amendments reflect the effect of Article 6.1 of the EU Regulation. Section 3 of the Marriage (Scotland) Act 1977 requires parties to a proposed marriage to submit certain documents when giving the district registrar notice of intention to marry. Where such a document is not in English a translation must be provided (section 3(3)). Regulation 2(2) and (3) disapplies that requirement where a multilingual standard form under the EU Regulation accompanies the document and it provides the district registrar with sufficient information. Regulation 2(4) provides for the same effect where the intimation to the district registrar is in respect of a marriage due to take place outside Scotland. Regulation 3 makes equivalent provision for notice of proposed civil partnership.

No business and regulatory impact assessment has been prepared for these Regulations as no impact upon business, charities or voluntary bodies is foreseen.

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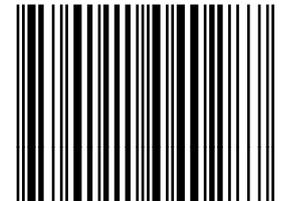
Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, the Queen’s Printer for Scotland.

£4.90

S201812121010 12/2018 19585

<http://www.legislation.gov.uk/id/ssi/2018/374>

ISBN 978-0-11-104028-7



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