# Marriage (Scotland) Act 1977

**1977 CHAPTER 15**

CIVIL MARRIAGES

## 17 Appointment of authorised registrars. S

For the purpose of affording reasonable facilities for the solemnisation of civil marriages throughout Scotland, the Registrar General—

(a) shall appoint such number of district registrars as he thinks necessary; and

(b) may, in respect of any district for which he has appointed a district registrar under paragraph (a) above, appoint one or more assistant registrars,

as persons who may solemnise marriages:

[F1]...

**Textual Amendments**

**F1** Words in S. 17 repealed (1.10.2006) by The Employment Equality (Age) Regulations 2006 (S.I. 2006/1031), reg. 1(1), **Sch. 9** (with regs. 44-46)

## 18 Places at which civil marriages may be solemnised. S

(1) Subject to the provisions of this section, an authorised registrar shall solemnise a civil marriage

**[**[F2](a)**]** in his registration office ; [F3]...

**[**[F4](aa) at an appropriate place in the registration district of the authorised registrar; or

(ab) with the approval of the Registrar General, at—

(i) the registration office of another authorised registrar;

(ii) an appropriate place in the registration district of another authorised registrar; or

(iii) an appropriate place in Scottish waters.**]**

[F5](b) . . . . . .

[F6](c) . . . . . .

***Changes to legislation:*** *Marriage (Scotland) Act 1977, Civil marriages is up to date with all changes known to be in force on or before 01 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

**[**[F7](1A) In this section—

"appropriate place" means a place which—

(a) the parties to the intended marriage and the local registration authority agree is to be the place of solemnisation; and

(b) is not religious premises;

"local registration authority" means—

(a) the local registration authority for the registration district which includes the place; or

(b) where the place is in Scottish waters, the local registration authority for the authorised registrar's registration district;

"religious premises" means premises which—

(a) are used solely or mainly for religious purposes; or

(b) have been so used and have not subsequently been used solely or mainly for other purposes.**]**

[F8](2) . . . . . .

[F8](3) . . . . . .

[F8](4) . . . . . .

[F8](5) . . . . . .

[F8](6) . . . . . .

[F8](7) . . . . . .

[F8](8) . . . . . .

**Textual Amendments**

**F2** Word "a" in s. 18(1) inserted (25.4.2002) by 2002 asp 8, **s. 1(2)(a)(i)**; S.S.I. 2002/184, **art. 2**

**F3** Word in s. 18(1)(a) repealed (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 48(6)(a)(i)**, 63(2); S.S.I. 2006/469, art. 3, sch. 2 (with art. 4)

**F4** S. 18(1)(aa)(ab) inserted (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(2)(a)(i)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**F5** S. 18(1)(b) repealed (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(2)(a)(ii)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**F6** S. 18(1)(c) repealed (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(2)(a)(iii)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**F7** S. 18(1A) inserted (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(2)(b)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**F8** S. 18(2)-(8) repealed (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(2)(c)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

## [F9]18A Approved places S

. . . . . .

**Textual Amendments**

**F9** S. 18A repealed (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(3)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), Sch.)

## 19 Marriage ceremony and registration of marriage. S

(1) An authorised registrar shall not solemnise a marriage within **[**[F10]28 days**]** of the date of receipt (as entered in the marriage notice book) of a marriage notice in respect of that marriage, unless—

(a) he has received a written request from one or both of the parties to solemnise the marriage on a specified earlier date stating the reason for the request, and

(b) he has been authorised to solemnise the marriage on that earlier date by the Registrar General.

**[**[F11](1ZA) Unless subsection (1ZB) applies, if a proposed marriage is referred to the Secretary of State under section 3F ("the referred marriage") the Registrar General may not authorise an authorised registrar to solemnise the referred marriage on the date mentioned in subsection (1)(b) without the consent of the Secretary of State.

(1ZB) This subsection applies if the request made under subsection (1)(a) is made because a party to the referred marriage is gravely ill and not expected to recover.**]**

**[**[F12](1A) For the purpose of subsection (1) above, a request which is made by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.**]**

(2) A marriage shall not be solemnised by an authorised registrar unless—

(a) he has available to him at the time of the ceremony a Marriage Schedule, in respect of the marriage, completed in accordance with this Act and the prescribed fee for the marriage has been paid;

(b) both parties to the marriage are present; and

(c) two persons professing to be 16 years of age or over are present as witnesses.

(3) Immediately after the solemnisation of the marriage the Marriage Schedule shall be signed by the parties contracting the marriage, by both witnesses present thereat and by the authorised registrar who solemnised it.

(4) As soon as possible after the Marriage Schedule has been signed in accordance with subsection (3) above—

**[**[F13](a) in a case where the marriage has been solemnised by the authorised registrar—

(i) in his registration office;

(ii) **[**[F14]at an appropriate place (within the meaning given by section 18) in the registration district of the authorised registrar; or**]**

[F15](iii) . . . . . .

(iv) **[**[F16]at an appropriate place (within the meaning given by section 18)**]** in Scottish waters,

that authorised registrar;"**]**

**[**[F13](b) in a case where the marriage has been solemnised by the authorised registrar—

(i) in the registration office of another authorised registrar; or

**Changes to legislation:** *Marriage (Scotland) Act 1977, Civil marriages is up to date with all changes known to be in force on or before 01 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(ii) at an **[**[F17]appropriate place (within the meaning given by section 18)**]** in the district of another authorised registrar,

that other authorised registrar,**]**

shall cause the particulars as set forth in that Schedule to be entered in the register of marriages kept by him.

[F18](5) . . . . . .

**Subordinate Legislation Made**

**P1** S. 19: for previous exercises of this power see Index to Government Orders.

**P2** S. 19(2): s. 25 (with ss. 3(1), 19(2) and 26) power exercised (12.12.1991) by S.I.1991/2816.

**Textual Amendments**

**F10** Words in s. 19(1) substituted (1.3.2015) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 18(4)**, 36; S.S.I. 2015/14, art. 2, sch. (with art. 3(1))

**F11** S. 19(1ZA)(1ZB) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 1 para. 7** (with art. 1(3))

**F12** S. 19(1A) inserted (1.10.2006 for specified purposes. 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 50(9)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)

**F13** S. 19(4)(a)(b) substituted (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 48(8)(a)**, 63(2); S.S.I. 2006/469, art. 3, sch. 2 (with art. 4)

**F14** S. 19(4)(a)(ii) substituted (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(4)(a)(i)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**F15** S. 19(4)(a)(iii) repealed (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(4)(a)(ii)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**F16** Words in s. 19(4)(a)(iv) substituted (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(4)(a)(iii)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**F17** Words in s. 19(4)(b)(ii) substituted (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(4)(b)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**F18** S. 19(5) repealed (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 21(4)(c)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)

**Modifications etc. (not altering text)**

**C1** By S.I. 1993/3152, **art. 2(2)** it is provided (1.4.1994) that the fee payable under s. 19(2) shall be £40.00.

## 20 Second marriage ceremony. S

(1) Where two persons have gone through a marriage ceremony with each other outside the United Kingdom, whether before or after the commencement of this Act, but they are not, or are unable to prove that they are, validly married to each other in Scots law, an authorised registrar, on an application made to him by those persons, may, subject to the approval of the Registrar General and to subsection (2) below, solemnise their marriage as if they had not already gone through a marriage ceremony with each other.

(2) Sections 3 to 6 and 18 and 19 of this Act shall apply for the purpose of solemnising a marriage under this section except that—

(a) there shall be submitted to the authorised registrar a statutory declaration by both parties—

(i) stating that they have previously gone through a marriage ceremony with each other; and

(ii) specifying the date and place at which, and the circumstances in which, they went through that ceremony;

(b) section 5(4)(b) of this Act shall not apply in respect of the parties already being married to each other;

(c) the Marriage Schedule shall contain such modifications as the Registrar General may direct to indicate that the parties have previously gone through a marriage ceremony with each other; and

(d) after the Marriage Schedule has been signed in accordance with section 19(3) of this Act, the authorised registrar shall make an endorsement on it in the following terms—

"The ceremony of marriage between the parties mentioned in this Schedule was performed in pursuance of section 20 of the Marriage (Scotland) Act 1977, following a statutory declaration by them that they had gone through a ceremony of marriage with each other on the day of [F19]... , at

Dated the day of [F19]... ,

(Signature of authorised registrar)".

**Textual Amendments**

**F19** Word in s. 20(2)(d) repealed (21.5.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 22**, 36; S.S.I. 2014/121, art. 2(d)

*[F20 Void marriages*

**Textual Amendments**

**F20** S. 20A and cross-heading inserted (4.5.2006) by Family Law (Scotland) Act 2006 (asp 2), **ss. 2**, 46(2); S.S.I. 2006/212, art. 2

### 20A Grounds on which marriage void S

(1) Where subsection (2) or (3) applies in relation to a marriage solemnised in Scotland, the marriage shall be void.

(2) This subsection applies if at the time of the marriage ceremony a party to the marriage who was capable of consenting to the marriage purported to give consent but did so by reason only of duress or error.

(3) This subsection applies if at the time of the marriage ceremony a party to the marriage was incapable of—

(a) understanding the nature of marriage; and

(b) consenting to the marriage.

***Changes to legislation:*** *Marriage (Scotland) Act 1977, Civil marriages is up to date with all changes known to be in force on or before 01 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

(4) If a party to a marriage purported to give consent to the marriage other than by reason only of duress or error, the marriage shall not be void by reason only of that party's having tacitly withheld consent to the marriage at the time when it was solemnised.

(5) In this section "error" means—

(a) error as to the nature of the ceremony; or

(b) a mistaken belief held by a person ("A") that the other party at the ceremony with whom A purported to enter into a marriage was the person whom A had agreed to marry.**]**

**Modifications etc. (not altering text)**

**C2** S. 20A modified (16.12.2014) by The Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014 (S.S.I. 2014/361), regs. 1, **7(3)** (as amended (24.4.2023) by The Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Amendment Regulations 2023 (S.S.I. 2023/55), regs. 1, **2(5)**)

**Changes to legislation:**
Marriage (Scotland) Act 1977, Civil marriages is up to date with all changes known to be in force on or before 01 October 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.
View outstanding changes

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**
Whole provisions yet to be inserted into this Act (including any effects on those provisions):

– s. 9(2)(e) inserted by 2014 asp 5 s. 13(2)(d)