



Marriage (Scotland) Act 1977

1977 CHAPTER 15

PRELIMINARIES TO REGULAR MARRIAGE

3 Notice of intention to marry.

- (1) Subject to subsections (2) to (4) below, each of the parties to a marriage intended to be solemnised in Scotland shall submit to the district registrar a notice, in the prescribed form, of intention to marry (in this Act referred to as a “marriage notice”) [^{F1}and] the prescribed fee, his birth certificate and—
- (a) if he has previously been married and the marriage has been dissolved, a copy of the decree of divorce, dissolution or annulment;
 - [^{F2}(aa) if he has previously been in civil partnership and the civil partnership has been dissolved, a copy of the decree of dissolution or annulment;]
 - [^{F3}(b) if the person has previously been married and the marriage ended on the death of the other party to that marriage, the death certificate of that other party;]
 - [^{F4}(ba) if the person has previously been in a civil partnership which ended on the death of the other party to the civil partnership, the death certificate of that other party;]
 - [^{F5}(bb) if the person is in a qualifying civil partnership within the meaning of [^{F6}section 5(6)(a)(i)(A)] with the other party to the intended marriage, an extract from the entry in the civil partnership register relating to the civil partnership;]
 - [^{F7}(bc) if the person is in a qualifying civil partnership within the meaning of section 5(6)(a)(i)(B) or (b) with the other party to the intended marriage—
 - (i) information equivalent to an extract from an entry in the civil partnership register; and
 - (ii) such documentary evidence in support of that information, as the district registrar may require;]
 - (c) in any case where a certificate is required under subsection (5) below, that certificate.
 - [^{F8}(ca) if the party falls within paragraph (ab)(i) of the definition of “relevant national” in section 26(2), an electronic certificate which confirms that the leave referred to in that provision has been granted;

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- (cb) if the party falls within paragraph (ab)(ii) of the definition of “relevant national” in section 26(2)—
 - (i) a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and
 - (ii) evidence that the relevant period referred to in regulation 4 of those Regulations has not expired;]
- [^{F9}(d) where he is related to the other party in a degree specified in paragraph 2 of Schedule 1 to this Act, a declaration in the prescribed form stating—
 - (i) the degree of relationship; and
 - (ii) that the younger party has not at any time before attaining the age of 18 lived in the same household as the other party and been treated by the other party as a child of his family.]
- (2) If a party is unable to submit his birth certificate or any document referred to in paragraph (a) [^{F10}, (aa)] [^{F11}, (b), (ba) [^{F12}, (bb) or (bc)]] of subsection (1) above, he may in lieu thereof make a declaration stating that for reasons specified in that declaration it is impracticable for him to submit that certificate or document; and he shall provide the district registrar with such—
 - (a) information in respect of the matters to which such certificate or document would have related; and
 - (b) documentary evidence in support of that information, as the district registrar may require.
- (3) If any document submitted under subsection (1) above is written in a language other than English, the party submitting it shall [^{F13}, unless subsection (3ZA) applies,] [^{F14} also submit] a translation of it in English certified by the translator as a correct translation.
- [^{F15}(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; and
 - (b) the district registrar considers that the information included in the multilingual standard form is sufficient for processing the document.]
- [^{F16}(3A) A person submitting a notice under subsection (1) above shall make and attest in the prescribed manner the necessary declaration (the form for which shall be included in any form prescribed for the notice).
- (3B) The necessary declaration is a declaration that the person submitting the notice believes that the parties to the marriage are eligible to be married to each other.]
- (4) Where a party to a marriage intended to be solemnised in Scotland is residing in another part of the United Kingdom, he may submit to the district registrar a valid certificate for marriage (in this Act referred to as an “approved certificate”) issued in that other part; and where that party so submits an approved certificate, he need not, unless the Registrar General so directs, comply with the other provisions of this section.

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[^{F17}(4A) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the parties to the marriage.

- (4B) A requirement under subsection (4A) may be imposed at any time—
- (a) on or after the submitting of the notice under subsection (1); but
 - (b) before the district registrar completes the Marriage Schedule.

(4C) In subsection (4A), “specified nationality evidence” means such evidence of that person's nationality as may be specified in guidance issued by the Registrar General.]

(5) A party to a marriage intended to be solemnised in Scotland who is not domiciled in any part of the United Kingdom is required, if practicable, to submit under subsection (1)(c) above a certificate, issued by a competent authority in the state in which the party is domiciled, to the effect that he is not known to be subject to any legal incapacity (in terms of the law of that state) which would prevent his marrying:

Provided that such a party—

- (i) may, where under the law of the state in which he is domiciled his personal law is that of another foreign state, submit in lieu of the said certificate a like certificate issued by a competent authority in that other state;
- (ii) need not submit a certificate under paragraph (c) of subsection (1) above
 - [^{F18}(a)] if he has been resident in the United Kingdom for a period of 2 or more years immediately before the date on which he submits a marriage notice under that subsection in respect of the said marriage [^{F19}or
 - (b) if no such certificate has been issued only by reason of the fact that the validity of a divorce or annulment granted by a court of civil jurisdiction in Scotland or entitled to recognition in Scotland under section 44 or 45 of the Family Law Act 1986 is not recognised in the state in which the certificate would otherwise have been issued.]]^{F20};
^{F21}
...
 - (c) if no such certificate has been issued only by reason of the fact that the parties to the intended marriage are of the same sex.]]^{F22}; or
 - (d) if no such certificate has been issued only by reason of the fact that the law of the state in which the party is domiciled prevents the parties to a qualifying civil partnership within the meaning of section 5(6) from marrying.]

[^{F23}(6) In this section, “the district registrar” means—

- (a) where the marriage is to be solemnised in a registration district, the district registrar for that district;
- (b) where the marriage is to be solemnised in Scottish waters—
 - (i) in the case where the marriage is to be solemnised by an approved celebrant, the district registrar for any registration district;
 - (ii) in the case where the marriage is to be solemnised by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.]

Subordinate Legislation Made

P1 S. 3: for previous exercises of this power see Index to Government Orders.

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

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Textual Amendments

- F1** Word in s. 3(1) substituted (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(2)(a)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F2** S. 3(1)(aa) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 43(a)**; S.S.I. 2005/604, arts. 2(c), 4
- F3** S. 3(1)(b) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 3(2)(a)(i)**, 36; S.S.I. 2014/287, art. 3, sch.
- F4** S. 3(1)(ba) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 3(2)(a)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.
- F5** S. 3(1)(bb) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 8(2)**, 36; S.S.I. 2014/287, art. 3, sch.
- F6** Words in s. 3(1)(bb) substituted (31.10.2015) by The Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371), arts. 1, **4(2)**
- F7** S. 3(1)(bc) added (31.10.2015) by The Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371), arts. 1, **4(3)**
- F8** S. 3(1)(ca)(cb) inserted (1.7.2021) by The Immigration and Social Security Co-ordination (EU Withdrawal) Act 2020 (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2)(c), **7(2)**
- F9** S. 3(1)(d) inserted by Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16, SIF 49:1), s. 2, **Sch. 2 para. 3**
- F10** Word in s. 3(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(c), **Sch. 28 para. 43(b)**; S.S.I. 2005/604, arts. 2(c), 4
- F11** Words in s. 3(2) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 3(2)(b)**, 36; S.S.I. 2014/287, art. 3, sch.
- F12** Words in s. 3(2) substituted (31.10.2015) by The Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371), arts. 1, **4(4)**
- F13** Words in s. 3(3) inserted (16.2.2019) by The Multilingual Standard Forms (Consequential Amendments) (Scotland) Regulations 2018 (S.S.I. 2018/374), regs. 1(1), **2(2)**
- F14** Words in s. 3(3) substituted (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(2)(b)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F15** S. 3(3ZA) inserted (16.2.2019) by The Multilingual Standard Forms (Consequential Amendments) (Scotland) Regulations 2018 (S.S.I. 2018/374), regs. 1(1), **2(3)**
- F16** S. 3(3A)-(3B) 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(2)(c)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F17** S. 3(4A)-(4C) inserted (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 17(2)**, 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** Word inserted by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1), 69(6), **Sch. 1 para. 21(a)**
- F19** Words added by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1), 69(6), **Sch. 1 para. 21(b)**
- F20** Words in s. 3(5) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 3(2)(c)**, 36; S.S.I. 2014/287, art. 3, sch.
- F21** Word in s. 3(5) omitted (31.10.2015) by virtue of The Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371), arts. 1, **4(5)(a)**
- F22** Words in s. 3(5) inserted (31.10.2015) by The Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371), arts. 1, **4(5)(b)**
- F23** S. 3(6) inserted (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 48(2)**, 63(2); S.S.I. 2006/469, art. 3, sch. 2 (with art. 4)

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Modifications etc. (not altering text)

C1 By S.I. 1993/3152, [art. 2\(1\)](#), it is provided (1.4.1994) that the fee payable under s. 3(1) shall be £10.00.

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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\(2\)\(d\)](#)