

# Marriage (Scotland) Act 1977

## **1977 CHAPTER 15**

#### PERSONS WHO MAY SOLEMNISE MARRIAGE

## 8 Persons who may solemnise marriage.

- (1) [F1Subject to section 23A of this Act,] a marriage [F2between persons of different sexes] may be solemnised by and only by—
  - (a) a person who is—
    - (i) a minister [F3 or deacon] of the Church of Scotland; or
    - (ii) a minister, clergyman, pastor, [F4priest or other celebrant of a religious or belief body] prescribed by regulations made by the Secretary of State, or who, not being one of the foregoing, is recognised by a [F5 religious or belief body] so prescribed as entitled to solemnise [F6 marriage between persons of different sexes] on its behalf; or
    - (iii) registered under section 9 of this Act [F7 to solemnise marriage between persons of different sexes]; or
    - (iv) temporarily authorised under section 12 of this Act [F8 to solemnise marriage between persons of different sexes]; or
  - (b) a person who is a district registrar or assistant registrar appointed under section 17 of this Act.
- [F9(1A) The Scottish Ministers may prescribe a religious or belief body under subsection (1) (a)(ii) only if—
  - (a) the body requests them to do so; and
  - (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.
  - (1B) Subject to section 23A, a marriage between persons of the same sex may be solemnised by and only by—
    - (a) a person who is—
      - (i) a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being one of the foregoing, is recognised by a religious or

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- belief body so prescribed as entitled to solemnise marriage between persons of the same sex on its behalf;
- (ii) registered under section 9 to solemnise marriage between persons of the same sex; or
- (iii) temporarily authorised under section 12 to solemnise marriage between persons of the same sex; or
- (b) a person who is a district registrar or assistant registrar appointed under section 17.
- (1C) The Scottish Ministers may prescribe a religious or belief body under subsection (1B) (a)(i) only if—
  - (a) the body requests them to do so; and
  - (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.
- (1D) For the avoidance of doubt, nothing in subsection (1B)(a) or (1C)(a)—
  - (a) imposes a duty on any religious or belief body to make a request referred to in subsection (1C)(a);
  - (b) imposes a duty on any such body to nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex;
  - (c) imposes a duty on any person to apply for temporary authorisation under section 12 to solemnise marriages between persons of the same sex;
  - (d) imposes a duty on any person who is an approved celebrant in relation to marriages between persons of the same sex to solemnise such marriages.
- (1E) In subsections (1A)(b) and (1C)(b), the "qualifying requirements" are such requirements as may be set out in regulations made by the Scottish Ministers.
- (1F) Regulations under subsection (1E)—
  - (a) may make different provision for different cases or circumstances;
  - (b) may include transitional and saving provision.
- (1G) Regulations under subsection (1)(a)(ii), (1B)(a)(i) or (1E) are subject to the negative procedure.]
  - (2) In this Act—
    - (a) any such person as is mentioned in subsection (1)(a) above is referred to as an "approved celebrant", and a marriage solemnised by an approved celebrant is referred to as a "religious marriage";
    - (b) any such person as is mentioned in subsection (1)(b) above is referred to as an "authorised registrar", and a marriage solemnised by an authorised registrar is referred to as a "civil marriage".

## **Textual Amendments**

- **F1** Words inserted (*retrospectively*) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 36:3), **s. 22(1)**(*b*)(2)
- F2 Words in s. 8(1) inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 12(2)(a)(i), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)

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- Words in s. 8(1)(a)(i) inserted (21.5.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 20, 36; S.S.I. 2014/121, art. 2(c)
- F4 Words in s. 8(1)(a)(ii) substituted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 12(2)(a)(ii)(A), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F5 Words in s. 8(1)(a)(ii) substituted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 12(2)(a)(ii)(B), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F6 Words in s. 8(1)(a)(ii) substituted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 12(2)(a)(ii)(C), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F7 Words in s. 8(1)(a)(iii) inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 12(2)(a)(iii), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F8 Words in s. 8(1)(a)(iv) inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 12(2)(a)(iv), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F9 S. 8(1A)-(1G) inserted (1.9.2014 for specified purposes, 16.12.2014 for specified purposes) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), ss. 12(2)(b), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)

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