



# Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

## PART 1

### MARRIAGE

#### CHAPTER 1

##### SAME SEX MARRIAGE

### 3 Preliminaries to marriage

- (1) The 1977 Act is amended as follows.
- (2) In section 3 (notice of intention to marry)—
  - (a) in subsection (1)—
    - (i) for paragraph (b) substitute—

“(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;”,  
and
    - (ii) after that paragraph insert—

“(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;”,
  - (b) in subsection (2), for “or (b)” substitute “, (b), (ba) or (bb)”, and
  - (c) in subsection (5), after paragraph (ii)(b) of the proviso insert “; or  
(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.”.
- (3) In section 7(1) (marriage outside Scotland where a party resides in Scotland), after “(b)” insert “, (ba), (bb)”.