



Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

PART 1

MARRIAGE

CHAPTER 1

SAME SEX MARRIAGE

4 Meaning of marriage and related expressions in enactments and documents

- (1) References (however expressed) in any enactment to—
 - (a) marriage (including a marriage that has ended),
 - (b) a person who is (or was) married to another person, and
 - (c) two people who are (or were) married to each other,are references to marriage whether between persons of different sexes or persons of the same sex and to a party (or former party), or as the case may be the parties (or former parties), to such a marriage.
- (2) Subsection (3) applies to references (however expressed) in any enactment to two people who—
 - (a) are (or were) not married to each other, but
 - (b) are (or were) living together as if they were husband and wife.
- (3) The references include two people of the same sex who are (or were) not married to, nor in civil partnership with, each other but who are (or were) living together as if they were married to each other.
- (4) References (however expressed) in any enactment to two people of the same sex who are (or were) living together as if they were in a civil partnership cease to have effect.
- (5) Subsections (1) to (4)—

Status: This is the original version (as it was originally enacted).

- (a) apply to enactments (other than private Acts) passed or made before the commencement of this section, and
 - (b) do not apply in so far as the enactment, or any other enactment, provides otherwise.
- (6) In so far as being (or having been) married or in a purported marriage is relevant for the operation of any rule of law, the rule of law applies equally in relation to marriage or purported marriage to a person of a different sex and marriage or purported marriage to a person of the same sex.
- (7) Subsections (1) to (6) are subject to an order under subsection (8).
- (8) The Scottish Ministers may by order provide for any of subsections (1) to (6)—
- (a) to have effect subject to provision made by the order, or
 - (b) not to apply in cases specified in the order.
- (9) An order under subsection (8)—
- (a) may make different provision for different purposes,
 - (b) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
 - (c) may modify any enactment (including this Act),
 - (d) is (except where subsection (10) applies) subject to the negative procedure.
- (10) An order under subsection (8) which adds to, replaces or omits any part of the text of an Act is subject to the affirmative procedure.
- (11) References (however expressed) in any document to—
- (a) marriage (including a marriage that has ended),
 - (b) a person who is (or was) married to another person, and
 - (c) two people who are (or were) married to each other,
- are references to marriage whether between persons of different sexes or persons of the same sex and to a party (or former party), or as the case may be the parties (or former parties), to such a marriage.
- (12) The following expressions in any document have the meanings given—
- (a) “widow” includes a woman whose marriage to another woman ended with the other woman’s death,
 - (b) “widower” includes a man whose marriage to another man ended with the other man’s death.
- (13) Subsections (11) and (12)—
- (a) apply to documents executed on or after the commencement of this section, and
 - (b) do not apply in so far as the document provides otherwise.
- (14) In section 26(2) of the 1977 Act (interpretation), after the definition of “authorised registrar” insert—
- ““marriage” means marriage between persons of different sexes and marriage between persons of the same sex;”.
- (15) In schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (definitions of words and expressions), insert at the appropriate place in alphabetical order—

““marriage” means marriage between persons of different sexes and marriage between persons of the same sex (and any reference to a person being (or having been) married to another person, or to two people being (or having been) married to each other, is to be read accordingly),”

““widow” includes a woman whose marriage to another woman ended with the other woman’s death,”

““widower” includes a man whose marriage to another man ended with the other man’s death,”.