



# Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

## PART 2

### REGISTRATION SERVICES

#### *Marriages and civil partnerships: procedure*

#### **48 Marriage procedure: marriages at sea**

- (1) The 1977 Act is amended in accordance with subsections (2) to (9).
- (2) In section 3 (submission of notice of intention to marry), after subsection (5) there is inserted—
  - “(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.”.
- (3) In section 4 (marriage notice book and list of intended marriages), after subsection (4) (as inserted by section 49(b)) there is inserted—
  - “(5) In this section and sections 5 and 6 of this Act, “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 to whom the

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- marriage notices or approved certificates in respect of the marriage were submitted;
- (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.”.
- (4) In section 6 (issuing of Marriage Schedule), in subsection (7)—
- (a) after “district”, where first occurring, there is inserted “, is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters ”; and
  - (b) in paragraph (a), the words “for the district in which the marriage is to be solemnised” are repealed.
- (5) In section 15 (registration of religious marriage), after subsection (4) there is inserted—
- “(5) In this section and section 16 of this Act, “the district registrar” means—
- (a) where the marriage has been solemnised in a registration district, the district registrar for that district;
  - (b) where the marriage has been solemnised in Scottish waters, the district registrar who issued the Marriage Schedule in respect of the marriage.”.
- (6) In section 18 (places at which civil marriages may be solemnised)—
- (a) in subsection (1)—
    - (i) at the end of paragraph (a), “or” is repealed; and
    - (ii) at the end of paragraph (b), there is inserted “; or
    - (c) on or in an approved vessel, while in Scottish waters.”; and
  - (b) after subsection (6) there is inserted—
 

“(7) For the purposes of this section, “approved vessel” means a vessel approved by virtue of regulations made under section 18A of this Act, by the home local authority.

(8) In subsection (7) above, the “home local authority” means the local authority which is the local registration authority for the authorised registrar's registration district.”.
- (7) In section 18A (approved places regulations)—
- (a) in subsection (1)—
    - (i) the words “of places in their areas in which civil marriages may be solemnised” become paragraph (a); and
    - (ii) at the end of that paragraph there is inserted “; or
    - (b) of vessels on or in which, while they are in Scottish waters, their authorised registrars may solemnise marriages.
    - (1A) For the purposes of subsection (1)(b) above, a local authority's authorised registrars are the authorised registrars for whose registration district the local authority is the local registration authority.”;
  - (b) in subsection (2)—

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- (i) in paragraph (a), after “place” there is inserted “ or vessel ”;
  - (ii) in paragraph (c), after “places” there is inserted “ or vessels ”;
  - (iii) in paragraph (f)(i), after “places” there is inserted “ or vessels ”; and
  - (iv) in paragraph (j), after “places” there is inserted “ and vessels ”; and
- (c) in subsection (9), for the words from the beginning to “instrument”, where secondly occurring, there is substituted “ Subject to subsection (10) below, a statutory instrument containing regulations made under subsection (1) above ”.
- (8) In section 19 (registration of civil marriage)—
- (a) for paragraphs (a) and (b) of subsection (4) there are substituted—
    - “(a) in a case where the marriage has been solemnised by the authorised registrar—
      - (i) in his registration office;
      - (ii) in any such place as is mentioned in section 18(3) of this Act;
      - (iii) at an approved place in his district; or
      - (iv) in or on an approved vessel in Scottish waters,that authorised registrar;”
    - (b) in a case where the marriage has been solemnised by the authorised registrar—
      - (i) in the registration office of another authorised registrar; or
      - (ii) at an approved place in the district of another authorised registrar,that other authorised registrar;”;
  - (b) after subsection (4) there is inserted—
    - “(5) In this section, “approved place” and “approved vessel” have the meanings given to those expressions, respectively, by subsections (6) and (7) of section 18 of this Act.”.
- (9) In section 26 (interpretation)—
- (a) in subsection (1), for “subsection (2)” there is substituted “ subsections (2) and (2A) ”;
  - (b) in subsection (2)—
    - (i) the definition of “district registrar” is repealed; and
    - (ii) after the definition of “religious body” there are inserted the following definitions—
      - ““Scottish waters” means the area comprising such of the internal waters and territorial sea of the United Kingdom as are within Scotland (“Scotland” having the meaning given by section 126(1) and (2) of the Scotland Act 1998 (c. 46)), other than any area which is part of a registration district;
      - “vessel” includes any—
        - (a) vehicle; or
        - (b) other structure.”;
  - (c) after subsection (2) there is inserted—

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“(2A) For the purposes of this Act—

- (a) the seaward boundary of a registration district which extends into the sea shall, subject to paragraph (b) below, be the low water mark of the ordinary spring tide;
- (b) a vessel which is below the low water mark of the ordinary spring tide is to be regarded as within a registration district if it is—
  - (i) positioned adjacent to land which is within the district;
  - (ii) affixed to the land for the purpose of maintaining its position; and
  - (iii) so positioned for the purpose of enabling access to and from the land;
- (c) a jetty or similar structure which is partly above the low water mark of the ordinary spring tide and partly below that mark is to be regarded as being wholly above that mark.”.

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**Commencement Information**

- II** S. 48 wholly in force at 1.1.2007; s. 48 not in force at Royal Assent see s. 63(2); s. 48(1) in force for specified purposes and s. 48(7)(9)(a)(b)(ii)(c) in force at 1.10.2006 and s. 48 in force in so far as not already in force at 1.1.2007 by S.S.I. 2006/469, arts. 2, 3, Schs. 1, 2 (with art. 4)

**Changes to legislation:**

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