

These notes relate to the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5) which received Royal Assent on 12 March 2014

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) ACT 2014

EXPLANATORY NOTES

THE ACT

3. The Act makes a number of amendments to the Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004. These Acts are referred to in these Explanatory Notes as “the 1977 Act” and “the 2004 Act”.

Summary and background

4. Key matters covered by the Act are:
 - the introduction of same sex marriage, so that same sex couples can marry each other;
 - putting belief celebrants on the same footing as religious celebrants;
 - the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage;
 - civil partnerships changing to marriage;
 - the authorisation of Church of Scotland deacons to solemnise opposite sex marriage;
 - allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar;
 - allowing the religious and belief registration of civil partnerships. At the moment, ceremonies to register civil partnerships can only be civil in nature (although it is possible to have a religious or belief ceremony to mark the partnership, any such ceremony would not be recognised by the state);
 - allowing transgender persons to stay married when obtaining the full gender recognition certificate, which provides legal recognition in the acquired gender.