

*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

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## EXPLANATORY NOTES

### COMMENTARY

#### **Part 1 – Marriage**

##### *Chapter 1 – Same sex marriage*

##### *Section 2: Objections to marriage*

8. Section 5 of the 1977 Act provides for situations where there is an objection to a marriage proceeding. Section 5(4) lists the legal impediments to a marriage. These include where one or both parties are already married; where both parties are of the same sex or where one or both parties are not domiciled in Scotland and marriage would be void according to the law of the party's domicile.
9. [Section 2](#) of the Act repeals the legal impediment of both parties being of the same sex, so that marriages between two people of the same sex can take place in Scotland, once the Act is commenced.
10. [Section 2](#) of the Act also amends section 5(4) of the 1977 Act in relation to cases where one or both of the parties are not domiciled in Scotland.
11. The amendment makes it clear that even if a same sex marriage would be void according to the law of the domicile of one (or both) of the parties, that is not a barrier to the parties entering into a same sex marriage in Scotland.