



# Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

## PART 1

### MARRIAGE

#### CHAPTER 3

##### SOLEMNISATION OF MARRIAGE

#### **12 Persons who may solemnise marriage**

- (1) The 1977 Act is amended as follows.
- (2) In section 8 (persons who may solemnise marriage)—
  - (a) in subsection (1)—
    - (i) after “marriage” in the first place where it appears insert “ between persons of different sexes ”,
    - (ii) in paragraph (a)(ii)—
      - (A) for “or priest of a religious body” substitute “ priest or other celebrant of a religious or belief body ”,
      - (B) for “religious body” in the second place it appears substitute “ religious or belief body ”, and
      - (C) for “marriages” substitute “ marriage between persons of different sexes ”,
    - (iii) in paragraph (a)(iii), after “Act” insert “ to solemnise marriage between persons of different sexes ”, and
    - (iv) in paragraph (a)(iv), after “Act” insert “ to solemnise marriage between persons of different sexes ”,
  - (b) after subsection (1) insert—

“(1A) The Scottish Ministers may prescribe a religious or belief body under subsection (1)(a)(ii) only if—

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- (a) the body requests them to do so; and
  - (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.
- (1B) Subject to section 23A, a marriage between persons of the same sex may be solemnised by and only by—
- (a) a person who is—
    - (i) a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being one of the foregoing, is recognised by a religious or belief body so prescribed as entitled to solemnise marriage between persons of the same sex on its behalf;
    - (ii) registered under section 9 to solemnise marriage between persons of the same sex; or
    - (iii) temporarily authorised under section 12 to solemnise marriage between persons of the same sex; or
  - (b) a person who is a district registrar or assistant registrar appointed under section 17.
- (1C) The Scottish Ministers may prescribe a religious or belief body under subsection (1B)(a)(i) only if—
- (a) the body requests them to do so; and
  - (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.
- (1D) For the avoidance of doubt, nothing in subsection (1B)(a) or (1C)(a) —
- (a) imposes a duty on any religious or belief body to make a request referred to in subsection (1C)(a);
  - (b) imposes a duty on any such body to nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex;
  - (c) imposes a duty on any person to apply for temporary authorisation under section 12 to solemnise marriages between persons of the same sex;
  - (d) imposes a duty on any person who is an approved celebrant in relation to marriages between persons of the same sex to solemnise such marriages.
- (1E) In subsections (1A)(b) and (1C)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.
- (1F) Regulations under subsection (1E)—
- (a) may make different provision for different cases or circumstances;
  - (b) may include transitional and saving provision.
- (1G) Regulations under subsection (1)(a)(ii), (1B)(a)(i) or (1E) are subject to the negative procedure.”, and

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- (c) in subsection (2)—
  - (i) in paragraph (a)—
    - (A) after “(1)(a)” insert “ or (1B)(a) ”, and
    - (B) for “ “religious marriage” ” substitute “ “religious or belief marriage” ”, and
  - (ii) in paragraph (b), after “(1)(b)” insert “ or (1B)(b) ”.
- (3) In section 14 (form of ceremony to be used by approved celebrant)—
  - (a) in paragraph (a), after “or (ii)” insert “ or (1B)(a)(i) ”, and
  - (b) in paragraph (b), after “or (iv)” insert “ or (1B)(a)(ii) or (iii) ”.
- (4) In section 26(2) (interpretation)—
  - (a) for the definition of “religious body” substitute—
    - ““religious or belief body” means an organised group of people—
    - (a) which meets regularly for religious worship; or
    - (b) the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose;”, and
  - (b) after that definition insert—
    - ““religious or belief marriage” has the meaning given by section 8(2)(a);”.

#### Commencement Information

- 11** S. 12(1)(2)(a)(2)(b) in force at 1.9.2014 for specified purposes by S.S.I. 2014/212, art. 2, **Sch.** (with art. 3)
- 12** S. 12(1)(2)(b) in force at 16.12.2014 for specified purposes by S.S.I. 2014/287, art. 3, **Sch.** (with art. 4)
- 13** S. 12(2)(a) in force at 16.12.2014 in so far as not already in force by S.S.I. 2014/287, art. 3, **Sch.** (with art. 4)
- 14** S. 12(2)(c)(3)(4) in force at 16.12.2014 by S.S.I. 2014/287, art. 3, **Sch.** (with art. 4)

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