



Marriage (Scotland) Act 1977

1977 CHAPTER 15

[^{F1}RELIGIOUS OR BELIEF MARRIAGES]

9 Registration of nominated persons as celebrants.

(1) A [^{F1}religious or belief body], not being—

- (a) the Church of Scotland; or
- (b) prescribed by virtue of section 8(1)(a)(ii) of this Act,

may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to solemnise marriages [^{F2}between persons of different sexes]

^{F3}

[^{F4}(1A) A religious or belief body, not being prescribed by virtue of section 8(1B)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to solemnise marriages between persons of the same sex.]

(2) The Registrar General shall reject a nomination made under subsection (1) [^{F5} or (1A)] above if in his opinion—

- (a) the nominating body is not a [^{F6}religious or belief body] ; or
- (b) the marriage ceremony used by that body is not of an appropriate form; or
- (c) the nominee is not a fit and proper person to solemnise a marriage; or
- (d) there are already registered under this section sufficient members of the same ^{F7}... body as the nominee to meet the needs of that body [^{F8} in relation to solemnising marriages between persons of different sexes or, as the case may be, marriages between persons of the same sex] .

[^{F9}(2A) In subsection (2)(e), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(2B) Regulations under subsection (2A)—

- (a) may make different provision for different cases or circumstances;
- (b) may include transitional and saving provision.

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(2C) Regulations under subsection (2A) are subject to the negative procedure.]

(3) For the purposes of subsection (2)(b) above, a marriage ceremony [^{F10} for marriage between persons of different sexes] is of an appropriate form if it includes, and is in no way inconsistent with—

- (a) a declaration by the parties, in the presence of each other, the celebrant and two [^{F11} witnesses—
 - (i) that they accept each other as husband and wife;
 - (ii) that they accept each other in marriage; or
 - (iii) either or both of sub-paragraphs (i) and (ii);] and
- (b) a declaration by the celebrant, after the declaration mentioned in paragraph (a) of this [^{F12} subsection—
 - (i) that the parties are then husband and wife;
 - (ii) that the parties are then married; or
 - (iii) either or both of sub-paragraphs (i) and (ii);]

and the Registrar General may, before deciding whether to accept or reject a nomination, require the nominating body to produce to him in writing the form of words used at its marriage ceremonies [^{F13} for marriage between persons of different sexes].

[^{F14}(3A) For the purposes of subsection (2)(b) above, a marriage ceremony for marriage between persons of the same sex is of an appropriate form if it includes, and is in no way inconsistent with—

- (a) a declaration by the parties, in the presence of each other, the celebrant and two witnesses, that they accept each other in marriage;
- (b) a declaration by the celebrant, after the declaration mentioned in paragraph (a), that the parties are then married,

and the Registrar General may, before deciding whether to accept or reject a nomination, require the nominating body to produce in writing the form of words used at its marriage ceremonies for marriage between persons of the same sex.]

(4) Where the Registrar General accepts a nomination made to him under subsection (1) [^{F15} or (1A)] above, he—

- (a) shall determine the period during which the nominee shall be empowered to solemnise marriages, being a period of not more than 3 years; and
- (b) may determine that the nominee shall be empowered to solemnise marriages only in such area [^{F16} or place] as the Registrar General may specify,

and may make his acceptance subject to such other conditions as he thinks fit:

Provided that nothing in paragraph (a) above shall preclude the Registrar General from accepting a further nomination of that nominee, in accordance with this section, to take effect at any time after the end of the period determined by the Registrar General under the said paragraph (a).

(5) The Registrar General shall—

- (a) where he accepts a nomination made to him under subsection (1) [^{F17} or (1A)] above—
 - (i) so inform the nominee and the nominating body, specifying the period during which the acceptance shall have effect and any condition to which the acceptance is subject;

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- (ii) enter the name of the nominee, the nominating body and such other particulars as he deems appropriate in a register which he shall establish and maintain and which shall be made available for public inspection at all reasonable times without charge;
 - (b) where he rejects the nomination, by notice in writing inform the nominating body of the reasons for that rejection.
- [^{F18}(5ZA) The register mentioned in subsection (5)(a)(ii) is to be in two parts—
- (a) the first part containing the details mentioned in subsection (5)(a)(ii) in relation to persons nominated by religious or belief bodies to solemnise marriages between persons of different sexes; and
 - (b) the second part containing those details in relation to persons nominated by religious or belief bodies to solemnise marriages between persons of the same sex.]
- [^{F19}(5A) For the purpose of subsection (5)(b) above, notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.]
- (6) The nominating body may, if aggrieved by a rejection under this section, within 28 days of receiving notice of that rejection, appeal to the Secretary of State, and on any such appeal the Secretary of State may direct the Registrar General to accept the nomination or may confirm its rejection and shall inform the nominating body of his direction or confirmation, as the case may be, and the reason for it; and such direction or confirmation shall be final:
- Provided that if a reason given for a confirmation of the rejection of a nomination is that the nominating body is not a [^{F20}religious or belief body] , that body may, within 42 days of receiving notice of the confirmation, appeal against the confirmation to the Court of Session and seek the determination of that court as to whether the body is a [^{F20}religious or belief body] ; and if—
- (a) the court determine that the nominating body is a [^{F20}religious or belief body] ; and
 - (b) the said reason was the only reason given for the confirmation, that determination shall be given effect to by the Registrar General as if it were a direction under this subsection to accept the nomination.

Textual Amendments

- F1** Words in s. 9(1) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(2)(a)(i)**, 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F2** Words in s. 9(1) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(2)(a)(ii)**, 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F3** Words in s. 9(1) repealed (1.10.2006) by [The Employment Equality \(Age\) Regulations 2006 \(S.I. 2006/1031\)](#), reg. 1(1), **Sch. 9** (with regs. 44-46)
- F4** S. 9(1A) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(2)(b)**, 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F5** Words in s. 9(2) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(2)(c)(i)**, 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F6** Words in s. 9(2)(a) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(2)(c)(ii)**, 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F7** Word in s. 9(2)(d) repealed (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(2)(c)(iii)(A)**, 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)

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- F8** Words in s. 9(2)(d) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(c)(iii)(B)**, 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F9** S. 9(2A)-(2C) inserted (1.9.2014 for specified purposes) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(e)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)
- F10** Words in s. 9(3) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(f)(i)**, 36; S.S.I. 2014/287, art. 3, sch.
- F11** S. 9(3)(a)(i)-(iii) substituted for words (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(f)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.
- F12** S. 9(3)(b)(i)-(iii) substituted for words (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(f)(iii)**, 36; S.S.I. 2014/287, art. 3, sch.
- F13** Words in s. 9(3)(b) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(f)(iv)**, 36; S.S.I. 2014/287, art. 3, sch.
- F14** S. 9(3A) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(g)**, 36; S.S.I. 2014/287, art. 3, sch.
- F15** Words in s. 9(4) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(h)(i)**, 36; S.S.I. 2014/287, art. 3, sch.
- F16** Words in s. 9(4)(b) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(h)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.
- F17** Words in s. 9(5)(a) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(i)**, 36; S.S.I. 2014/287, art. 3, sch.
- F18** S. 9(5ZA) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(j)**, 36; S.S.I. 2014/287, art. 3, sch.
- F19** S. 9(5A) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 50(6)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F20** Words in s. 9(6) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 13(2)(k)**, 36; S.S.I. 2014/287, art. 3, sch.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(2)(e) inserted by [2014 asp 5 s. 13\(2\)\(d\)](#)