



Marriage (Scotland) Act 1977

1977 CHAPTER 15

Religious Marriages

9 Registration of nominated persons as celebrants

- (1) A religious 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:

Provided that any such nominee must, at the date of his nomination, be 21 years of age or over.

- (2) The Registrar General shall reject a nomination made under subsection (1) above if in his opinion—
- (a) the nominating body is not a religious 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 religious body as the nominee to meet the needs of that body.
- (3) For the purposes of subsection (2)(b) above, a marriage ceremony 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 as husband and wife ; and
 - (b) a declaration by the celebrant, after the declaration mentioned in paragraph (a) of this subsection, that the parties are then husband and wife,

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.

- (4) Where the Registrar General accepts a nomination made to him under subsection (1) above, he—

Status: This is the original version (as it was originally enacted).

- (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 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) 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;
 - (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.
- (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 religious 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 religious body ; and if—

- (a) the court determine that the nominating body is a religious 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.