



Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

PART 1

MARRIAGE

CHAPTER 3

SOLEMNISATION OF MARRIAGE

VALID FROM 01/09/2014

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—

Status: Point in time view as at 21/05/2014. This version of this provision is not valid for this point in time.

Changes to legislation: There are currently no known outstanding effects for the Marriage and Civil Partnership (Scotland) Act 2014, Section 12. (See end of Document for details)

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

- (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;

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(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

(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);”.

Status:

Point in time view as at 21/05/2014. This version of this provision is not valid for this point in time.

Changes to legislation:

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