



# Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

## PART 3

### MARRIAGE AND CIVIL PARTNERSHIP: OTHER PROVISION

#### 28 Bigamy

(1) In section 24 of the 1977 Act (offences)—

(a) before subsection (1) insert—

“(A1) A person (“A”) commits an offence if A purports to enter into a marriage with another person (“B”) knowing that either or both—

- (a) A is already married to or in a civil partnership with a person other than B, or
- (b) B is already married to or in a civil partnership with a person other than A.

(A2) A person who commits an offence under subsection (A1) is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both),
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).”, and

(b) in subsection (1)(ii), for “prescribed sum” substitute “statutory maximum”.

(2) In section 100 of the 2004 Act (offences)—

- (a) in subsection (1), for “registers” substitute “purports to register”, and
- (b) in subsection (3)(b), for “level 3 on the standard scale” substitute “the statutory maximum”.

(3) The common law offence of bigamy is abolished.

(4) In section 13 of the Presumption of Death (Scotland) Act 1977 (defence to charge of bigamy)—

*Status: This is the original version (as it was originally enacted).*

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- (a) for “bigamy” substitute “committing an offence under section 24(A1) of the Marriage (Scotland) Act 1977 or section 100(1) of the Civil Partnership Act 2004”,
- (b) after “marriage” insert “or civil partnership”, and
- (c) after “spouse” insert “or civil partner”.