



Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

PART 1

MARRIAGE

CHAPTER 1

SAME SEX MARRIAGE

1 Marriage of related persons

(1) The Marriage (Scotland) Act 1977 (“the 1977 Act”) is amended as follows.

(2) In section 2 (marriage of related persons)—

(a) for subsection (1) substitute—

“(1) Subject to subsection (1A), a marriage between persons who are related to each other in a forbidden degree is void if solemnised—

(a) in Scotland; or

(b) at a time when either party is domiciled in Scotland.

(1ZA) For the purposes of subsection (1), a person is related to another person in a forbidden degree if related to that person in a degree specified in Schedule 1.”

(b) in subsection (1A), for the words from the beginning to “paragraph,” substitute “A person who is related to another person in a degree specified in paragraph 2 of Schedule 1 (relationships by affinity) is not related to that person in a forbidden degree”;

(c) after subsection (1A) insert—

“(1C) For the purposes of paragraph 2 of Schedule 1, “spouse” means—

(a) in the case of a marriage between persons of different sexes, a wife in relation to her husband or a husband in relation to his wife; and

Status: This is the original version (as it was originally enacted).

- (b) in the case of a marriage between persons of the same sex, one of the parties to the marriage in relation to the other.”,
 - (d) in subsection (7)—
 - (i) for “those provisions” substitute “subsection (1C)(a) as it applies to paragraph 2 of Schedule 1”, and
 - (ii) the word “former” in each place where it appears is repealed, and
 - (e) in subsection (7A)—
 - (i) for “mother” substitute “parent”, and
 - (ii) the words “in either column” are repealed.
- (3) For schedule 1 substitute—

“SCHEDULE 1

(introduced by section 2)

DEGREES OF RELATIONSHIP

1. ***Relationships by consanguinity***
 - Parent
 - Child
 - Grandparent
 - Grandchild
 - Sibling
 - Aunt or uncle
 - Niece or nephew
 - Great-grandparent
 - Great-grandchild
2. ***Relationships by affinity referred to in section 2(1A)***
 - Child of former spouse
 - Child of former civil partner
 - Former spouse of parent
 - Former civil partner of parent
 - Former spouse of grandparent
 - Former civil partner of grandparent
 - Grandchild of former spouse
 - Grandchild of former civil partner
3. ***Relationships by adoption***
 - Adoptive parent or former adoptive parent
 - Adopted child or former adopted child.”.