



Marriage and Civil Partnership (Scotland) Act 2014

2014 asp 5

PART 1

MARRIAGE

CHAPTER 3

SOLEMNISATION OF MARRIAGE

13 Registration of nominated persons as celebrants

(1) The 1977 Act is amended as follows.

(2) In section 9 (registration of nominated persons as celebrants)—

(a) in subsection (1)—

- (i) for “religious body” substitute “religious or belief body”, and
- (ii) after “marriages” insert “between persons of different sexes”,

(b) after subsection (1) insert—

“(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.”,

(c) in subsection (2)—

- (i) after “(1)” insert “or (1A)”,
- (ii) in paragraph (a), for “religious body” substitute “religious or belief body”, and
- (iii) in paragraph (d)—

(A) the word “religious” is repealed, and

Status: This is the original version (as it was originally enacted).

- (B) after “that body” insert “in relation to solemnising marriages between persons of different sexes or, as the case may be, marriages between persons of the same sex”,
- (d) after paragraph (d) insert “; or
- (e) the nominating body does not meet the qualifying requirements.”,
- (e) after subsection (2) insert—
- “(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.
- (2C) Regulations under subsection (2A) are subject to the negative procedure.”,
- (f) in subsection (3)—
- (i) after “ceremony” insert “for marriage between persons of different sexes”,
- (ii) in paragraph (a), for the words from “witnesses,” to “wife;” substitute “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);”,
- (iii) in paragraph (b), for the words from “subsection,” to “wife;” substitute “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
- (iv) after “ceremonies” insert “for marriage between persons of different sexes”,
- (g) after subsection (3) insert—
- “(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.”,

Status: This is the original version (as it was originally enacted).

- (h) in subsection (4)—
 - (i) after “(1)” insert “or (1A)”, and
 - (ii) in paragraph (b), after “area” insert “or place”,
 - (i) in subsection (5)(a), after “(1)” insert “or (1A)”,
 - (j) after subsection (5) insert—
 - “(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.”,
 - (k) in subsection (6), in the proviso, for “religious body” in each place where it appears substitute “religious or belief body”, and
 - (l) the italic cross-heading preceding section 9 becomes “*Religious or belief marriages*”.
- (3) In section 10 (removal of celebrant’s name from register)—
- (a) in subsection (1)—
 - (i) in paragraph (b), after “9(1)” insert “or (1A)”, and
 - (ii) in paragraph (c), after “9(3)” insert “or (3A)”,
 - (b) after that subsection insert—
 - “(1A) In relation to any ground mentioned in subsection (1)(a) to (c), references in this section to removal from and restoration to the register include removal from and restoration to the appropriate part of the register.”, and
 - (c) in subsection (4), after “9(1)” insert “or (1A)”.
- (4) In section 14(b) (form of ceremony to be used by approved celebrant), after “9(3)” insert “or (3A)”.
- (5) In section 24(2)(a) (offences), after “area” insert “or place”.