



# Marriage (Scotland) Act 1977

## 1977 CHAPTER 15

### PRELIMINARIES TO REGULAR MARRIAGE

#### 3 Notice of intention to marry.

- (1) Subject to subsections (2) to (4) below, each of the parties to a marriage intended to be solemnised in Scotland shall submit to the district registrar a notice, in the prescribed form, of intention to marry (in this Act referred to as a “marriage notice”) [F<sup>1</sup>accompanied by][F<sup>1</sup> and ] the prescribed fee, his birth certificate and—
- (a) if he has previously been married and the marriage has been dissolved, a copy of the decree of divorce, dissolution or annulment;
  - [F<sup>2</sup>(aa) if he has previously been in civil partnership and the civil partnership has been dissolved, a copy of the decree of dissolution or annulment;]
  - (b) in the case of a widow or widower, the death certificate of the former spouse;
  - (c) in any case where a certificate is required under subsection (5) below, that certificate.
  - [F<sup>3</sup>(d) where he is related to the other party in a degree specified in paragraph 2 of Schedule 1 to this Act, a declaration in the prescribed form stating—
    - (i) the degree of relationship; and
    - (ii) that the younger party has not at any time before attaining the age of 18 lived in the same household as the other party and been treated by the other party as a child of his family.]
- (2) If a party is unable to submit his birth certificate or any document referred to in paragraph (a) [F<sup>4</sup>, (aa) ] or (b) of subsection (1) above, he may in lieu thereof make a declaration stating that for reasons specified in that declaration it is impracticable for him to submit that certificate or document; and he shall provide the district registrar with such—
- (a) information in respect of the matters to which such certificate or document would have related; and
  - (b) documentary evidence in support of that information,
- as the district registrar may require.

*Status: Point in time view as at 01/10/2006. This version of this provision has been superseded.*

*Changes to legislation: Marriage (Scotland) Act 1977, Section 3 is up to date with all changes known to be in force on or before 10 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

- (3) If any document submitted under subsection (1) above is written in a language other than English, the party submitting it shall [<sup>F5</sup>attach to that document][<sup>F5</sup>also submit] a translation of it in English certified by the translator as a correct translation.
- [<sup>F6</sup>(3A) A person submitting a notice under subsection (1) above shall make and attest in the prescribed manner the necessary declaration (the form for which shall be included in any form prescribed for the notice).
- (3B) The necessary declaration is a declaration that the person submitting the notice believes that the parties to the marriage are eligible to be married to each other.]
- (4) Where a party to a marriage intended to be solemnised in Scotland is residing in another part of the United Kingdom, he may submit to the district registrar a valid certificate for marriage (in this Act referred to as an “approved certificate”) issued in that other part; and where that party so submits an approved certificate, he need not, unless the Registrar General so directs, comply with the other provisions of this section.
- (5) A party to a marriage intended to be solemnised in Scotland who is not domiciled in any part of the United Kingdom is required, if practicable, to submit under subsection (1)(c) above a certificate, issued by a competent authority in the state in which the party is domiciled, to the effect that he is not known to be subject to any legal incapacity (in terms of the law of that state) which would prevent his marrying:
- Provided that such a party—
- (i) may, where under the law of the state in which he is domiciled his personal law is that of another foreign state, submit in lieu of the said certificate a like certificate issued by a competent authority in that other state;
  - (ii) need not submit a certificate under paragraph (c) of subsection (1) above [<sup>F7</sup>(a)] if he has been resident in the United Kingdom for a period of 2 or more years immediately before the date on which he submits a marriage notice under that subsection in respect of the said marriage [<sup>F8</sup>or (b) if no such certificate has been issued only by reason of the fact that the validity of a divorce or annulment granted by a court of civil jurisdiction in Scotland or entitled to recognition in Scotland under section 44 or 45 of the Family Law Act 1986 is not recognised in the state in which the certificate would otherwise have been issued.]

#### Subordinate Legislation Made

**P1** S. 3: for previous exercises of this power see Index to Government Orders.

**P2** S. 3(1): s. 25 (with ss. 3(1), 19(2) and 26) power exercised (12.12.1991) by [S.I.1991/2816](#).

#### Textual Amendments

**F1** Word in s. 3(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 50(2)(a)**, 63(2); [S.S.I. 2006/469](#), art. 2, schs. 1, 2 (with art. 4)

**F2** S. 3(1)(aa) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 43(a)**; [S.S.I. 2005/604](#), arts. 2(c), 4

**F3** S. 3(1)(d) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 2, **Sch. 2 para. 3**

**F4** Word in s. 3(2) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), **Sch. 28 para. 43(b)**; [S.S.I. 2005/604](#), arts. 2(c), 4

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- F5** Words in s. 3(3) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 50(2)(b)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F6** S. 3(3A)-(3B) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 50(2)(c)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F7** Word inserted by [Family Law Act 1986 \(c. 55, SIF 49:3\)](#), ss. 68(1), 69(6), **Sch. 1 para. 21(a)**
- F8** Words added by [Family Law Act 1986 \(c. 55, SIF 49:3\)](#), ss. 68(1), 69(6), **Sch. 1 para. 21(b)**

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**Modifications etc. (not altering text)**

- C1** By [S.I. 1993/3152](#), **art. 2(1)**, it is provided (1.4.1994) that the fee payable under s. 3(1) shall be £10.00.

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