

2006 No. 573

MARRIAGE

**The Marriage (Approval of Places) (Scotland) Amendment
Regulations 2006**

Made - - - - - *29th November 2006*

Laid before the Scottish Parliament *30th November 2006*

Coming into force - - - *1st January 2007*

The Scottish Ministers, in exercise of the powers conferred by sections 18A(1) and (2) of the Marriage (Scotland) Act 1977(a) and of all other powers enabling them in that behalf, make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Marriage (Approval of Places) (Scotland) Amendment Regulations 2006 and shall come into force on 1st January 2007.

Amendment of the Marriage (Approval of Places) (Scotland) Regulations 2002

2.—(1) The Marriage (Approval of Places) (Scotland) Regulations 2002(b) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) after the definition of “approved place”, insert—

““approved vessel”(c) means a vessel in Scottish waters which has been approved by an authority under these Regulations and for which said approval is still current;”;

(b) at the end of the definition of “authority”, add “and in relation to a vessel in Scottish waters, means the home local authority within the meaning of section 18(8) of the Act(d)”;

(c) in the definition of “place”—

(i) for “within the registration district”, insert “within the seaward boundary(e) of the registration district”; and

(ii) omit “or vehicles”.

(3) In regulations 2(2) (applicants), 5(2)(a) (notification of applications) and 10 (restriction on successive applications), after “place”, insert “or vessel in Scottish waters”.

(a) 1977 c.15 (“the 1977 Act”); section 18A was inserted by section 1(3) of the Marriage (Scotland) Act 2002 (asp 8) and amended by section 48 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) (“the 2006 Act”).

(b) S.S.I. 2002/260, amended by S.S.I. 2005/657.

(c) See section 18(7) of the 1977 Act, inserted by the 2006 Act, section 48(6)(b).

(d) Section 18(8) of the 1977 Act was inserted by section 48(6)(b) of the 2006 Act. “Scottish waters” is defined in section 26(2) of the 1977 Act, as amended by the 2006 Act, section 48(9)(b)(ii).

(e) Defined by section 26(2A) of the 1977 Act, as inserted by section 48(9)(c) of the 2006 Act.

- (4) In regulation 3 (period approvals)–
- (a) for paragraph (1)(b) substitute–
 - “(b) a description of–
 - (i) the place (or for a vessel in Scottish waters, any intended position or area of operation) where it is intended that civil marriages will be solemnised sufficient to identify that place (or position or area of operation) and to allow the authority to inspect it;
 - (ii) in the case of a vessel, the vessel and the location at which it may be inspected; and
 - (iii) in the case of a vessel in Scottish waters, the intended points where the authorised registrar would embark and disembark.”; and
 - (b) in paragraph (4), after “place” insert “(or vessel or its intended position or area of operation)”.
- (5) In regulation 4 (temporary approvals)–
- (a) for paragraph (1)(c), substitute–
 - “(c) a description of–
 - (i) the place (or for a vessel in Scottish waters, its intended position) where it is intended that the civil marriage will be solemnised sufficient to identify that place (or position) and to allow the authority to inspect it;
 - (ii) in the case of a vessel, the vessel and the location at which it may be inspected; and
 - (iii) in the case of a vessel in Scottish waters, the intended points where the authorised registrar would embark and disembark.”; and
 - (b) in paragraph (4), after “place” insert “(or vessel or its intended position)”.
- (6) In regulation 7 (determination of applications)–
- (a) in paragraph (2)(a), after “place”, insert “or vessel in Scottish waters”;
 - (b) in paragraph (2) (c)–
 - (i) after “place” the first time it occurs, insert “or vessel in Scottish waters”; and
 - (ii) after “at the place”, insert “in or on the vessel”.
- (7) In regulation 8(b) (conditions attached to approvals), after “at the place”, insert “or in or on the vessel in Scottish waters”.
- (8) At the end of regulation 9(3) (notification of decisions), add “or, in the case of an approved vessel, to the proposed authorised registrar of the authority”.
- (9) In regulation 14 (fees for attendance of registrars), after “at approved places”, insert “or in or on approved vessels”.
- (10) In regulation 15 (revocation and suspension of approvals)–
- (a) in paragraph (2)(b), after “approved place”, insert “or approved vessel”; and
 - (b) in paragraph (10), after “in the place”, insert “or in or on the vessel in Scottish waters”.
- (11) In regulation 17(1) (deemed approval holder), after “the approved place”, insert “or the approved vessel”.
- (12) In regulation 18 (registers of approved places)–
- (a) in paragraph (1)–
 - (i) after “granted”, insert “and every approved vessel for which it grants a period approval”; and
 - (ii) at the end of sub-paragraph (a), add “or approved vessel”; and
 - (b) in paragraph (3)–
 - (i) the words from “to the district registrar” to the end become sub-paragraph (a); and

(ii) at the end, insert–

“; or

(b) to the proposed authorised registrar of the authority, in the case of an approved vessel”.

(13) After regulation 18, insert–

“Approved vessels

18A.—(1) Notwithstanding the description of the position or area delivered under regulation 3(1)(b) or 4(1)(c), a marriage on an approved vessel may be solemnised elsewhere in Scottish waters.

(2) The approval of a vessel in Scottish waters is to have effect as an approval of a place if–

(a) the approved vessel is at the time of the marriage positioned so the vessel falls within the seaward boundary of a registration district^(a); and

(b) the authority which granted the approval is the authority for that district.”.

(14) In the Schedule (standard conditions to be attached to period approvals)–

(a) in paragraphs 2, 3(a) and (b), 5, 6 (both times it occurs), 8(1) (both times it occurs) and 8(2), after “approved place”, insert “or approved vessel”

(b) at the end of paragraph 7, add “or, in the case of a marriage in or on a vessel in Scottish waters, of the proposed authorised registrar”; and

(c) in paragraph 8(1), after “that place”, insert “or vessel”.

GEORGE LYON

Authorised to sign by the Scottish Ministers

St Andrew's House,
Edinburgh
29th November 2006

(a) Defined by section 26(2A) of the 1977 Act, as inserted by section 48(9)(c) of the 2006 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Marriage (Approval of Places) (Scotland) Regulations 2002 (“the principal Regulations”) to provide new arrangements for the approval of vessels on board which civil marriages may be solemnised, in particular in Scottish waters. The changes are a consequence of section 48 of the Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14) (“the 2006 Act”).

The principal Regulations are amended to add definitions in relation to the approval of vessels on which civil marriages may be solemnised in Scottish waters and to reflect definitions of “Scottish waters”, the seaward boundary of registration districts, “approved vessel” and “vessel” added to the Marriage (Scotland) Act 1977 (“the 1977 Act”) by the 2006 Act. Under the amendments made by the 2006 Act, marriage in Scottish waters need no longer take place within a registration district. The local authority which may approve a vessel for these purposes is the local authority of the proposed authorised registrar who will solemnise the proposed marriage.

The Regulations make clear how the principal Regulations apply in relation to the approval of vessels for marriage in Scottish waters. They also require, for such vessels, details of proposed embarkation and disembarkation points for the registrar who is to solemnise the marriage (regulation 2(4)(a) and (5)(a)). In addition, where a vessel approved for the purposes of marriage within Scottish waters ties up or is positioned so as to fall within a registration district in terms of the definition in section 26(2A) of the 1977 Act then, provided the same local authority would be responsible for approving a vessel so positioned, the existing approval is sufficient (regulation 2(13)).

A Regulatory Impact Assessment has not been produced for this instrument as it has no impact on the cost of business.

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