
SCOTTISH STATUTORY INSTRUMENTS

2014 No. 361

**The Marriage Between Civil Partners (Procedure
for Change and Fees) (Scotland) Regulations 2014**

Modification of the Marriage (Scotland) Act 1977

7.—(1) In their application to civil partnerships changed into marriages in accordance with these Regulations, the following provisions of the Marriage (Scotland) Act 1977⁽¹⁾ have effect subject to the following modifications.

(2) For section 5 (objections to marriage) there was substituted—

“(1) Any person may at any time before a civil partnership is changed into a marriage under section 10 regulations submit an objection in writing to any district registrar on the ground that one or both of the parties is or are incapable of understanding the procedure or of consenting to marriage.

(2) For the purposes of subsection (1)—

- (a) an objection shall not be treated as submitted until there has also been produced to the registrar a supporting certificate attested in the prescribed manner by a registered medical practitioner;
- (b) an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.

(3) Upon receipt of an objection in accordance with subsection (1), the district registrar must notify the Registrar General of the objection.

(4) If the Registrar General is satisfied, on consideration of an objection of which notification under subsection (3) was received, that—

- (a) there is a legal impediment to the marriage, he or she must direct the district registrar to take all reasonable steps to ensure that the procedure to change the civil partnership into a marriage does not take place and must notify, or direct the district registrar to notify, the parties to the intended marriage accordingly;
- (b) there is no legal impediment to the marriage, he or she must inform the district registrar to that effect.

(5) For the purposes of this section there is a legal impediment to a marriage where one or both of the parties is or are incapable of understanding the nature of the procedure to change the civil partnership into a marriage or of consenting to marriage.

(6) A person who has submitted an objection in accordance with subsection (1) may at any time withdraw it. The Registrar General is entitled to have regard to that objection notwithstanding such withdrawal.”

(3) For section 20A⁽²⁾ (grounds on which marriage void) there was substituted—

⁽¹⁾ 1977 c.15.

⁽²⁾ Section 20A was inserted by section 2 of the Family Law (Scotland) Act 2006 (asp 2).

“(1) Where subsection (2) [F1 or (3)] applies in relation to a civil partnership changed into a marriage under section 10 regulations, the marriage will be void.

(2) This subsection applies if at the time an application form was signed by the parties, a party who was capable of consenting to the marriage purported to give consent but did so by reason only of duress or error.

(3) This subsection applies if at the time an application form was signed by the parties, a party to the application was incapable of—

- (a) understanding the nature of marriage; and
- (b) consenting to the marriage.

(4) If a party to the marriage purported to give consent to the marriage other than by reason only of duress or error, the marriage will not be void by reason only of that party’s having tacitly withheld consent to the marriage at the time when the application form was signed by the parties.

(5) In this section “error” means error as to the nature of the procedure to change the civil partnership into a marriage.”.

(4) For section 22 there was substituted—

“Interpreters at the procedure to change the civil partnership into a marriage

(1) At the procedure to change a civil partnership into a marriage under section 10 regulations, if the district registrar considers it necessary or desirable, he or she may use the services of an interpreter (not being a party to the marriage).

(2) The interpreter must—

- (a) before the procedure to change the civil partnership into a marriage, sign a written statement that he or she understands, and is able to converse in, any language in respect of which he or she is to act as interpreter at that procedure; and
- (b) immediately after the application form is signed, provide the district registrar with a certificate written in English and signed by the interpreter that he or she has faithfully acted as interpreter at the procedure to change the civil partnership into a marriage.

(3) Any fee for the services of the interpreter shall be paid by the parties to the marriage.”.

(5) In section 23A (validity of a registered marriage)—

- (a) subsection (1) has effect as if—
 - (i) the words “at the ceremony” were omitted;
 - (ii) for the words “an appropriate” there was substituted the words “the district”; and
 - (iii) the words “or section 10 regulations” were added at the end; and
- (b) subsection (2) was omitted.

(6) In section 24 (offences)—

(a) for subsection (1) there was substituted—

“(1) Any person who—

- (a) falsifies or forges the application form issued or made, or purporting to be issued or made in relation to the procedure to change a civil partnership into a marriage under section 10 regulations;
- (b) knowingly uses, or gives or sends to any person as genuine, any false or forged application form issued or made, or purporting to be issued or made under section 10 regulations;

- (c) as the district registrar signs the application form, without both parties to the marriage being present,
is guilty of an offence and is liable—
 - (i) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both;
 - (ii) on summary conviction, to a fine not exceeding the statutory maximum or to imprisonment for a term not exceeding 3 months or to both.”; and
 - (b) subsection (2) is omitted.
- (7) In section 26(2) (interpretation)—
- (a) after the definition of “annulment” there was inserted—
““application form” means the form in relation to the procedure to change a civil partnership into a marriage under section 10 regulations;” and
 - (b) after the definition of “Scottish waters” there was inserted—
““section 10 regulations” means regulations made under section 10 of the Marriage and Civil Partnership (Scotland) Act 2014;”.

F1 Words in [reg. 7\(3\)](#) substituted (24.4.2023) by [The Marriage Between Civil Partners \(Procedure for Change and Fees\) \(Scotland\) Amendment Regulations 2023 \(S.S.I. 2023/55\)](#), regs. 1, **2(5)**

Commencement Information

II Reg. 7 in force at 16.12.2014, see [reg. 1](#)

Changes to legislation:

There are currently no known outstanding effects for the The Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014, Section 7.