

## **POLICY NOTE**

### **THE MARRIAGE (PRESCRIPTION OF FORMS) (SCOTLAND) AMENDMENT REGULATIONS 2015**

#### **SSI 2015/313**

The above instrument is made in exercise of the powers conferred by section 3(1) of the Marriage (Scotland) Act 1977 (“the 1977 Act”). The instrument is laid before Parliament under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010.

#### **Policy Objectives**

The Registrar General, with the consent of the Scottish Ministers, prescribes a number of forms in relation to marriage ceremonies. One of these forms is the marriage notice form, commonly known as “M10”. When a person intends to marry, the person has to submit this form to the district registrar. The district registrar then carries out checks on whether the person is eligible to marry in Scotland.

The Scottish Government has laid before Parliament a draft of the Qualifying Civil Partnership Modification (Scotland) Order 2015 (“the draft 2015 Order”). This will enable couples in a civil partnership registered outwith Scotland to change their relationship into marriage in Scotland, if they so wish. As a consequence of the draft 2015 Order a minor change is required to the marriage notice form. This change is that the wording at box 31 has been altered to reflect that the person intending to marry may be in a civil partnership from outwith Scotland.

We have also taken the opportunity to make some minor improvements to the form:

- To be consistent within box 7, the word “Marriage” in the entry in box 7 for “Previous Marriage annulled” has been spelt with an initial capital letter.
- The wording at boxes 14 and 18 has been clarified by removing the words “if different from (b)” from boxes 14(c) and (d) and 18(c) and (d).
- In the previous version of the form, there was no box numbered 19. The box numbering in the form has now been corrected.
- To be consistent with the approach taken in the form generally, the words “Civil Partners” in box 22 have been spelt with an initial capital letter.
- The declaration at the end has been slightly amended. Previously, each part of the declaration started with “that”. We have moved “that” to after “I solemnly declare” to enable the form to remain on two pages.

#### **Background**

The change to the notice form to reflect that the person intending to marry may be in a civil partnership from outwith Scotland is a consequence of the Marriage and Civil Partnership (Scotland) Act 2014 (“the 2014 Act”). Under the 2014 Act, a couple in a civil partnership registered in Scotland can, if they wish, change their civil partnership into marriage in Scotland. Under section 9 of the 2014 Act, the Scottish Ministers may make an Order to enable civil partnerships registered outwith Scotland to change into marriages in Scotland. As indicated above, the draft 2015 Order is being made to enable this to happen.

## **Consultation**

The Government has consulted twice on the specific issue of civil partnerships registered outwith Scotland changing to marriages in Scotland . First of all, the Government issued a discussion paper on 6 March 2015 on the overall policy<sup>1</sup>. Secondly, the Government, in line with section 9(3) of the 2014 Act, consulted the Registrar General and other persons on the draft 2015 Order<sup>2</sup>. Paragraphs 17 to 20 of this second consultation noted that changes would be required to the marriage notice form. There were no adverse comments on the planned changes to the form. One consultee noted that non-statutory guidance note 3 to the form<sup>3</sup> will also need to be amended to reflect that civil partners from outwith Scotland will be able to marry. We agree with this comment and will amend note 3 accordingly.

## **Impact Assessments**

No impact assessments were prepared for these Regulations. However, the Scottish Government prepared a Business and Regulatory Impact Assessment<sup>4</sup> and an Equality Impact Assessment<sup>5</sup> for the introduction to Parliament of the then Marriage and Civil Partnership (Scotland) Bill on 26 June 2013.

Accompanying documents were also produced for the Bill in line with the Parliament's Standing Orders<sup>6</sup>.

## **Financial Effects**

No financial effects arise from these regulations.

Couples seeking to have a marriage ceremony in Scotland to change their civil partnership registered outwith Scotland into marriage will need to pay the usual marriage ceremony fees<sup>7</sup>.

**Scottish Government  
Justice Directorate  
August 2015**

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<sup>1</sup> The Discussion Paper is at <http://www.gov.scot/Resource/0047/00472742.pdf>

<sup>2</sup> This consultation paper is at <http://www.gov.scot/Resource/0047/00479412.pdf> , with a draft of the Order at <http://www.gov.scot/Resource/0047/00479414.pdf>

<sup>3</sup> The non-statutory guidance notes are at <http://www.nrscotland.gov.uk/files/registration/marriage-notice-form-and-guidance-form-m10a.pdf>

<sup>4</sup> <http://www.scotland.gov.uk/Topics/Justice/law/17867/samesex/BRIA>

<sup>5</sup> <http://www.scotland.gov.uk/Topics/Justice/law/17867/samesex/EQIA>

<sup>6</sup> The Accompanying Documents are at <http://www.scottish.parliament.uk/parliamentarybusiness/Bills/64983.aspx>

<sup>7</sup> Details on marriage ceremony fees are at <http://www.nrscotland.gov.uk/files/registration/rm1b-leaflet.pdf>