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SCOTTISH STATUTORY INSTRUMENTS

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**2023 No. 53**

**MARRIAGE  
GENDER RECOGNITION**

**The Marriage and Marriage Registration (Prescription  
of Forms) (Scotland) Amendment Regulations 2023**

*Made* - - - - 22nd February 2023  
*Laid before the Scottish  
Parliament* - - - - 24th February 2023  
*Coming into force* - - 24th April 2023

The Registrar General makes the following Regulations in exercise of the powers conferred by section 3(1) of the Marriage (Scotland) Act 1977<sup>(1)</sup>, paragraph 20A(1) of schedule 3 of the Gender Recognition Act 2004<sup>(2)</sup>, and all other powers enabling her to do so<sup>(3)</sup>.

In accordance with section 25(1) of the Marriage (Scotland) Act 1977 and paragraph 20A(1) of schedule 3 of the Gender Recognition Act 2004, the Scottish Ministers have approved the making of these Regulations<sup>(4)</sup>.

**Citation and commencement**

1. These Regulations may be cited as the Marriage and Marriage Registration (Prescription of Forms) (Scotland) Amendment Regulations 2023 and come into force on 24 April 2023.

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- (1) [1977 c. 15](#) (“the 1977 Act”); section 3(1) of the 1977 Act was relevantly amended by section 50(2)(a) of the Local Electoral Administration and Registration Services (Scotland) Act [2006 \(asp 14\)](#); section 26(1) of the 1977 Act, read in conjunction with section 1 of the Registration of Births, Deaths and Marriages (Scotland) Act [1965 \(c. 49\)](#) contains a definition of “Registrar General” relevant to the statutory powers under which these Regulations are made; section 26(2) of the 1977 Act contains a definition of “prescribed” relevant to the statutory powers under which these Regulations are made.
- (2) [2004 c. 7](#) (“the 2004 Act”); paragraph 20A of schedule 3 of the 2004 Act was inserted by paragraph 9(2)(b) of schedule 2 of the Marriage and Civil Partnership (Scotland) Act [2014 \(asp 5\)](#) and the definition of “qualifying Scottish civil partnership” in paragraph 20A(4) was relevantly amended by paragraph 5(19) of schedule 2 of the Civil Partnership (Scotland) Act [2020 \(asp 15\)](#); paragraph 12 of schedule 3 of the 2004 Act contains a definition of “the Registrar General” relevant to the statutory powers under which these Regulations are made.
- (3) The powers to make these Regulations are exercised together by virtue of section 33(2) of the Interpretation and Legislative Reform (Scotland) Act [2010 \(asp 10\)](#). These Regulations are subject to the negative procedure by virtue of section 33(4) of that Act.
- (4) The functions of the Secretary of State under the 1977 Act were transferred to the Scottish Ministers by section 53 of the Scotland Act [1998 \(c. 46\)](#).

### **Amendment of the Marriage (Prescription of Forms) (Scotland) Regulations 1997**

2.—(1) The Marriage (Prescription of Forms) (Scotland) Regulations 1997<sup>(5)</sup> are amended as follows.

(2) For the form set out in schedule 1 (marriage notice – Scotland)<sup>(6)</sup> substitute the form set out in schedule 1 of these Regulations.

### **Amendment of the Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016**

3.—(1) The Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016<sup>(7)</sup> are amended as follows.

(2) For the form set out in schedule 1 (application form to register a marriage following issue of full gender recognition certificate) substitute the form set out in schedule 2 of these Regulations.

New Register House,  
Edinburgh  
22nd February 2023

*ANNE SLATER*  
Deputy Registrar General

Approved by the Scottish Ministers

St Andrew's House,  
Edinburgh  
22nd February 2023

*ANGUS ROBERTSON*  
A member of the Scottish Government

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<sup>(5)</sup> [S.I. 1997/2349](#).

<sup>(6)</sup> The form set out in schedule 1 was last substituted by [S.S.I. 2015/313](#).

<sup>(7)</sup> [S.S.I. 2016/66](#).

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SCHEDULE 1

Regulation 2(2)



**MARRIAGE NOTICE - SCOTLAND**

Form M10

(Section 3(1) of the Marriage (Scotland) Act 1977)

Use a pen to fill in the form, all in **BLOCK CAPITALS** except for your signature at the end

**A About the proposed marriage**

1. Date of marriage	Year	Month	Day	For registrar's use only Number in Notice book Date documents returned
2. Place				

**B About yourself**

3. Forename(s)			
Surname(s)			
4. Present or last occupation			
5. Retired (tick box)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	6. Sex (tick box) Male <input type="checkbox"/> Female <input type="checkbox"/>
7. Marital or Civil Partnership Status (tick only one box)			
Single <input type="checkbox"/>		Divorced <input type="checkbox"/>	
Surviving Civil Partner <input type="checkbox"/>		Widowed <input type="checkbox"/>	
Previous marriage annulled <input type="checkbox"/>		Previous Civil Partnership dissolved <input type="checkbox"/>	
		Previous Civil Partnership annulled <input type="checkbox"/>	
		Existing Civil Partnership <input type="checkbox"/>	
		Existing Marriage <input type="checkbox"/>	
8. Date of Birth	Year	Month	Day
9. Country of birth	10. Country of residence		11. Nationality
12. Usual residence			
Postcode			
13. How do you wish to be described in the Marriage Schedule and other documentation relating to your marriage? (tick only one box)			
Bride <input type="checkbox"/>		Bridegroom <input type="checkbox"/>	
		Groom <input type="checkbox"/>	
		No designation <input type="checkbox"/>	

**C About your father/parent**

14. (a) Forename(s)	
(b) Surname(s) at time of father's/parent(s) birth	
(c) Surname(s) at time of your birth if different from (b)	
(d) Surname(s) now (or at date of her/his death) if different from (b)	
15. Present or last occupation	
16. Retired (tick box)	Yes <input type="checkbox"/> No <input type="checkbox"/>
17. Is he/she still living? (tick box)	Yes <input type="checkbox"/> No <input type="checkbox"/>

**D About your mother/parent**

18. (a) Forename(s)	
(b) Surname(s) at time of mother's/parent(s) birth	
(c) Surname(s) at time of your birth if different from (b)	
(d) Surname(s) now (or at date of her/his death) if different from (b)	
19. Present or last occupation	
20. Retired (tick box)	Yes <input type="checkbox"/> No <input type="checkbox"/>
21. Is she/he still living? (tick box)	Yes <input type="checkbox"/> No <input type="checkbox"/>

**E About your parents**

22. Were your parents			
(a) married to each other at the time of your birth or later?		Yes <input type="checkbox"/>	No <input type="checkbox"/>
(b) registered as Civil Partners at the time of your birth or later?		Yes <input type="checkbox"/>	No <input type="checkbox"/>

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**F About the celebrant** (complete this part if you intend to have ceremony solemnised by someone other than a registrar)

23. Person who is to solemnise the marriage
24. Denomination or body to which (s)he is attached

**G About the other party to the marriage**

25. Forename(s) in full
Surname(s)
26. Usual residence
Postcode

**H Documents to be submitted by you with this Notice**

<p><b>27. FOR ALL PERSONS</b></p> <p>Is your birth certificate enclosed? (tick box) YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce your birth certificate, state the reason here.</i></p>
<p><b>28. IF YOU ARE DIVORCED, YOUR PREVIOUS MARRIAGE WAS ANNULLED OR YOUR PREVIOUS CIVIL PARTNERSHIP HAS BEEN DISSOLVED OR ANNULLED</b></p> <p>Is your decree of divorce, annulment or dissolution enclosed? (tick box) YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce the official decree of divorce or annulment or decree of dissolution or annulment of Civil Partnership, state the reason for not doing so. The registrar will require proof of the termination of the earlier marriage or Civil Partnership.</i></p>
<p><b>29. IF YOUR FORMER SPOUSE OR CIVIL PARTNER IS DECEASED</b></p> <p>Is the death certificate of your former spouse or Civil Partner enclosed? (tick box) YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce a death certificate of your previous spouse or Civil Partner, state the reason for not doing so. The registrar will require proof of the death.</i></p>
<p><b>30. IF YOU ARE A PERSON WHO IS SUBJECT TO THE MARRIAGE LAWS OF A COUNTRY OUTSIDE THE UNITED KINGDOM</b></p> <p>Have you enclosed a certificate of no impediment to marriage issued by a competent authority in that country? (tick box) YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce such a certificate, state the reason. If you have resided in the UK for at least two years immediately before submitting the notice, you need not submit a certificate of no impediment, but should state how long you have been resident in the UK.</i></p>
<p><b>31. IF YOU ARE IN AN EXISTING CIVIL PARTNERSHIP</b></p> <p>Is the relevant extract from the Civil Partnership register (your Civil Partnership certificate) enclosed? (tick box) YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce the extract from the Civil Partnership register relating to your Civil Partnership, state the reason for not doing so. The registrar will require proof of the Civil Partnership.</i></p>
<p><b>32. IF YOU ARE IN AN EXISTING MARRIAGE</b></p> <p>Is your marriage certificate enclosed? (tick box) YES <input type="checkbox"/> NO <input type="checkbox"/></p>	<p><i>If you are unable to produce your marriage certificate, state the reason for not doing so. The registrar will require proof of the marriage.</i></p>

**33. DECLARATION**  
**I solemnly declare**  
 (1) that I am the person named at B3;  
 (2) that I and the person named at Part G intend to be married on the date and at the place entered in Part A;  
 (3) that there is no impediment caused by a relationship of consanguinity, affinity or adoption and that I know of no other legal impediment to our marriage;  
 (4) that all the particulars and other information given by me on this notice are correct to the best of my knowledge and belief; and  
 (5) that each document submitted by me in accordance with Part H of this notice is genuine.

Signed..... Date.....

**Note: Any person who supplies false information to a registrar or uses, gives or sends any certificate, document or declaration required for purposes of this Marriage Notice which is false or has been forged in any way is liable to prosecution.**

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SCHEDULE 2

Regulation 3(2)

APPLICATION FORM TO REGISTER A MARRIAGE FOLLOWING ISSUE OF FULL GENDER RECOGNITION CERTIFICATE

Please read the attached guidance note before completing this form.

	<i>Applicant 1</i>	<i>Applicant 2</i>
1. If you married before 16th December 2014 and only one of you has obtained a full gender recognition certificate, do you wish the Register of marriages to show the original date of your marriage?	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/>
2. Forename(s)*		
Surname(s)*		
Surname(s) when existing marriage was registered		
3. Date of existing marriage registration		
4. Place of existing marriage registration		
5. Occupation*		
6. Country of birth*		
7. Usual residence*		
8. Father's/Parents forename(s), surname(s), occupation or whether retired, and whether living*		
9. Mother's/Parents forename(s), surname(s), occupation or whether retired, and whether living*		
10. Preferred designation (please tick)	Bride <input type="checkbox"/> Bridegroom <input type="checkbox"/> Groom <input type="checkbox"/> No designation <input type="checkbox"/>	Bride <input type="checkbox"/> Bridegroom <input type="checkbox"/> Groom <input type="checkbox"/> No designation <input type="checkbox"/>

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11. Contact telephone number		
12. Email address		
(Signed by applicant)	(Signed by applicant)	
(Date)	(Date)	

\*at the time of this application. You only need to provide these details if you entered into marriage before 16th December 2014; only one of you has obtained a full gender recognition certificate; and you do not wish the register to show the original date of the marriage.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Regulation 2 of these Regulations amends the Marriage (Prescription of Forms) (Scotland) Regulations 1997 to replace the form by which a person gives notice to the district registrar of their intention to marry. Regulation 3 amends the Gender Recognition (Marriage and Civil Partnership Registration) (Scotland) Regulations 2016 to replace the form by which the parties to a marriage can apply to have the marriage re-registered after either party, or each party, has been issued with a full gender recognition certificate.

The new forms differ from the previous forms only by an addition to the options available to each party to the marriage as to how they wish to be described in the marriage register and, where applicable, the marriage schedule. In addition to the options of being described as ‘bride’ or ‘bridegroom’ or not being assigned any designation the new forms give each party the option of being described as ‘groom’.