



# Marriage (Scotland) Act 1977

## 1977 CHAPTER 15

### *Civil marriages*

#### **17 Appointment of authorised registrars**

For the purpose of affording reasonable facilities for the solemnisation of civil marriages throughout Scotland, the Registrar General—

- (a) shall appoint such number of district registrars as he thinks necessary; and
- (b) may, in respect of any district for which he has appointed a district registrar under paragraph (a) above, appoint one or more assistant registrars,

as persons who may solemnise marriages:

Provided that any person appointed under this section must, at the date of his appointment, be 21 years of age or over.

#### **18 Places at which civil marriages may be solemnised**

- (1) Subject to the provisions of this section, an authorised registrar shall solemnise a civil marriage in his registration office.
- (2) An authorised registrar may, with the approval of the Registrar General, solemnise a civil marriage in the registration office of another authorised registrar.
- (3) If either of the parties to an intended civil marriage is unable to attend the registration office of an authorised registrar for the solemnisation of the marriage, an authorised registrar may, subject to the following provisions of this section and on reimbursement of any additional expenditure incurred by him by virtue of this subsection, solemnise the marriage—
  - (a) at any place in his registration district other than his registration office; or
  - (b) with the approval of the Registrar General, at any place in any registration district in respect of which there is no authorised registrar.
- (4) The authorised registrar shall not solemnise a marriage at any such place as is described in subsection (3)(a) or (b) above unless—

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- (a) application has been made to him by either of the parties to the intended marriage requesting him to solemnise the marriage at such a place and stating the reason why one of the parties is unable to attend a registration office; and
  - (b) subject to subsection (5) below, he is satisfied on consideration of the application that the party is unable to attend a registration office by reason of serious illness or serious bodily injury and that there is good reason why the marriage cannot be delayed until the party is able to attend a registration office.
- (5) If the authorised registrar is not satisfied as mentioned in subsection (4)(b) above, he shall consult the Registrar General who may direct him to solemnise the marriage in accordance with the application made under subsection (4)(a) above or to refuse so to solemnise it.

## **19 Marriage ceremony and registration of marriage**

- (1) An authorised registrar shall not solemnise a marriage within 14 days of the date of receipt (as entered in the marriage notice book) of a marriage notice in respect of that marriage, unless—
- (a) he has received a written request from one or both of the parties to solemnise the marriage on a specified earlier date stating the reason for the request, and
  - (b) he has been authorised to solemnise the marriage on that earlier date by the Registrar General.
- (2) A marriage shall not be solemnised by an authorised registrar unless—
- (a) he has available to him at the time of the ceremony a Marriage Schedule, in respect of the marriage, completed in accordance with this Act and the prescribed fee for the marriage has been paid ;
  - (b) both parties to the marriage are present; and
  - (c) two persons professing to be 16 years of age or over are present as witnesses.
- (3) Immediately after the solemnisation of the marriage the Marriage Schedule shall be signed by the parties contracting the marriage, by both witnesses present thereat and by the authorised registrar who solemnised it.
- (4) As soon as possible after the Marriage Schedule has been signed in accordance with subsection (3) above—
- (a) in a case where the marriage has been solemnised in the registration office of the authorised registrar who solemnised it or in any such place as is mentioned in section 18(3) of this Act, that authorised registrar;
  - (b) in a case where the marriage has been solemnised in the registration office of another authorised registrar, that other authorised registrar,
- shall cause the particulars as set forth in that Schedule to be entered in the register of marriages kept by him.

## **20 Second marriage ceremony**

- (1) Where two persons have gone through a marriage ceremony with each other outside the United Kingdom, whether before or after the commencement of this Act, but they are not, or are unable to prove that they are, validly married to each other in Scots law, an authorised registrar, on an application made to him by those persons, may, subject

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to the approval of the Registrar General and to subsection (2) below, solemnise their marriage as if they had not already gone through a marriage ceremony with each other.

- (2) Sections 3 to 6 and 18 and 19 of this Act shall apply for the purpose of solemnising a marriage under this section except that—
- (a) there shall be submitted to the authorised registrar a statutory declaration by both parties—
    - (i) stating that they have previously gone through a marriage ceremony with each other; and
    - (ii) specifying the date and place at which, and the circumstances in which, they went through that ceremony;
  - (b) section 5(4)(b) of this Act shall not apply in respect of the parties already being married to each other;
  - (c) the Marriage Schedule shall contain such modifications as the Registrar General may direct to indicate that the parties have previously gone through a marriage ceremony with each other; and
  - (d) after the Marriage Schedule has been signed in accordance with section 19(3) of this Act, the authorised registrar shall make an endorsement on it in the following terms—

**The ceremony of marriage between the parties mentioned in this Schedule was performed in pursuance of section 20 of the Marriage (Scotland) Act 1977, following a statutory declaration by them that they had gone through a ceremony of marriage with each other on the                      day of                      19 .  
at                      .**

**Dated the                      day of                      19 .  
(Signature of authorised registrar)**