



Marriage (Scotland) Act 1977

1977 CHAPTER 15

PRELIMINARIES TO REGULAR MARRIAGE

3 Notice of intention to marry.

- (1) Subject to subsections (2) to (4) below, each of the parties to a marriage intended to be solemnised in Scotland shall submit to the district registrar a notice, in the prescribed form, of intention to marry (in this Act referred to as a “marriage notice”) [^{F1}and] the prescribed fee, his birth certificate and—
- (a) if he has previously been married and the marriage has been dissolved, a copy of the decree of divorce, dissolution or annulment;
 - [^{F2}(aa) if he has previously been in civil partnership and the civil partnership has been dissolved, a copy of the decree of dissolution or annulment;]
 - [^{F3}(b) if the person has previously been married and the marriage ended on the death of the other party to that marriage, the death certificate of that other party;]
 - [^{F4}(ba) if the person has previously been in a civil partnership which ended on the death of the other party to the civil partnership, the death certificate of that other party;]
 - [^{F5}(bb) if the person is in a qualifying civil partnership within the meaning of [^{F6}section 5(6)(a)(i)(A)] with the other party to the intended marriage, an extract from the entry in the civil partnership register relating to the civil partnership;]
 - [^{F7}(bc) if the person is in a qualifying civil partnership within the meaning of section 5(6)(a)(i)(B) or (b) with the other party to the intended marriage—
 - (i) information equivalent to an extract from an entry in the civil partnership register; and
 - (ii) such documentary evidence in support of that information, as the district registrar may require;]
 - (c) in any case where a certificate is required under subsection (5) below, that certificate.
 - [^{F8}(d) where he is related to the other party in a degree specified in paragraph 2 of Schedule 1 to this Act, a declaration in the prescribed form stating—
 - (i) the degree of relationship; and

Status: Point in time view as at 31/10/2015.

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- (ii) that the younger party has not at any time before attaining the age of 18 lived in the same household as the other party and been treated by the other party as a child of his family.]
- (2) If a party is unable to submit his birth certificate or any document referred to in paragraph (a) [^{F9}, (aa)] [^{F10}, (b), (ba) [^{F11}, (bb) or (bc)]] of subsection (1) above, he may in lieu thereof make a declaration stating that for reasons specified in that declaration it is impracticable for him to submit that certificate or document; and he shall provide the district registrar with such—
- (a) information in respect of the matters to which such certificate or document would have related; and
 - (b) documentary evidence in support of that information,
- as the district registrar may require.
- (3) If any document submitted under subsection (1) above is written in a language other than English, the party submitting it shall [^{F12}also submit] a translation of it in English certified by the translator as a correct translation.
- [^{F13}(3A) A person submitting a notice under subsection (1) above shall make and attest in the prescribed manner the necessary declaration (the form for which shall be included in any form prescribed for the notice).
- (3B) The necessary declaration is a declaration that the person submitting the notice believes that the parties to the marriage are eligible to be married to each other.]
- (4) Where a party to a marriage intended to be solemnised in Scotland is residing in another part of the United Kingdom, he may submit to the district registrar a valid certificate for marriage (in this Act referred to as an “approved certificate”) issued in that other part; and where that party so submits an approved certificate, he need not, unless the Registrar General so directs, comply with the other provisions of this section.
- [^{F14}(4A) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the parties to the marriage.
- (4B) A requirement under subsection (4A) may be imposed at any time—
- (a) on or after the submitting of the notice under subsection (1); but
 - (b) before the district registrar completes the Marriage Schedule.
- (4C) In subsection (4A), “specified nationality evidence” means such evidence of that person's nationality as may be specified in guidance issued by the Registrar General.]
- (5) A party to a marriage intended to be solemnised in Scotland who is not domiciled in any part of the United Kingdom is required, if practicable, to submit under subsection (1)(c) above a certificate, issued by a competent authority in the state in which the party is domiciled, to the effect that he is not known to be subject to any legal incapacity (in terms of the law of that state) which would prevent his marrying:
- Provided that such a party—
- (i) may, where under the law of the state in which he is domiciled his personal law is that of another foreign state, submit in lieu of the said certificate a like certificate issued by a competent authority in that other state;
 - (ii) need not submit a certificate under paragraph (c) of subsection (1) above

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- [^{F15}(a)] if he has been resident in the United Kingdom for a period of 2 or more years immediately before the date on which he submits a marriage notice under that subsection in respect of the said marriage [^{F16}or
- (b) if no such certificate has been issued only by reason of the fact that the validity of a divorce or annulment granted by a court of civil jurisdiction in Scotland or entitled to recognition in Scotland under section 44 or 45 of the Family Law Act 1986 is not recognised in the state in which the certificate would otherwise have been issued.][^{F17};
^{F18}
...
- (c) if no such certificate has been issued only by reason of the fact that the parties to the intended marriage are of the same sex.][^{F19}; or
- (d) if no such certificate has been issued only by reason of the fact that the law of the state in which the party is domiciled prevents the parties to a qualifying civil partnership within the meaning of section 5(6) from marrying.]

[^{F20}(6) In this section, “the district registrar” means—

- (a) where the marriage is to be solemnised in a registration district, the district registrar for that district;
- (b) where the marriage is to be solemnised in Scottish waters—
- (i) in the case where the marriage is to be solemnised by an approved celebrant, the district registrar for any registration district;
- (ii) in the case where the marriage is to be solemnised by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.]

Subordinate Legislation Made

P1 S. 3: for previous exercises of this power see Index to Government Orders.

P2 S. 3(1): s. 25 (with ss. 3(1), 19(2) and 26) power exercised (12.12.1991) by [S.I.1991/2816](#).

Textual Amendments

F1 Word in s. 3(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006](#) (asp 14), **ss. 50(2)(a)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)

F2 S. 3(1)(aa) inserted (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(c), **Sch. 28 para. 43(a)**; S.S.I. 2005/604, arts. 2(c), 4

F3 S. 3(1)(b) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), **ss. 3(2)(a)(i)**, 36; S.S.I. 2014/287, art. 3, sch.

F4 S. 3(1)(ba) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), **ss. 3(2)(a)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.

F5 S. 3(1)(bb) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), **ss. 8(2)**, 36; S.S.I. 2014/287, art. 3, sch.

F6 Words in s. 3(1)(bb) substituted (31.10.2015) by [The Qualifying Civil Partnership Modification \(Scotland\) Order 2015](#) (S.S.I. 2015/371), arts. 1, **4(2)**

F7 S. 3(1)(bc) added (31.10.2015) by [The Qualifying Civil Partnership Modification \(Scotland\) Order 2015](#) (S.S.I. 2015/371), arts. 1, **4(3)**

F8 S. 3(1)(d) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) (c. 16, SIF 49:1), s. 2, **Sch. 2 para. 3**

F9 Word in s. 3(2) inserted (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(c), **Sch. 28 para. 43(b)**; S.S.I. 2005/604, arts. 2(c), 4

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- F10** Words in s. 3(2) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 3(2)(b)**, 36; S.S.I. 2014/287, art. 3, sch.
- F11** Words in s. 3(2) substituted (31.10.2015) by The Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371), arts. 1, **4(4)**
- F12** Words in s. 3(3) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 50(2)(b)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F13** S. 3(3A)-(3B) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 50(2)(c)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F14** S. 3(4A)-(4C) inserted (1.9.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 17(2)**, 36; S.S.I. 2014/212, art. 2, sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), sch.)
- F15** Word inserted by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1), 69(6), **Sch. 1 para. 21(a)**
- F16** Words added by Family Law Act 1986 (c. 55, SIF 49:3), ss. 68(1), 69(6), **Sch. 1 para. 21(b)**
- F17** Words in s. 3(5) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 3(2)(c)**, 36; S.S.I. 2014/287, art. 3, sch.
- F18** Word in s. 3(5) omitted (31.10.2015) by virtue of The Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371), arts. 1, **4(5)(a)**
- F19** Words in s. 3(5) inserted (31.10.2015) by The Qualifying Civil Partnership Modification (Scotland) Order 2015 (S.S.I. 2015/371), arts. 1, **4(5)(b)**
- F20** S. 3(6) inserted (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 48(2)**, 63(2); S.S.I. 2006/469, art. 3, sch. 2 (with art. 4)

Modifications etc. (not altering text)

- C1** By S.I. 1993/3152, **art. 2(1)**, it is provided (1.4.1994) that the fee payable under s. 3(1) shall be £10.00.

[^{F21}3A. Additional information if party not relevant national

- (1) This section applies to a marriage notice submitted to a district registrar in accordance with section 3 if one, or each, of the parties to the proposed marriage is not a relevant national.
- (2) But this section does not apply if the parties are in a qualifying civil partnership (within the meaning of section 5(6)) with each other.
- (3) For each party to the proposed marriage who is not a relevant national, the notice shall be accompanied by whichever of statements A, B or C is applicable to that person.
- (4) Statement A is a statement that the person has the appropriate immigration status.
- (5) Statement B is a statement that the person holds a relevant visa in respect of the proposed marriage.
- (6) Statement C is a statement that the person neither—
 - (a) has the appropriate immigration status, nor
 - (b) holds a relevant visa in respect of the proposed marriage.
- (7) If the notice is accompanied by the statement referred to in the first column of an entry in this table, the notice shall also be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed marriage)—

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<i>If the notice is accompanied by this statement.....</i>	<i>...the notice shall also be accompanied by...</i>
Statement A (in respect of one or both of the parties to the proposed marriage)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
Statement B (in respect of one or both of the parties to the proposed marriage)	<ol style="list-style-type: none">1. For each party, a specified photograph of that party2. For each party in respect of whom statement B is made, details of the relevant visa which that party has
Statement C (in respect of one or both of the parties to the proposed marriage)	<ol style="list-style-type: none">1. For each party, a specified photograph of that party2. For each party, the usual address of that party3. For each party who has previously used any name or names other than the person's name stated in the marriage notice, a statement of the other name or names4. For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases

(8) If the notice is accompanied by more than one of statements A, B and C, subsection (7) shall be complied with in relation to each of those statements; but where the notice is accompanied by statements B and C, subsection (7) does not require the notice to be accompanied by more than one specified photograph of each party.

(9) If the notice is accompanied by statement C for a party to the proposed marriage—

- (a) the notice may also be accompanied by a statement (“statement D”) of that person's immigration position in the United Kingdom;
- (b) if the notice is accompanied by statement D for a party to the proposed marriage, the person may provide the district registrar with details of his immigration position in the United Kingdom; and
- (c) if any such details are provided, the district registrar shall record them.

(10) In this section and section 3B—

- (a) a reference—
 - (i) to a person having the appropriate immigration status, or
 - (ii) to a person holding a relevant visa,is to be construed in accordance with section 49 of the 2014 Act;
- (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;
- (c) a reference to a person's immigration position in the United Kingdom includes a reference to the person's not being entitled to be in the United Kingdom.

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- (11) In this section “specified photograph” means a photograph that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act (and for this purpose “photograph” includes other kinds of images).

Textual Amendments

F21 Ss. 3A-3F inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 1 para. 2** (with art. 1(3))

Modifications etc. (not altering text)

C2 S. 3A(10) applied (2.3.2015) by [The Sham Marriage and Civil Partnership \(Scotland and Northern Ireland\) \(Administrative\) Regulations 2015 \(S.I. 2015/404\)](#), regs. 1(2), **17(4)(a)**

3B. Additional evidence if party not relevant national

- (1) If a marriage notice to which section 3A(1) applies (“the notice”) is accompanied by statement A (referred to in section 3A(4)) and accordingly is also accompanied by details of the particular immigration status which a party to the proposed marriage has, the notice shall also be accompanied by specified evidence of that status.
- (2) If the notice is accompanied by statement B (referred to in section 3A(5)), the notice shall also be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed marriage.
- (3) If, in accordance with section 3A(7), the notice is accompanied by the usual address of a party to the proposed marriage, the notice shall also be accompanied by specified evidence that it is that party’s usual address.
- (4) If the notice is accompanied by statement D (referred to in section 3A(9)), the notice may also be accompanied by evidence of the person’s immigration position in the United Kingdom.
- (5) If subsection (1) or (2) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice shall be accompanied by—
 - (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 3A(7);
 - (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party’s usual address; and
 - (c) names and aliases of the kinds referred to in paragraphs 3 and 4 in the relevant entry in section 3A(7) (insofar as those paragraphs are applicable to the parties to the proposed marriage).
- (6) In this section—

“relevant entry in section 3A(7)” means the second column of the last entry in the table in section 3A(7);

“specified evidence” means evidence that is in accordance with regulations made by the Secretary of State under section 54(2) of, and paragraph 3 of Schedule 5 to, the 2014 Act.

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Textual Amendments

F21 Ss. 3A-3F inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 1 para. 2** (with art. 1(3))

3C. Declaration to accompany information and evidence

Where the marriage notice is accompanied by—

- (a) information provided in accordance with section 3A, and
- (b) information and evidence provided in accordance with section 3B,

that information and evidence shall also be accompanied by a declaration in writing and signed by the party who makes it that the party believes all of the information and evidence accompanying the notice to be true.

Textual Amendments

F21 Ss. 3A-3F inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 1 para. 2** (with art. 1(3))

3D. Rejection of false information or evidence

(1) A district registrar may reject—

- (a) any evidence relating to a party's nationality provided in accordance with section 3(4A),
- (b) any information or photograph provided under section 3A or 3B, or
- (c) any evidence provided under section 3B,

if (in particular) the district registrar has reasonable grounds for suspecting that the information, photograph or evidence is false.

(2) If the district registrar rejects any information, photograph or evidence, the district registrar may proceed under this Act as if the rejected information, photograph or evidence had not been provided.

(3) This section does not limit the powers of district registrars to reject anything provided under any other enactment.

(4) In this section “enactment” includes an enactment comprised in, or an instrument made under, an Act of the Scottish Parliament.

Textual Amendments

F21 Ss. 3A-3F inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 1 para. 2** (with art. 1(3))

3E. Marriage notice: treated as not given

(1) Where any of the requirements mentioned in subsection (2) is applicable but not complied with by either or both parties to the proposed marriage, the parties are to be taken not to have submitted a marriage notice under section 3.

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- (2) The requirements are—
- (a) a requirement imposed by or under any of the following provisions of this Act—
 - (i) section 3(4A);
 - (ii) section 3A(3) to (8);
 - (iii) section 3B(3);
 - (iv) section 3B(5);
 - (b) the requirement imposed by section 21(2) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.

Textual Amendments

F21 Ss. 3A-3F inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), [Sch. 1 para. 2](#) (with art. 1(3))

3F. Referral of proposed marriage to Secretary of State

- (1) On every occasion when a marriage notice is submitted under section 3, a district registrar shall decide whether or not each of the parties to the proposed marriage is an exempt person.
- (2) But this section does not apply if the parties are in a qualifying civil partnership (within the meaning of section 5(6)) with each other.
- (3) In making a decision under subsection (1) about a party to a proposed marriage, a district registrar may rely on any advice given in relation to that decision by the Secretary of State.
- (4) In a case where—
 - (a) section 3A applies to the marriage notice, and
 - (b) specified evidence required by section 3B(1) or (2) in relation to a party to the proposed marriage is not produced in accordance with that section,
 the district registrar shall decide that that party to the proposed marriage is not an exempt person.
- (5) If the district registrar decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the district registrar shall—
 - (a) refer the proposed marriage to the Secretary of State;
 - (b) notify the parties to the proposed marriage that the proposed marriage must be referred to the Secretary of State;
 - (c) give the parties to the proposed marriage prescribed information about—
 - (i) the effects of the referral;
 - (ii) the requirement under regulations to notify the Secretary of State of changes of address.
- (6) The district registrar shall act in accordance with regulations when complying with the duty in subsection (5)(a) to refer a proposed marriage to the Secretary of State.
- (7) If the district registrar refers the proposed marriage to the Secretary of State, this Act has effect in relation to the proposed marriage subject to the modifications in Schedule 1A.

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- (8) In this section—
- (a) a reference to a person being an exempt person has the same meaning as in section 49 of the 2014 Act;
 - (b) “prescribed information” means information prescribed in regulations;
 - (c) “regulations” means regulations made by the Secretary of State under section 54(2) of, and Schedule 5 to, the 2014 Act.]

Textual Amendments

F21 Ss. 3A-3F inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\)](#), art. 1(2), **Sch. 1 para. 2** (with art. 1(3))

4 Marriage notice book and list of intended marriages.

- (1) On receipt of a marriage notice or an approved certificate in respect of a party to an intended marriage, the district registrar shall forthwith enter such particulars, extracted from such notice or certificate, as may be prescribed, together with the date of receipt by him of such notice or certificate, in a book (in this Act referred to as “the marriage notice book”) supplied to him for that purpose by the Registrar General.
- [^{F22}(2) The district registrar shall maintain a list of the intended marriages in respect of which he has received a marriage notice or an approved certificate (the “district list”).
- (2A) Subject to subsection (2B) below, the district list shall be displayed in a conspicuous place at the registration office.
- (2B) If the registration office comprises more than one set of premises, it shall be sufficient for the purpose of subsection (2A) above if the district registrar displays the list in a conspicuous place at the principal premises only.
- (2C) The district registrar shall, as soon as practicable after he has received a marriage notice or an approved certificate in relation to an intended marriage—
- (a) make an entry in the district list containing the relevant particulars of the marriage; and
 - (b) provide (in such form and by such means as the Registrar General thinks fit) the relevant particulars of the marriage to the Registrar General.
- (2D) The Registrar General shall maintain a list of proposed marriages in Scotland (the “Scottish list”).
- (2E) The Registrar General shall make the Scottish list available for public inspection (at such locations, by such means and in such forms as the Registrar General thinks fit).
- (2F) The Registrar General shall, as soon as practicable after the relevant particulars of a marriage are provided to him under subsection (2C)(b) above, make an entry in the Scottish list containing those particulars.
- (2G) An entry in a district list or the Scottish list shall remain in that list until the proposed date of the marriage to which it relates has elapsed.]
- (3) Any person claiming that he may have reason to submit an objection to an intended marriage, or to the issue of a certificate under section 7 of this Act to a party to such

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marriage, may, free of charge and at any time when the registration office is open for public business, inspect any entry relating to the marriage in the marriage notice book.

[^{F23}(4) For the purpose of this section, the relevant particulars of a marriage are such particulars, extracted from the marriage notice book, as may be prescribed.]

[^{F24}(5) In this section and sections 5 and 6 of this Act, “the district registrar” means—

- (a) where the marriage is to be solemnised in a registration district, the district registrar for that district;
- (b) where the marriage is to be solemnised in Scottish waters—
 - (i) in the case where the marriage is to be solemnised by an approved celebrant, the district registrar to whom the marriage notices or approved certificates in respect of the marriage were submitted;
 - (ii) in the case where the marriage is to be solemnised by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.]

[^{F25}(6) This section is subject to section 3E.]

Textual Amendments

- F22** S. 4(2)-(2G) substituted for s. 4(2) (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 49\(a\), 63\(2\)](#); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F23** S. 4(4) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 49\(b\), 63\(2\)](#); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F24** S. 4(5) inserted (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 48\(3\), 63\(2\)](#); S.S.I. 2006/469, art. 3, sch. 2 (with art. 4)
- F25** S. 4(6) inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\), art. 1\(2\), Sch. 1 para. 4](#) (with art. 1(3))

5 Objections to marriage.

- (1) Any person may at any time before the solemnisation of a marriage in Scotland submit an objection in writing thereto to the district registrar:

Provided that where the objection is on the ground mentioned in subsection (4)(d) below, it shall [^{F26}not be treated as submitted until there has also been produced to the registrar] a supporting certificate [^{F27}attested in the prescribed manner] by a registered medical practitioner.

[^{F28}(1A) For the purpose of subsection (1) above, 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.]

- (2) Where the district registrar receives an objection in accordance with subsection (1) above he shall—
- (a) in any case where he is satisfied that the objection relates to no more than a misdescription or inaccuracy in the marriage notice or approved certificate, notify the parties to the marriage of the nature of the objection and make such enquiries into the matter mentioned in it as he thinks fit; and thereafter he

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shall, subject to the approval of the Registrar General, make any necessary correction to any document relating to the marriage;

- (b) in any other case—
 - (i) forthwith notify the Registrar General of the objection;
 - (ii) pending consideration of the objection by the Registrar General, suspend the completion or issue of the Marriage Schedule in respect of the marriage;
 - (iii) where, in the case of a marriage to be solemnised by an approved celebrant, the Marriage Schedule has already been issued to the parties, if possible notify that celebrant of the objection and advise him not to solemnise the marriage pending the said consideration.

(3) [^{F29}Subject to subsection (3A) below,] if the Registrar General is satisfied, on consideration of an objection of which he has received notification under subsection (2)(b)(i) above, that—

- (a) there is a legal impediment to the marriage, he shall direct the district registrar to take all reasonable steps to ensure that the marriage does not take place and shall 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 shall inform the district registrar to that effect.

[^{F30}(3A) Where—

- (a) an objection of which the Registrar General has received notification under subsection (2)(b)(i) above is on the ground that—
 - (i) the parties are related in a degree specified in paragraph 2 of Schedule 1 to this Act; and
 - (ii) the conditions specified in paragraphs (a) and (b) of section 2(1A) of this Act are not satisfied; and
- (b) an extract decree of declarator that those conditions are satisfied, granted on an application under section 2(5) of this Act, is produced to the Registrar General, the Registrar General shall inform the district registrar that there is no legal impediment to the marriage on that ground.]

(4) For the purposes of [^{F31}this section] and section 6 of this Act, there is a legal impediment to a marriage where—

- (a) that marriage would be void by virtue of section 2(1) of this Act;
- (b) one of the parties is, or both are, already married [^{F32}or in civil partnership [^{F33}other than a qualifying civil partnership with each other]] ;
- (c) one or both of the parties will be under the age of 16 on the date of solemnisation of the intended marriage;
- (d) one or both of the parties is or are incapable of understanding the nature of a marriage ceremony or of consenting to marriage;

^{F34}(e)

- (f) one or both of the parties is, or are, not domiciled in Scotland and, on a ground other [^{F35}than—
 - (i) one mentioned in paragraphs (a) to (d) above; or
 - (ii) the ground that the parties are of the same sex,]

a marriage in Scotland between the parties would be void *ab initio* according to the law of the domicile of the party or parties as the case may be.

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- (5) A person who has submitted an objection in accordance with subsection (1) above may at any time withdraw it:

Provided that the Registrar General shall be entitled to have regard to that objection notwithstanding such withdrawal.

- [^{F36}[^{F37}(6) For the purposes of subsection (4)(b) a “qualifying civil partnership” is—
- (a) a civil partnership which—
 - (i) was registered in—
 - (A) Scotland, or
 - (B) England and Wales or Northern Ireland; and
 - (ii) has not been dissolved, annulled or ended by death; or
 - (b) a civil partnership which is treated under Chapter 2 of Part 5 of the Civil Partnership Act 2004 as having formed by virtue of an overseas relationship being registered and has not been dissolved, annulled or ended by death.]
- (7) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of [^{F38}subsection (6)(a)(i)(A)] as having been registered in Scotland if—
- (a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order; and
 - (b) details of the civil partnership have been sent to the Registrar General of Births, Deaths and Marriages for Scotland.]
- [^{F39}(8) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of subsection (6)(a)(i)(B) as having been registered in England and Wales or, as the case may be, Northern Ireland if—
- (a) the parties to the civil partnership elected England and Wales or, as the case may be, Northern Ireland as the relevant part of the United Kingdom under the Order; and
 - (b) details of the civil partnership have been sent to the Registrar General for England and Wales or, as the case may be, the Registrar General in Northern Ireland.]

Textual Amendments

- F26** Words in s. 5(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 50(3)(a)(i)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F27** Words in s. 5(1) substituted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 50(3)(a)(ii)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F28** S. 5(1A) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 50(3)(b)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F29** Words inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, ss. 2, 6\(6\), Sch. 2 para. 4\(a\)\)](#)
- F30** S. 5(3A) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), ss. 2, 6(6), **Sch. 2 para. 4(b)**

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- F31** Words substituted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), ss. 2, 6(6), [Sch. 2 para. 4\(c\)](#)
- F32** Words in s. 5(4)(b) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(c), [Sch. 28 para. 44](#); S.S.I. 2005/604, arts. 2(c), 4
- F33** Words in s. 5(4)(b) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), ss. [8\(3\)\(a\)](#), 36; S.S.I. 2014/287, art. 3, sch.
- F34** S. 5(4)(e) repealed (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), ss. [2\(a\)](#), 36; S.S.I. 2014/287, art. 3, sch.
- F35** S. 5(4)(f)(i)(ii) substituted for words (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), ss. [2\(b\)](#), 36; S.S.I. 2014/287, art. 3, sch.
- F36** S. 5(6) substituted (31.10.2015) by [The Qualifying Civil Partnership Modification \(Scotland\) Order 2015 \(S.S.I. 2015/371\)](#), arts. 1, [3\(2\)](#)
- F37** S. 5(6)(7) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), ss. [8\(3\)\(b\)](#), 36; S.S.I. 2014/287, art. 3, sch.
- F38** Words in s. 5(7) substituted (31.10.2015) by [The Qualifying Civil Partnership Modification \(Scotland\) Order 2015 \(S.S.I. 2015/371\)](#), arts. 1, [3\(3\)](#)
- F39** S. 5(8) inserted (31.10.2015) by [The Qualifying Civil Partnership Modification \(Scotland\) Order 2015 \(S.S.I. 2015/371\)](#), arts. 1, [3\(4\)](#)

Modifications etc. (not altering text)

- C3** S. 5 modified (16.12.2014) by [The Marriage Between Civil Partners \(Procedure for Change and Fees\) \(Scotland\) Regulations 2014 \(S.S.I. 2014/361\)](#), regs. 1, [7\(2\)](#)

6 The Marriage Schedule.

- (1) Where the district registrar has received a marriage notice or approved certificate in respect of each of the parties to a marriage intended to be solemnised in Scotland and is satisfied that there is no legal impediment to the marriage or, as the case may be, is informed by the Registrar General under section 5(3)(b) [^{F40}or (3A)] of this Act that there is no such legal impediment, he shall, subject to subsection (2) below, complete a Marriage Schedule in the prescribed form.

[^{F41}(1A) Regulations under subsection (1) prescribing the form of the Marriage Schedule may make different provision for different cases or circumstances.]

- (2) If a period of more than 3 months has elapsed since the date of receipt (as entered by the district registrar in the marriage notice book) of a marriage notice or an approved certificate in respect of a party to the marriage, the Registrar General may direct that the district registrar shall not complete the Marriage Schedule unless that party submits a new marriage notice or approved certificate to the district registrar.
- (3) Subject to subsection (4) below, in the case of a marriage to be solemnised by an approved celebrant, the Marriage Schedule completed in accordance with subsection (1) above shall be issued by the district registrar at the registration office to one or both of the parties to the intended marriage.
- (4) The district registrar shall not issue a Marriage Schedule under subsection (3) above—
- (a) within [^{F42}28 days] of the date of receipt (as entered by him in the marriage notice book) of a marriage notice in respect of the marriage to which the Marriage Schedule relates, except where—
- (i) He has received a written request from one or both of the parties for the issue of the Marriage Schedule on a specified date within the said [^{F42}28 days] stating the reason for the request; and

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- (ii) he has been authorised to issue the Marriage Schedule on that specified date by the Registrar General;
- (b) on a date earlier than 7 days before the date of the intended marriage unless he has been authorised to issue the Marriage Schedule on that earlier date by the Registrar General.
- [^{F43}(4ZA) Unless subsection (4ZB) applies, if a proposed marriage is referred to the Secretary of State under section 3F (“the referred marriage”) the Registrar General may not authorise the district registrar to issue the Marriage Schedule on the date mentioned in subsection (4)(a)(ii) without the consent of the Secretary of State.
- (4ZB) This subsection applies if the request made under subsection (4)(a)(i) is made because a party to the referred marriage is gravely ill and not expected to recover.]
- [^{F44}(4A) For the purpose of subsection (4)(a)(i) above, a request which is made by electronic means is to be treated as being written if it is received in a form which is legible and capable of being used for subsequent reference.]
- (5) Subject to subsections (6) and (7) below and section [^{F45}23A] of this Act, a [^{F46}religious or belief marriage] may be solemnised only on the date and at the place specified in the Marriage Schedule.
- (6) Subject to subsection (7) below, if, for any reason, the marriage cannot be solemnised on the date or at the place so specified and a new date or place is fixed for the marriage, the district registrar shall—
- (a) issue another Marriage Schedule under subsection (3) above, in lieu of that already issued, specifying that new date or place; or
- (b) substitute, or direct the approved celebrant to substitute, that new date or place in the Marriage Schedule already issued.
- (7) Subsection (6) above shall not apply in a case where the new date fixed for the marriage is more than 3 months after the date for the marriage as specified in the Marriage Schedule already issued or where the new place so fixed is in a different registration district [^{F47}, is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters], but in such a case the Registrar General may, according to the circumstances, direct—
- (a) the district registrar ^{F48}... to proceed as in paragraph (a) or (b) (whichever the Registrar General considers the more appropriate) of subsection (6) above; or
- (b) each party to the marriage to submit to the said district registrar a new marriage notice or approved certificate.
- [^{F49}(8) This section has effect subject to section 6A.]

Textual Amendments

- F40** Words inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\), ss. 2, 6\(6\), Sch. 2 para. 5](#)
- F41** S. 6(1A) inserted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 18\(2\)\(a\), 36; S.S.I. 2014/212, art. 2, sch.](#) (as amended (1.9.2014) by [S.S.I. 2014/218, art. 2\(3\), sch.](#))
- F42** Words in s. 6(4)(a) substituted (1.3.2015) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 18\(2\)\(b\), 36; S.S.I. 2015/14, art. 2, sch.](#) (with art. 3(1))
- F43** S. 6(4ZA)(4ZB) inserted (1.3.2015) by [The Referral and Investigation of Proposed Marriages and Civil Partnerships \(Scotland\) Order 2015 \(S.I. 2015/396\), art. 1\(2\), Sch. 1 para. 5\(a\)](#) (with art. 1(3))

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- F44** S. 6(4A) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 50(4)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F45** Words substituted (*retrospectively*) by Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c. 55, SIF 36:3), **s. 22(1)(a)(2)**
- F46** Words in s. 6(5) substituted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), **ss. 15(2)**, 36; S.S.I. 2014/287, art. 3, sch.
- F47** Words in s. 6(7) inserted (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 48(4)(a)**, 63(2); S.S.I. 2006/469, art. 3, sch. 2 (with art. 4)
- F48** Words in s. 6(7)(a) repealed (1.1.2007) by Local Electoral Administration and Registration Services (Scotland) Act 2006 (asp 14), **ss. 48(4)(b)**, 63(2); S.S.I. 2006/469, art. 3, sch. 2 (with art. 4)
- F49** S. 6(8) inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 1 para. 5(b)** (with art. 1(3))

[^{F50}6A. Marriage notice: false information or evidence

- (1) A district registrar may refuse to complete a Marriage Schedule under section 6 in a case where—
 - (a) a marriage notice has been submitted under section 3(1), and
 - (b) the district registrar has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence in or accompanying that notice.
- (2) If the district registrar refuses to complete a Marriage Schedule under subsection (1), the parties to the proposed marriage are to be taken not to have submitted a marriage notice under section 3; but that does not prevent criminal proceedings from being brought against either party, or any other person, in relation to the submission of notice.
- (3) This section is without prejudice to any other powers of district registrars to refuse to complete a Marriage Schedule.
- (4) In this section—
 - “evidence” includes a photograph or other image;
 - “exempt person” has the same meaning as in section 3F;
 - “relevant decision” means a decision of a district registrar that a party to the proposed marriage is an exempt person.]

Textual Amendments

- F50** S. 6A inserted (1.3.2015) by The Referral and Investigation of Proposed Marriages and Civil Partnerships (Scotland) Order 2015 (S.I. 2015/396), art. 1(2), **Sch. 1 para. 6** (with art. 1(3))

7 Marriage outside Scotland where a party resides in Scotland.

- (1) Where a person residing in Scotland is a party to a marriage intended to be solemnised in—
 - (a) England or Wales with a party residing in England or Wales and desires; or
 - (b) any country, territory or place outside Great Britain, and, for the purpose of complying with the law in force in that country, territory or place, is required to obtain from a competent authority in Scotland,

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a certificate in respect of his legal capacity to marry, he may submit, in the form and with the fee and documents specified in section 3(1) [^{F51}(a), [^{F52} (aa),] (b) [^{F53}, (ba), (bb)] and (d)] of this Act, notice of intention to marry to the district registrar for the district in which he resides (the said registrar being in this section referred to as the “appropriate registrar”) as if it were intended that the marriage should be solemnised in that district, and sections 3(2) [^{F54}, (3) and (4A) to (4C)] and 4 of this Act shall apply accordingly.

- (2) The appropriate registrar shall, if satisfied (after consultation, if the appropriate registrar considers it necessary, with the Registrar General) that a person who has by virtue of subsection (1) above submitted a marriage notice to him is not subject to any legal incapacity (in terms of Scots law) which would prevent his marrying, issue to that person a certificate in the prescribed form that he is not known to be subject to any such incapacity:

Provided that the certificate shall not be issued earlier than [^{F55}28 days] after the date of receipt (as entered by the appropriate registrar in the marriage notice book) of the marriage notice.

- (3) Any person may, at any time before a certificate is issued under subsection (2) above, submit to the appropriate registrar an objection in writing to such issue; and the objection shall be taken into account by the appropriate registrar in deciding whether, in respect of the person to whom the certificate would be issued, he is satisfied as mentioned in the said subsection (2).

[^{F56}(4) For the purpose of subsection (3) above, an objection which is submitted 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.]

Textual Amendments

- F51** Words substituted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\), ss. 2, 6\(6\), Sch. 2 para. 6](#)
- F52** Word in s. 7(1) inserted (21.5.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 19, 36; S.S.I. 2014/121, art. 2\(b\)](#)
- F53** Words in s. 7(1) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 3\(3\), 36; S.S.I. 2014/287, art. 3, sch.](#)
- F54** Words in s. 7(1) substituted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 17\(3\), 36; S.S.I. 2014/212, art. 2, sch. \(as amended \(1.9.2014\) by S.S.I. 2014/218, art. 2\(3\), sch.\)](#)
- F55** Words in s. 7(2) substituted (1.3.2015) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), ss. 18\(3\), 36; S.S.I. 2015/14, art. 2, sch. \(with art. 3\(3\)\)](#)
- F56** S. 7(4) inserted (1.10.2006 for specified purposes, 1.1.2007 in so far as not already in force) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\), ss. 50\(5\), 63\(2\); S.S.I. 2006/469, art. 2, schs. 1, 2 \(with art. 4\)](#)

Status:

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Marriage (Scotland) Act 1977, Preliminaries to regular marriage is up to date with all changes known to be in force on or before 30 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.