



Marriage (Scotland) Act 1977

1977 CHAPTER 15

CIVIL MARRIAGES

[^{F1}Void marriages

Textual Amendments

- F1** S. 20A and cross-heading inserted (4.5.2006) by [Family Law \(Scotland\) Act 2006 \(asp 2\), ss. 2, 46\(2\); S.S.I. 2006/212, art. 2](#)

20A Grounds on which marriage void

- (1) Where subsection (2) or (3) applies in relation to a marriage solemnised in Scotland, the marriage shall be void.
- (2) This subsection applies if at the time of the marriage ceremony a party to the marriage 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 of the marriage ceremony a party to the marriage was incapable of—
 - (a) understanding the nature of marriage; and
 - (b) consenting to the marriage.
- (4) If a party to a marriage purported to give consent to the marriage other than by reason only of duress or error, the marriage shall not be void by reason only of that party's having tacitly withheld consent to the marriage at the time when it was solemnised.
- (5) In this section “error” means—
 - (a) error as to the nature of the ceremony; or
 - (b) a mistaken belief held by a person (“A”) that the other party at the ceremony with whom A purported to enter into a marriage was the person whom A had agreed to marry.]

Status: Point in time view as at 24/04/2023.

Changes to legislation: Marriage (Scotland) Act 1977, Cross Heading: Void marriages is up to date with all changes known to be in force on or before 03 June 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. (See end of Document for details)

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Modifications etc. (not altering text)

- C1** S. 20A 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(3)** (as amended (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)**)

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