



# Marriage (Scotland) Act 1977

## 1977 CHAPTER 15

### [<sup>F1</sup>RELIGIOUS OR BELIEF MARRIAGES]

#### 10 Removal of celebrant's name from register.

- (1) Subject to the provisions of this section, the Registrar General may remove the name of a person registered under section 9 of this Act from the register on the ground that—
- (a) that person has requested that his name should be so removed; or
  - (b) the body which nominated that person under section 9(1) [<sup>F1</sup> or (1A)] of this Act no longer desires that he should be so registered; or
  - (c) the marriage ceremony used by the said body is no longer of an appropriate form within the meaning of section 9(3) [<sup>F2</sup> or (3A)] of this Act; or
  - (d) that person—
    - (i) has, while registered as an approved celebrant, been convicted of an offence under this Act; or
    - (ii) has, for the purpose of profit or gain, been carrying on a business of solemnising marriages; or
    - (iii) is not a fit and proper person to solemnise marriages; or
    - (iv) for any other reason, should not be so registered.

[<sup>F3</sup>(1A) In relation to any ground mentioned in subsection (1)(a) to (c), references in this section to removal from and restoration to the register include removal from and restoration to the appropriate part of the register.]

- (2) The Registrar General shall not remove the name of a person from the register on any ground mentioned in subsection (1)(d) above unless he has given to that person at least 21 days notice in writing of his intention to do so.

[<sup>F4</sup>(2A) For the purpose of subsection (2) above, notice which is given 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.]

- (3) The Registrar General shall—

*Status: Point in time view as at 16/12/2014.*

*Changes to legislation: Marriage (Scotland) Act 1977, Section 10 is up to date with all changes known to be in force on or before 25 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. (See end of Document for details)*

- (a) in the notice given under subsection (2) above, specify the ground of removal and call upon the said person to show cause, within the period specified in the notice, why his name should not be removed from the register; and
  - (b) consider any representations made to him within the said period by that person.
- (4) Where a person's name has been removed from the register on any of the grounds mentioned in paragraphs (c) and (d) of subsection (1) above, that person or the body which nominated him under section 9(1) [<sup>F5</sup> or (1A)] of this Act may, if aggrieved by the removal, within 28 days of receiving notice of the removal appeal to the Secretary of State, and on any such appeal the Secretary of State may give such direction as he thinks proper to the Registrar General as to the removal from, or restoration to, the register of that name; and such direction shall be final.
- (5) Where a person has received a notice in pursuance of subsection (2) above, he shall not solemnise a marriage unless and until his name is restored to the register or, as the case may be, the Registrar General has decided not to remove his name from the register.

#### Textual Amendments

- F1** Words in s. 10(1)(b) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(3)(a)(i)**, 36; S.S.I. 2014/287, art. 3, sch.
- F2** Words in s. 10(1)(c) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(3)(a)(ii)**, 36; S.S.I. 2014/287, art. 3, sch.
- F3** S. 10(1A) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(3)(b)**, 36; S.S.I. 2014/287, art. 3, sch.
- F4** S. 10(2A) 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(7)**, 63(2); S.S.I. 2006/469, art. 2, schs. 1, 2 (with art. 4)
- F5** Words in s. 10(4) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(3)(c)**, 36; S.S.I. 2014/287, art. 3, sch.

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