Status: Point in time view as at 16/12/2014. This version of this provision has been superseded.
Changes to legislation: Marriage (Scotland) Act 1977, Section 7 is up to date with all changes known to be in
force on or before 19 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)

Marriage (Scotland) Act 1977

1977 CHAPTER 15

PRELIMINARIES TO REGULAR MARRIAGE

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,

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) [^{F1}(a), [^{F2} (aa),] (*b*) [^{F3}, (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) [^{F4}, (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 14 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).

[**F5**(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

F1   Words substituted by Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16, SIF 49:1), ss. 2, 6(6), **Sch. 2 para. 6**

F2   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)

F3   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.

F4   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.)

F5   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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Changes to legislation:
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