



Marriage (Scotland) Act 1977

1977 CHAPTER 15

PERSONS WHO MAY SOLEMNISE MARRIAGE

8 Persons who may solemnise marriage.

(1) [^{F1}Subject to section 23A of this Act,] a marriage [^{F2}between persons of different sexes] may be solemnised by and only by—

- (a) a person who is—
 - (i) a minister [^{F3}or deacon] of the Church of Scotland; or
 - (ii) a minister, clergyman, pastor, [^{F4}priest or other celebrant of a religious or belief body] prescribed by regulations made by the Secretary of State, or who, not being one of the foregoing, is recognised by a [^{F5}religious or belief body] so prescribed as entitled to solemnise [^{F6}marriage between persons of different sexes] on its behalf; or
 - (iii) registered under section 9 of this Act [^{F7}to solemnise marriage between persons of different sexes]; or
 - (iv) temporarily authorised under section 12 of this Act [^{F8}to solemnise marriage between persons of different sexes]; or
- (b) a person who is a district registrar or assistant registrar appointed under section 17 of this Act.

[^{F9}(1A) The Scottish Ministers may prescribe a religious or belief body under subsection (1)

(a)(ii) only if—

- (a) the body requests them to do so; and
- (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

[For the avoidance of doubt, nothing in subsection (1)(a)—

- ^{F10}(1AA)
- (a) imposes a duty on any person who is an approved celebrant in relation to marriage between persons of different sexes to solemnise a marriage between civil partners in a qualifying civil partnership (within the meaning of section 5(6)),
 - (b) imposes a duty on any person to apply for temporary authorisation under section 12 to solemnise such a marriage.]

Changes to legislation: Marriage (Scotland) Act 1977, Section 8 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) View outstanding changes

- (1B) Subject to section 23A, a marriage between persons of the same sex may be solemnised by and only by—
- (a) a person who is—
 - (i) a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being one of the foregoing, is recognised by a religious or belief body so prescribed as entitled to solemnise marriage between persons of the same sex on its behalf;
 - (ii) registered under section 9 to solemnise marriage between persons of the same sex; or
 - (iii) temporarily authorised under section 12 to solemnise marriage between persons of the same sex; or
 - (b) a person who is a district registrar or assistant registrar appointed under section 17.
- (1C) The Scottish Ministers may prescribe a religious or belief body under subsection (1B)
- (a)(i) only if—
 - (a) the body requests them to do so; and
 - (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.
- (1D) For the avoidance of doubt, nothing in subsection (1B)(a) or (1C)(a)—
- (a) imposes a duty on any religious or belief body to make a request referred to in subsection (1C)(a);
 - (b) imposes a duty on any such body to nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex;
 - (c) imposes a duty on any person to apply for temporary authorisation under section 12 to solemnise marriages between persons of the same sex;
 - (d) imposes a duty on any person who is an approved celebrant in relation to marriages between persons of the same sex to solemnise such marriages.
- (1E) In subsections (1A)(b) and (1C)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.
- (1F) Regulations under subsection (1E)—
- (a) may make different provision for different cases or circumstances;
 - (b) may include transitional and saving provision.
- (1G) Regulations under subsection (1)(a)(ii), (1B)(a)(i) or (1E) are subject to the negative procedure.]
- (2) In this Act—
- (a) any such person as is mentioned in subsection (1)(a) [^{F11} or (1B)(a)] above is referred to as an “approved celebrant”, and a marriage solemnised by an approved celebrant is referred to as a [^{F12}“religious or belief marriage”];
 - (b) any such person as is mentioned in subsection (1)(b) [^{F13} or (1B)(b)] above is referred to as an “authorised registrar”, and a marriage solemnised by an authorised registrar is referred to as a “civil marriage”.

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Textual Amendments

- F1** Words inserted (*retrospectively*) by [Law Reform \(Miscellaneous Provisions\) \(Scotland\) Act 1980](#) (c. 55, SIF 36:3), [s. 22\(1\)\(b\)\(2\)](#)
- F2** Words in s. 8(1) inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [ss. 12\(2\)\(a\)\(i\)](#), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F3** Words in s. 8(1)(a)(i) inserted (21.5.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [ss. 20](#), 36; S.S.I. 2014/121, art. 2(c)
- F4** Words in s. 8(1)(a)(ii) substituted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [s. 12\(2\)\(a\)\(ii\)\(A\)](#), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F5** Words in s. 8(1)(a)(ii) substituted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [s. 12\(2\)\(a\)\(ii\)\(B\)](#), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F6** Words in s. 8(1)(a)(ii) substituted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [s. 12\(2\)\(a\)\(ii\)\(C\)](#), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F7** Words in s. 8(1)(a)(iii) inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [ss. 12\(2\)\(a\)\(iii\)](#), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F8** Words in s. 8(1)(a)(iv) inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [ss. 12\(2\)\(a\)\(iv\)](#), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F9** S. 8(1A)-(1G) inserted (1.9.2014 for specified purposes, 16.12.2014 for specified purposes) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [ss. 12\(2\)\(b\)](#), 36; S.S.I. 2014/212, art. 2, sch. (with art. 3) (as amended (1.9.2014) by S.S.I. 2014/218, art. 2, Sch.); S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F10** S. 8(1AA) inserted (1.6.2021) by [Civil Partnership \(Scotland\) Act 2020](#) (asp 15), [ss. 12\(2\)](#), 16; S.S.I. 2021/23, reg. 2, sch. (with reg. 3)
- F11** Words in s. 8(2)(a) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [ss. 12\(2\)\(c\)\(i\)\(A\)](#), 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F12** Words in s. 8(2)(a) substituted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [ss. 12\(2\)\(c\)\(i\)\(B\)](#), 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)
- F13** Words in s. 8(2)(b) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014](#) (asp 5), [ss. 12\(2\)\(c\)\(ii\)](#), 36; S.S.I. 2014/287, art. 3, sch. (with art. 4)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 9(2)(e) inserted by [2014 asp 5 s. 13\(2\)\(d\)](#)