



Asylum and Immigration (Treatment of Claimants, etc.) Act 2004

2004 CHAPTER 19

Procedure for marriage

21 Scotland

[^{F1}(1) This section applies to a marriage which is intended to be solemnised in Scotland unless each party to the marriage falls within exception A or exception B.

(1A) A party to the marriage falls within exception A if the person is a relevant national.

(1B) A party to the marriage falls within exception B if—

- (a) the person is exempt from immigration control, and
- (b) the notice of intention to marry submitted under section 3 of the Marriage (Scotland) Act 1977 is accompanied by the specified evidence required by section 3B(1) of that Act that the person is exempt from immigration control.]

(2) In relation to a marriage to which this section applies, notice under section 3 of the Marriage (Scotland) Act 1977 (c. 15)—

- (a) may be submitted to the district registrar of a registration district prescribed for the purposes of this section, and
- (b) may not be submitted to the district registrar of any other registration district.

^{F2}(3)

(4) Where the district registrar to whom notice is submitted by virtue of subsection (2) (here the “notified registrar”) is not the district registrar for the registration district in which the marriage is to be solemnised (here the “second registrar”)—

- (a) the notified registrar shall^{F3}... send the notices and any fee, certificate or declaration [^{F4}which accompanied them][^{F4}submitted in pursuance of section 3 of the Marriage (Scotland) Act 1977 (c. 15) in relation to the marriage], to the second registrar, and

Changes to legislation: *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Section 21 is up to date with all changes known to be in force on or before 21 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*

- (b) the second registrar shall be treated as having received the notices from the parties to the marriage on the dates on which the notified registrar received them.

[^{F5}(5) In this section—

- (a) “relevant national” has the same meaning as in section 62 of the Immigration Act 2014,
- (b) a reference to a person being exempt from immigration control is to be construed in accordance with section 49 of that Act.]

Textual Amendments

- F1** S. 21(1)-(1B) substituted for s. 21(1) (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. 2 para. 2**
- F2** S. 21(3) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(1)(d)**
- F3** Words in s. 21(4)(a) repealed (9.5.2011) by [The Asylum and Immigration \(Treatment of Claimants, etc\) Act 2004 \(Remedial\) Order 2011 \(S.I. 2011/1158\)](#), arts. 1(1), **2(1)(e)**
- F4** Words in s. 21(4)(a) substituted (S.) (1.1.2007) by [Local Electoral Administration and Registration Services \(Scotland\) Act 2006 \(asp 14\)](#), **ss. 59(4)**, 63(2); S.S.I. 2006/469, art. 3, Sch. 2 (with art. 4)
- F5** S. 21(5) substituted (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. 2 para. 3**

Commencement Information

- I1** S. 21(1)(4) in force at 1.2.2005 by [S.I. 2004/3398](#), **art. 3**
- I2** S. 21(2)(3) in force at 1.12.2004 for specified purposes by [S.I. 2004/2999](#), art. 2, **Sch.**
- I3** S. 21(2)(3)(5) in force at 1.2.2005 in so far as not already in force by [S.I. 2004/3398](#), **art. 3**
- I4** S. 21(5) in force at 1.12.2004 for specified purposes by [S.I. 2004/2999](#), art. 2, **Sch.**

Changes to legislation:

Asylum and Immigration (Treatment of Claimants, etc.) Act 2004, Section 21 is up to date with all changes known to be in force on or before 21 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.

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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. 8(1A)(1B) inserted by [2022 c. 36 s. 19\(2\)](#)
- s. 8(3A)(3B) inserted by [2022 c. 36 s. 19\(3\)](#)
- s. 8(6A)(6B) inserted by [2022 c. 36 s. 19\(4\)](#)
- s. 8(9A)(a) word inserted by [2022 c. 36 Sch. 3 para. 7\(b\)](#)
- s. 8(9A)(b) and word inserted by [2022 c. 36 Sch. 3 para. 7\(c\)](#)
- s. 8(9B) inserted by [2022 c. 36 s. 19\(6\)](#)
- Sch. 3 para. 3(3) inserted by [2023 c. 37 s. 10\(9\)\(a\)](#)
- Sch. 3 para. 8(3) inserted by [2023 c. 37 s. 10\(9\)\(b\)](#)
- Sch. 3 para. 13(3) inserted by [2023 c. 37 s. 10\(9\)\(c\)](#)