



# Marriage (Scotland) Act 1956

1956 CHAPTER 70 4 and 5 Eliz 2

## **1 Notice of marriage intended to be celebrated or contracted in Scotland where one party has a parent residing there.**

- [<sup>F1</sup>(1) Where one party to a marriage intended to be solemnised in Scotland is residing in England and the other is residing in Scotland, the party residing in England may give notice of the intended marriage to the superintendent registrar of the registration district in which he has resided for the period of seven days immediately before the giving as a parent residing there.
- (2) Where both parties to a marriage intended to be solemnised in Scotland are residing in England, whether in the same registration district or in different registration districts, and one of the parties has a parent who has his usual residence in Scotland—
- (a) the other party may give notice of the intended marriage to the superintendent registrar of the registration district in which he has resided for the period of seven days immediately before the giving of the notice;
  - (b) if the parties live in different registration districts, it shall not be necessary for notice of the intended marriage to be given to the superintendent registrar of the other registration district;
- (2A) Section 28(1) of the <sup>M1</sup>Marriage Act 1949 (which relates to the declaration to accompany a notice of marriage) shall apply for the purposes of subsections (1) and (2) above as if paragraph (b) of the said section 28(1) required the declaration to state—
- (i) that the person giving the notice has for the period of seven days immediately before the giving of the notice had his usual place of residence within the registration district in which the notice is given; and
  - (ii) that the marriage is intended to be solemnised in Scotland; and
  - (iii) that the other party to the intended marriage is resident in Scotland, or has a parent who has his usual residence in Scotland, as the case may be.]

(3) A notice of marriage and declaration given and made in accordance with the [<sup>F2</sup>foregoing provisions of this section], if in other respects they comply with the requirements of the <sup>M2</sup>Marriage Act, 1949, shall be treated as a notice of marriage and declaration given and made in accordance with that Act, and the provisions of that

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*Status: Point in time view as at 01/02/1991. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage (Scotland) Act 1956, Section 1. (See end of Document for details)*

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Act relating to the issue of certificates for marriage shall apply accordingly as if the marriage were intended to be solemnised in England.

- (4) . . . . . <sup>F3</sup>
- (5) In this section any reference to a parent of a party to an intended marriage includes a reference to—
- (a) . . . <sup>F4</sup>
- (b) any spouse, widow, or widower of a parent . . . <sup>F5</sup> of that party.

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**Textual Amendments**

- F1** S. 1(1)(2)(2A) substituted with saving for s. 1(1)(2) by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\), s. 27\(3\), Sch. 2 para. 5\(a\)](#)
- F2** Words substituted with saving by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\), s. 27\(3\), Sch. 2 para. 5\(b\)](#)
- F3** Ss. 1(4), 2, 3 repealed with saving by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\), s. 27\(3\), Sch. 3](#)
- F4** S. 1(5)(a) repealed by [Children Act 1975 \(c. 72, SIF 49:9, 10\), Sch. 4 Pt. I](#)
- F5** Words repealed by [Children Act 1975 \(c. 72, SIF 49:9, 10\), Sch. 4 Pt. I](#)
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**Marginal Citations**

- M1** [1949 c. 76.](#)
- M2** [1949 c. 76\(49:1\).](#)

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