

1977 No. 1671 (S. 122)

MARRIAGE

The Marriage (Prescription of Forms) (Scotland)
Regulations 1977

Made - - - - 10th October 1977

Coming into Operation 1st January 1978

In exercise of the powers conferred upon me by sections 3(1), 4(1), 6(1), 7(2) and 16, as read with section 26, of the Marriage (Scotland) Act 1977(a), and of all other powers enabling me in that behalf and with the approval of the Secretary of State for Scotland, I hereby make the following regulations:—

Citation and commencement

1. These regulations may be cited as the Marriage (Prescription of Forms) (Scotland) Regulations 1977 and shall come into operation on 1st January 1978.

Interpretation

2.—(1) The Interpretation Act 1889(b) shall apply for the interpretation of these regulations as it applies for the interpretation of an Act of Parliament.

(2) In these regulations, unless the context otherwise requires—

“the Act” means the Marriage (Scotland) Act 1977;

“district registrar” means the registrar for the registration district in which the marriage is to be or has been solemnised;

“marriage notice” means a notice of intention to marry;

“marriage notice book” means a book in which are entered particulars extracted from marriage notices and from certificates for marriage issued in any part of the United Kingdom other than Scotland.

Forms for use in connection with preliminaries to and registration of marriage

3. The marriage notice to be submitted to the district registrar under section 3(1) of the Act shall be in the form set out in Schedule 1 to these regulations.

(a) 1977 c. 15.

(b) 1889 c. 63.

4. The particulars to be entered in the marriage notice book under section 4(1) of the Act shall be the surname and name of the person giving notice; his address, marital status and date of birth; and the proposed date of the person's marriage.

5. The Marriage Schedule to be completed by the district registrar under section 6(1) of the Act shall be in the form set out in Schedule 2 to these regulations.

6. The certificate to be issued under section 7(2) of the Act that a person is not known to be subject to any legal incapacity (in terms of Scots law) which would prevent his marrying shall be in the form set out in Schedule 3 to these regulations.

7. The notices which may be served under section 16(1) and (2) of the Act on either of the parties to a marriage shall be in the forms set out in Schedules 4 and 5 respectively to these regulations.

Revocation

8. Regulations 18 and 19 of the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Regulations 1965(a), and Schedules 18, 19 and 20 thereto, are hereby revoked.

9. Regulation 9 of the Registration of Births, Still-births, Deaths and Marriages (Prescription of Forms) (Scotland) Amendment Regulations 1971(b) and Schedule 7 thereto, are hereby revoked.

W. Baird,

Registrar General for Scotland.

New Register House,
Edinburgh.
28th September 1977.

I approve.

Bruce Millan,

One of Her Majesty's Principal
Secretaries of State.

New St. Andrew's House,
Edinburgh.
10th October 1977.

(a) S.I. 1965/1839 (1965 III, p. 5535).

(b) S.I. 1971/1158 (1971 II, p. 3401).

Regulation 3.

SCHEDULE 1

MARRIAGE NOTICE

Note: This marriage notice should be completed in BLOCK CAPITALS using ink or ball-point pen.

A Particulars about the proposed marriage

1	Date of marriage	Year	Month	Day	For official use
	Place of marriage (<i>state name and address of church, registration office or other premises</i>)	19			
					Date documents returned

B Particulars about yourself

2	Surname Full Christian or forenames							
3	Occupation				Sex (tick box)	Male	or	Female
4	Marital status (tick box)	Single	Widowed	Divorced	5 Date of birth	Year	Month	Day
					19			
6	Country of birth (<i>If the name of the country has changed, give present name</i>)					Nationality		
7	Permanent home address (including postcode)							
8	Father's Christian or forenames, surname and occupation							
					Is he still living? (tick box)	Yes	No	
Mother's Christian or forenames								
Mother's surname (a) at time of your birth (b) now (or at date of death) if different from (a)								
Mother's maiden surname								
					Is she still living? (tick box)	Yes	No	

C Particulars about the celebrant (*to be completed only if a religious marriage is intended*)

9	What is the name of the person who is to solemnise the marriage? and What is the name of the denomination or religious body to which he is attached?	
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D Particulars about the other party to the marriage
(He or she will normally be required to complete a separate marriage notice)

Surname and full Christian or forenames
Permanent home address

E Documents submitted by you with this Notice

<p>Box 1 FOR ALL PERSONS</p> <p>Is your birth certificate enclosed? (<i>tick box</i>)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><i>If you are unable to produce your birth certificate, state the reason here.</i></p>
<p>Box 2 ONLY FOR PERSONS WHO ARE DIVORCED OR WHOSE PREVIOUS MARRIAGE WAS ANNULLED</p> <p>Is your decree of divorce or annulment enclosed? (<i>tick box</i>)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><i>If you are unable to produce the official decree of divorce or annulment, state the reason for not doing so. The registrar will require proof of the termination of the earlier marriage.</i></p>
<p>Box 3 ONLY FOR PERSONS WHO ARE WIDOWED</p> <p>Is the death certificate of your former spouse enclosed? (<i>tick box</i>)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><i>If you are unable to produce a death certificate of your previous spouse, state the reason for not doing so. The registrar may require proof of the death.</i></p>
<p>Box 4 ONLY FOR PERSONS WHO ARE SUBJECT TO THE MARRIAGE LAWS OF A COUNTRY OUTSIDE THE UNITED KINGDOM</p> <p>Have you enclosed a certificate of no impediment to marriage issued by a competent authority in that country? (<i>tick box</i>)</p>	<p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	<p><i>Most European countries issue certificates of no impediment but other countries may not do so. If for any reason you are unable to enclose such a certificate, state the reason. If you have resided in the United Kingdom for at least two years immediately before submitting this notice, you need not submit a certificate of no impediment but should state how long you have been resident in the United Kingdom.</i></p>

DECLARATION

I solemnly declare

- (1) that I am the person named at B2;
- (2) that I and the person named at Part D of this notice are not within the forbidden degrees of relationship, and that I know of no other impediment to our marriage;
- (3) that all the particulars and other information given by me on this notice are correct to the best of my knowledge and belief; and
- (4) that any document submitted by me in accordance with Part E of this notice is genuine.

Signed Date

Note: Any person who supplies false information to a registrar or uses, gives or sends any certificate, document or declaration required for the purposes of this marriage notice which is false or has been forged in any way is liable to prosecution.

Regulation 5.

SCHEDULE 2

MARRIAGE SCHEDULE

1 When and where married		19	
2 Surname Name(s)	Bridegroom		Bride
	<i>(Signature)</i>		<i>(Signature)</i>
3 Occupation			
4 Marital status	5 Date of birth	Year Month Day	4 5 Year Month Day
6 Country of birth			
7 Usual Residence			
8 Father's name(s) surname and occupation Mother's name(s) surname(s) and maiden surname			
9 Person solemnising the marriage First witness Second witness	<i>(Signature)</i>		
	<i>Designation</i>		
	<i>(Signature)</i>		<i>Witness</i>
	<i>Address</i>		
	<i>(Signature)</i>		<i>Witness</i>
	<i>Address</i>		
10 When registered	Year 19	Month Day	11 Registrar's signature

DISTRICT NO. YEAR ENTRY NO.

SCHEDULE 3

Regulation 6.



CERTIFICATE OF NO IMPEDIMENT TO MARRIAGE

MARRIAGE (SCOTLAND) ACT 1977

Name

Address.....

has applied to me for a certificate under section 7 of the Marriage (Scotland) Act 1977, and has supplied to me the information shown below concerning his/her intended marriage.

	Bridegroom	Bride
Surname		
Christian or forenames		
Marital status		
Nationality		
Date of birth		
Place of residence		
Country of residence		
Where marriage is to take place		

I hereby certify that he/she has complied with the requirements of Scots law as set out in the Marriage (Scotland) Act 1977 and that he/she is not known to be subject to any legal incapacity under the law of Scotland which would prevent his/her marrying. In consequence, so far as he/she is concerned, no impediment to the proposed marriage has been shown to me to exist.

This certificate is valid for three months from the date of issue.

Signature

Registrar for the district of in Scotland

Date of issue

Regulation 7.

SCHEDULE 4

To:

From:

.....
.....
.....
.....

The Registrar of Births etc.

District of

Address

Failure to return Marriage Schedule

The Marriage Schedule which was issued on.....for a
marriage to take place on.....at.....
has not yet been received in this office.

To enable the particulars contained in the Schedule to be entered in the Register of
Marriages, you are required by law to return the Schedule to me, by delivering it
or sending it by post within the next 8 days, i.e. on or before

If the marriage did not take place you are required to return the Marriage Schedule
with a note to that effect.

This notice is served on you in terms of section 16(1) of the Marriage (Scotland)
Act 1977.

..... Registrar

..... Date

SCHEDULE 5

Regulation 7.

To:

From:

.....

The Registrar of Births etc.

.....

District of

.....

Address

.....

.....

FINAL NOTICE: Failure to return Marriage Schedule

A notice was served on you onrequiring you to return to this office on or before the Marriage Schedule issued in respect of your marriage.

As the Schedule has still not been received, I hereby require you, in accordance with section 16(2) of the Marriage (Scotland) Act 1977, to attend personally at this office within the next 8 days, i.e. on or before..... for the purpose of delivering the Schedule, as required by law.

If you fail to attend as required you may be guilty of an offence under section 24(2)(e) of the Marriage (Scotland) Act 1977 and be liable on summary conviction to a fine not exceeding £100.

..... Registrar

..... Date

Section 16 of the Marriage (Scotland) Act 1977 is reproduced overleaf.

EXPLANATORY NOTE

(This Note is not part of the Regulations.)

These Regulations prescribe the forms and particulars which are required to be prescribed under the Marriage (Scotland) Act 1977.

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