

# MARRIAGE IN SCOTLAND

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- **By Law both parties to a proposed civil or religious marriage are required to submit marriage notice forms to the registrar of the district in which the marriage is to take place informing him of their intention to marry.**
  - **Forms for giving notice can be obtained from any registrar of births, deaths and marriages in Scotland.**
  - **Notice must be given in the three-month period prior to the date of the marriage and not later than 15 days before that date**
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This leaflet gives general guidance only and should not be treated as a complete and authoritative statement of the law. If, after reading it, you are still in doubt you should seek advice from any registrar of births, deaths and marriages in Scotland or from the staff in Marriage Section of the Registrar General, General Register Office for Scotland, New Register House, Edinburgh EH1 3YT.

## **WHO CAN BE MARRIED IN SCOTLAND**

Any two persons, regardless of where they live, may marry in Scotland provided that:

- both persons are at least 16 years of age on the day of their marriage.
- they are not related to one another in a way which would prevent their marrying (see the list at the end of this leaflet).
- they are unmarried (any person who has already been married must produce documentary evidence that the previous marriage has been ended by death, divorce or annulment).
- they are not of the same sex.
- they are capable of understanding the nature of a marriage ceremony and of consenting to marrying.
- the marriage would be regarded as valid in any foreign country to which either party belongs.

## **TYPES OF MARRIAGE**

You can be married in either of two ways in Scotland - by a religious ceremony or by a civil ceremony:

- A religious marriage, which may take place anywhere, may be solemnised only by a minister, clergyman, priest or other person entitled to do so under the Marriage (Scotland) Act 1977.
- A civil marriage, which may take place in a registration office or at an approved place, may be solemnised only by a registrar or an assistant registrar who has been authorised by the Registrar General for that purpose. You can obtain a list of approved places for the area in which you wish to be married from the registrar of births, deaths and marriages for that area. Alternatively, a list of approved places for Scotland can be obtained from Marriage Section, General Register Office for Scotland at the address above or from the General Register Office for Scotland website at [www.gro-scotland.gsi.gov.uk](http://www.gro-scotland.gsi.gov.uk). If you wish to apply for a temporary approval for a civil marriage to be conducted at a place of your own choice, such as your own home, you should contact the local authority who will advise you about the fee and the application procedure.

## HOW AND WHEN TO GIVE NOTICE

You can each obtain a marriage notice form, and information about fees, from any registrar of births, deaths and marriages in Scotland. In most cases you can get the address of your local registrar from the telephone directory.

- Each of you must complete and submit a marriage notice, along with the required documents (see below) and the appropriate fee, to the **registrar for the district in which the marriage is to take place**.
- Timing is important. The notices must be submitted early enough to enable the registrar to satisfy himself that you are free to marry one another. Normally notices should be in his hands about **FOUR** weeks before the marriage but if either of you has been married before, the notices should be with the registrar **SIX** weeks beforehand. The **minimum** period is **15 days before the date of the proposed marriage**, but if you leave things as late as this you **could** be faced with the need to postpone your marriage.
- Only in exceptional circumstances will the Registrar General authorise a marriage to take place if 15 days' notice has not been given.
- Although you need not both attend personally at the registrar's office to hand in your marriage notice, at least one of you must attend there personally before the date of the marriage. This is necessary, in the case of a religious marriage, to collect the Marriage Schedule (see below) or, in the case of a civil marriage, to finalise arrangements with the registrar. Personal attendance is necessary at this stage because the registrar will need further information before the marriage can proceed.
- Every person giving notice is required to sign a declaration to the effect that the particulars and information given on the notice are correct. As a safeguard against bigamous marriages a subsequent check of the information is made by the General Register Office for Scotland.
- Persons related in any of the ways listed at paragraph 2a at the end of this leaflet will each require to sign a separate declaration form, which like the marriage notice form is obtainable from any registrar of births, deaths and marriages in Scotland.

## IF YOU LIVE IN ENGLAND OR WALES

- As an alternative to the normal procedure of giving notice to a registrar in Scotland, if you intend to marry
  1. a person residing in Scotland, or
  2. a person residing in England or Wales who has a parent residing in Scotland,you may instead give notice of marriage to the superintendent registrar in the district of England or Wales in which you reside. The person you are marrying should, however, give notice in Scotland in the usual way.
- You should seek the advice of the superintendent registrar if you wish to proceed in this way. You should send the certificate for marriage obtained from him to the Scottish registrar as quickly as possible.

## DOCUMENTS TO BE PRODUCED

When giving or sending the marriage notice forms to the registrar each of you must supply the following:

- Your birth certificate.
- If you have been married before and the marriage was dissolved, a certificate of divorce or annulment or a certified copy decree. A decree of divorce granted outwith Scotland must be absolute or final - a decree nisi is not acceptable.

- If you are a widow or widower, the death certificate of your former spouse.
- If you and the person you are marrying are related in any of the ways listed in paragraph 2b at the end of this leaflet, death certificates are required of the persons mentioned in footnote (b).
- If you are domiciled in another country, outside the United Kingdom, a certificate of no impediment issued by the competent authority, to the effect that you are free to marry - see **IF YOU ARE DOMICILED OUTSIDE THE UNITED KINGDOM** below.
- If any of these documents is in a language other than English, a certified translation in English must also be provided.
- Do not delay giving notice simply because you are waiting for any of the documents mentioned above to come to hand. If time is getting short it is better to give notice first and then pass the documents to the registrar when they become available; but they must be made available to the registrar before the marriage. Provided the documents are in order the marriage can proceed as arranged.

### **IF YOU ARE DOMICILED OUTSIDE THE UNITED KINGDOM**

The normal procedure of giving notice to the registrar in Scotland must be followed but as previously mentioned an additional requirement is placed upon you.

- If, being, domiciled in a country outside the UK, you are subject to the marriage laws of that country you should obtain if practicable, a certificate issued by the competent authority (usually the civil authority) to the effect that there is no impediment to your proposed marriage. If the certificate is in a language other than English you should also produce a certified translation.
- In the absence of such a certificate without good reason being shown, it may not be possible for you to marry in Scotland.
- If you are now resident in the UK and have lived here for the last two years or more you need not submit such a certificate.
- If you are in any doubt about what is required, or if you need further information, you should consult the registrar or write to the General Register Office for Scotland at the address shown at the start of this leaflet.

### **MAKING ARRANGEMENTS FOR THE MARRIAGE CEREMONY**

It is important to make early arrangements for the date and time of your marriage.

- If you are having a religious ceremony contact the minister or clergyman who is to take the service, before completing the notice of marriage.
- For a civil marriage make advance arrangements with the registrar. This is particularly important if the ceremony is to be in a registration office or at an approved place in towns and cities, where large numbers of people want to be married at certain times of the year.
- Arrange for two persons, aged 16 years or over, to be present at your marriage to act as witnesses. They are required whether it is a religious or civil ceremony.
- Be sure to let the clergyman or the registrar know if you change your plans or decide to postpone your marriage.

### **THE MARRIAGE SCHEDULE**

When he is satisfied there is no legal impediment to the marriage, the registrar will prepare a Marriage Schedule from the information you have given him. The Schedule is a most important document - **no marriage can proceed without it.**

- If you are having a religious marriage the Marriage Schedule will be issued to you by the registrar. The Schedule cannot be issued more than seven days before the marriage and the registrar will advise you when to call to collect it. The Schedule cannot be collected on your behalf by a relative or friend - the registrar will issue it only to the prospective bride or bridegroom.
- The Marriage Schedule **must** be produced before the marriage ceremony to the person performing the marriage.
- Immediately after the ceremony the Schedule must be signed by both parties, by the person performing the marriage and by the two witnesses. Thereafter it must be returned to the registrar so that he can register the marriage.
- If you are having a civil marriage a Marriage Schedule will not be issued, but the registrar will have it available at the marriage ceremony for signature. Subsequently he will register the marriage.
- A fee for the civil marriage and, if applicable, for the attendance of an authorised registrar at an approved place is payable to the registrar in advance.

### **MARRIAGE CERTIFICATE**

After the marriage has been registered you can obtain copies of the marriage certificate from the registrar on payment of the appropriate fee.

## DEGREES OF RELATIONSHIP WITHIN WHICH MARRIAGE IS UNLAWFUL

### 1. Relationships by consanguinity

A man may not marry his:

Mother  
Daughter  
Grandmother  
Granddaughter  
Sister  
Aunt  
Niece  
Great-grandmother  
Great-granddaughter

A woman may not marry her:

Father  
Son  
Grandfather  
Grandson  
Brother  
Uncle  
Nephew  
Great-grandfather  
Great-grandson

### 2. Relationships by affinity

*a. Except in the circumstances explained in note (a) below -*

A man may not marry his:

Former wife's daughter or granddaughter  
Father's or grandfather's former wife

A woman may not marry her:

Former husband's son or grandson  
Mother's or grandmother's former husband

*b. Except in the circumstances explained in note (b) below-*

A man may not marry his:

Former wife's mother  
Son's former wife

A woman may not marry her:

Former husband's father  
Daughter's former husband

### 3. Relationships by adoption

A man may not marry his:

Adoptive mother or former adoptive mother  
Adopted daughter or former adopted daughter

A woman may not marry her:

Adoptive father or former adoptive father  
Adopted son or former adopted son

#### Notes:

- (a) Parties related within the degrees listed at 2a must be 21 years of age or over at the time of the marriage and the younger party must not, before his or her 18th birthday, have lived in the same household as the other party and been treated by that person as a child of the family.
- (b) Parties related within the degrees listed at 2b must be 21 years of age or over at the time of the marriage and the family members involved in creating the in-law relationship must both be dead, eg for a man to marry his daughter-in-law, both his son and his son's mother (usually but not always his wife) would require to be dead.