

Marriage (Scotland) Act 1977
Period and Temporary Approval of Places where civil marriages can be conducted in the presence of a Registrar

Report by Director, Resources

1 Purpose of Report

To advise the Committee about a change in legislation.

2 Marriage and Civil Partnership (Scotland) Bill

The Bill was passed by Parliament during the week ending 7 February 2014.

3 Implementation

The Scottish Government have provided introductory information to the Implementation of the Marriage and Civil Partnership (Scotland) Act 2014. (See **Appendix 1**). They cover a variety of topics and include:-

(a) Regulations on an administrative route to change civil partnerships registered in Scotland to marriages;

(b) Regulations on prescribing religious bodies to solemnise marriage and register civil partnerships;

(c) Regulations on qualifying requirements for religious and belief bodies to meet before solemnising marriage and registering civil partnerships;

(d) Regulations on marriage and civil partnership forms;

(e) Regulations and orders relating to gender recognition; and

(f) Regulations on jurisdiction of the courts in cases relating to same sex.

One of the effects is that *inter alia* the Registrar will have power to carry out marriages anywhere ie provided the place is seemly and dignified. The new legislation brings to an end the regulations that were introduced in this regard in 2002 to provide for local authority approval of places where civil marriages can be conducted in the presence of a Registrar. In that respect the SG sought comments on 1 September 2014 as the suggested date for implementation of that part of the regulations.

Applications for approval continue to be made; and it is intended to keep taking applications until such time as the Scottish Government decide.

Thereafter the Registrar will have to initiate controls under her own auspices but perhaps by then the Registrar General will have issued some guidance.

4 Resource etc Implications

as reported to the Council on 4 February 2014, income will fall in respect of the Approvals of places. However, it is possible that income will be generated by the new forms of approach.

5 Conclusion

The Marriage legislation has changed

6 Recommendation

It is recommended that the Committee note the report and approve the action taken by the Director in consultation with the Chair in making no representation against the suggested implementation of the new measures with effect from 1 September 2014..

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Contact Person:

R G Atack

Tel No: 0131 271 3161

Background Papers:

File CG 10.x (RGA)

Marriage Regulations.

Appendix