



Marriage (Scotland) Act 2002

2002 asp 8

1 Solemnisation of civil marriages at places approved by local authorities

(1) The Marriage (Scotland) Act 1977 (c.15) shall be amended in accordance with subsections (2) to (4) below.

(2) In section 18 (places at which civil marriages may be solemnised)—

(a) in subsection (1), after the word—

(i) “marriage” there shall be inserted “ (a) ”; and

(ii) “office” there shall be added “; or

(b) at an approved place in his registration district”;

(b) in subsection (2), after the word—

(i) “marriage” there shall be inserted “ (a) ”; and

(ii) “registrar”, where it second occurs, there shall be added “; or

(b) at an approved place in the district of another authorised registrar”; and

(c) after subsection (5), there shall be inserted—

“(6) For the purposes of this section “approved place” means any place approved by virtue of regulations made under section 18A of this Act.”.

(3) After section 18 there shall be inserted—

“18A Approved places

(1) The Scottish Ministers may by regulations make provision for or in connection with the approval by local authorities of places in their areas in which civil marriages may be solemnised.

(2) Regulations under subsection (1) above may in particular include provision as to—

(a) the kinds of place in respect of which approvals may be granted;

(b) the procedure to be followed in relation to applications for approval;

(c) the considerations to be taken into account by a local authority in determining whether to approve any places;

(d) the duration and renewal of approvals;

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- (e) the conditions that shall or may be imposed by a local authority on granting or renewing an approval;
 - (f) the determination and charging by local authorities of fees in respect of—
 - (i) applications for the approval of places;
 - (ii) the renewal of approvals; and
 - (iii) the attendance by authorised registrars at places approved under the regulations;
 - (g) the circumstances in which a local authority shall or may revoke or suspend an approval or vary any of the conditions imposed in relation to an approval;
 - (h) the notification to the Registrar General of all approvals granted, renewed, revoked, suspended or varied;
 - (i) the notification to the district registrar for the district in which a place approved under the regulations is situated of all approvals relating to such a place which are granted, renewed, revoked, suspended or varied;
 - (j) the keeping by the Registrar General, district registrars and local authorities of registers of places approved under the regulations; and
 - (k) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (3) A person who has made an application under regulations made under subsection (1) above may appeal, by summary application, to the sheriff against any decision made by a local authority in relation to the application (including any decision to revoke or suspend, or to vary any of the conditions imposed in relation to, an approval granted in pursuance of that application).
- (4) An appeal under subsection (3) above may be made only on one or more of the following grounds—
- (a) that the local authority's decision was based on an error of law;
 - (b) that the local authority's decision was based on an incorrect material fact;
 - (c) that the local authority has acted contrary to natural justice; or
 - (d) that the local authority has acted unreasonably in the exercise of its discretion.
- (5) An appeal under subsection (3) above shall not, unless on good cause shown, be considered by the sheriff unless lodged with the sheriff clerk within 28 days of the date on which the local authority made the decision being appealed against.
- (6) In upholding an appeal under subsection (3) above, the sheriff may—
- (a) remit the case with the reasons for the sheriff's decision to the local authority for reconsideration by the local authority of its decision; or
 - (b) reverse or modify the local authority's decision.
- (7) A party to an appeal under subsection (3) above may appeal, on a point of law only, against the decision of the sheriff to the Court of Session within 28 days of the date of that decision.

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- (8) Regulations under subsection (1) above may make different provision for different cases or circumstances.
 - (9) The power to make regulations under subsection (1) above shall be exercisable by statutory instrument; and, subject to subsection (10) below, any such statutory instrument shall be subject to annulment in pursuance of a resolution of the Scottish Parliament.
 - (10) A statutory instrument containing the first regulations under subsection (1) above shall not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the Scottish Parliament.”.
- (4) In section 24 (offences), in subsection (1)—
- (a) the word “or”, where it occurs immediately after paragraph (d), is repealed; and
 - (b) after paragraph (e), there shall be inserted “; or
 - (f) being an authorised registrar, solemnises a marriage in a place otherwise than in accordance with section 18(1) of this Act”.

Changes to legislation:

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