



Local Electoral Administration and Registration Services (Scotland) Act 2006

2006 asp 14

PART 2

REGISTRATION SERVICES

Marriages and civil partnerships: procedure

50 Marriage procedure: electronic communications

- (1) The 1977 Act is amended in accordance with subsections (2) to (10).
- (2) In section 3 (submission of notice of intention to marry)—
 - (a) in subsection (1), for “accompanied by” there is substituted “and”;
 - (b) in subsection (3), for “attach to that document” there is substituted “also submit”; and
 - (c) after subsection (3), there is inserted—
 - “(3A) A person submitting a notice under subsection (1) above shall make and attest in the prescribed manner the necessary declaration (the form for which shall be included in any form prescribed for the notice).
 - (3B) The necessary declaration is a declaration that the person submitting the notice believes that the parties to the marriage are eligible to be married to each other.”.
- (3) In section 5 (objections to marriage)—
 - (a) in subsection (1)—
 - (i) for “be accompanied by” there is substituted “not be treated as submitted until there has also been produced to the registrar”; and
 - (ii) for “signed” there is substituted “attested in the prescribed manner”; and
 - (b) after subsection (1) (submission in writing of objection to marriage) there is inserted—

Status: This is the original version (as it was originally enacted).

“(1A) For the purpose of subsection (1) above, an objection which is submitted to the registrar by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(4) In section 6 (issuing of Marriage Schedule), after subsection (4) there is inserted—

“(4A) For the purpose of subsection (4)(a)(i) above, a request which is made by electronic means is to be treated as being written if it is received in a form which is legible and capable of being used for subsequent reference.”.

(5) In section 7 (marriage outside Scotland where a party resides in Scotland), after subsection (3) there is inserted—

“(4) For the purpose of subsection (3) above, an objection which is submitted by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(6) In section 9 (registration of nominated persons as celebrants), after subsection (5) there is inserted—

“(5A) For the purpose of subsection (5)(b) above, notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(7) In section 10 (removal of celebrant’s name from register), after subsection (2) there is inserted—

“(2A) For the purpose of subsection (2) above, notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(8) In section 12 (temporary authorisation of celebrants)—

- (a) the existing section becomes subsection (1) of that section; and
- (b) after that subsection there is inserted—

“(2) For the purpose of subsection (1) above, an authorisation which is issued by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.”.

(9) In section 19 (marriage ceremony and registration of marriage), after subsection (1) there is inserted—

“(1A) For the purpose of subsection (1) above, a request which is made by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.”.

(10) After section 24 there is inserted—

“24A Form, and manner of attestation, of documents

- (1) Regulations prescribing the form of a document may, unless the document requires to be signed, make provision for the document to be electronic rather than paper-based.

- (2) Regulations prescribing the manner in which a document requires to be attested may make different provision for different cases or circumstances.”.