

FAMILY LAW (SCOTLAND) ACT 2006

EXPLANATORY NOTES

THE ACT

Marriage

Section 1: Marriage to parent of former spouse: removal of special requirements

4. The Marriage (Scotland) Act 1977 specifies that people who are related to one another by certain 'forbidden degrees' may not marry. This applies to people who are connected by close family ties. There are two levels of these forbidden degrees: relationship by 'consanguinity' and relationship by 'affinity'. While the former refers to relationship by blood, the latter refers to relationships which arise through marriage. Section 1 removes the provision of the Marriage (Scotland) Act 1977 that makes a marriage void between certain persons related by degrees of affinity. If a marriage is void it is considered never to have taken place.
5. **Section 1** removes the barriers to a marriage between:
 - a man and the mother of his former wife
 - a man and the former wife of his son
 - a woman and the father of her former husband
 - a woman and the former husband of her daughter.