
SCOTTISH STATUTORY INSTRUMENTS

2016 No. 67

The Gender Recognition (Marriage and Civil Partnership Registration) (Modification) (Scotland) Order 2016

PROSPECTIVE

Modification of the operation of Registration of Births, Deaths and Marriages (Scotland) Act 1965

3.—(1) The operation of the 1965 Act(1), in relation to qualifying Scottish marriages registered under regulation 7 of the 2016 Regulations, is modified as follows.

(2) The Registrar General must remove reference to the existing register of marriages entry in the alphabetical index of the entries in the register of marriages, for the purposes of section 38(1) of the 1965 Act(2) (search of indexes kept by Registrar General).

(3) The alphabetical index of the entries in the register of marriages that the district registrar has access to under section 39C of the 1965 Act (provision of information to district registrars) must no longer include reference to the existing register of marriages entry.

(4) An extract of the existing register of marriages entry or copy of that entry (whichever is applicable) is not to be issued to a person under sections 37(1) (issuing of extracts of entries in current registers), 38(2)(b) (search of indexes kept by Registrar General) or 39D(1)(b) (searching of indexes and issuing of extracts by district registrars) of the 1965 Act unless that person is a party to the qualifying Scottish marriage.

(5) The Registrar General must make traceable the connection between an existing register of marriages entry and a corresponding new register of marriages entry.

(6) Information kept by the Registrar General for the purposes of paragraph (5) is not to be open to public inspection or search.

(7) The Registrar General may disclose any such information only in accordance with paragraph (8).

(8) Information is disclosed in accordance with this paragraph if disclosed—

- (a) under an order of the Court of Session or a sheriff; or
- (b) to a party to the qualifying Scottish Marriage.

(9) In section 41A(2) of the 1965 Act (admissibility of registration information as evidence), where the extract issued is an extract of a new register of marriages entry it shall be sufficient evidence of the date the marriage recorded in that entry was solemnised only where that date is the same as it is on the corresponding existing register of marriages entry.

(10) In this article—

“existing register of marriages entry” and “new register of marriages entry” have the same meaning as in regulation 2 of the 2016 Regulations;

(1) 1965 c.49.

(2) Section 38(1) was amended by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (“the 2006 Act”), section 44(4).

Status: This version of this provision is prospective.

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to *The Gender Recognition (Marriage and Civil Partnership Registration) (Modification) (Scotland) Order 2016*. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

“qualifying Scottish marriage” has the same meaning as in paragraph 20A(4) of Schedule 3 to the 2004 Act⁽³⁾; and

“register of marriages” means the register of marriages provided by the Registrar General under section 32(1) of the 1965 Act⁽⁴⁾.

Commencement Information

II Art. 3 in force at 24.3.2016, see [art. 1](#)

(3) Paragraph 20A of Schedule 3 was inserted by the Marriage and Civil Partnership (Scotland) Act 2014 ([asp 5](#)), Schedule 2, paragraph 9(2)(b). By virtue of section 25(3) to (5) of the 2004 Act certain marriages solemnised outside the United Kingdom are treated as solemnised in Scotland for the purposes of the 2004 Act.

(4) Section 32(1) was amended by the Marriage (Scotland) Act 1977, Schedule 2, paragraph 8.

Status:

This version of this provision is prospective.

Changes to legislation:

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Changes and effects yet to be applied to :

- art. 3 coming into force by [S.S.I. 2016/67 art. 1](#)

Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- art. 5 inserted by [S.S.I. 2022/202 art. 2\(3\)](#)