

Changes to legislation: Marriage (Scotland) Act 1977, SCHEDULE 2 is up to date with all changes known to be in force on or before 06 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

Section 28(1).

CONSEQUENTIAL AMENDMENTS OF OTHER ENACTMENTS

The Foreign Marriage Act 1892 (c. 23)

1 F1

Textual Amendments

F1 Sch. 2 para. 1 repealed by [Foreign Marriage \(Amendment\) Act 1988 \(c. 44, SIF 49:1\)](#), s. 7(2), [Sched.](#)

The Marriage with Foreigners Act 1906 (c. 40)

2 In section 1(1) (British subject giving notice of intended foreign marriage), for the words “the United Kingdom”, there shall be substituted the words “any part of the United Kingdom other than Scotland”.

Modifications etc. (not altering text)

C1 The text of S. 28(1)(2), Sch. 2 paras. 2, 3, 4(a)(b), 5(a)(b), 6, 7, 8, 9, Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

3 In section 2(1) (provision for regulations in relation to foreigners intending to marry in Britain), for the words “the United Kingdom”, in both places where they occur, there shall be substituted the words “any part of the United Kingdom other than Scotland”.

Modifications etc. (not altering text)

C2 The text of S. 28(1)(2), Sch. 2 paras. 2, 3, 4(a)(b), 5(a)(b), 6, 7, 8, 9, Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Marriage Act 1949 (c. 76)

4 In section 37(1) (one party resident in Scotland)—
(a) for paragraph (a) there shall be substituted the following paragraph—
“*(a)* the party residing in Scotland may give notice of the intended marriage in accordance with section 7 of the Marriage (Scotland) Act 1977 ;” ;
(b) for paragraph (c) there shall be substituted the following paragraph—

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“a certificate issued under section 7(2) of the Marriage (Scotland) Act 1977 to a party shall, for the purpose of that party’s intended marriage, have the like force and effect in all respects as a certificate for marriage issued by a superintendent registrar under this Part of this Act ;”.

Modifications etc. (not altering text)

- C3** The text of S. 28(1)(2), Sch. 2 paras. 2, 3, 4(a)(b), 5(a)(b), 6, 7, 8, 9, Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Marriage (Scotland) Act 1956 (c. 70)

- 5 In section 1 (notice of marriage intended to be solemnised in Scotland)—
- (a) for subsections (1) and (2) there shall be substituted the following subsections—
- “(1) Where one party to a marriage intended to be solemnised in Scotland is residing in England and the other is residing in Scotland, the party residing in England may give notice of the intended marriage to the superintendent registrar of the registration district in which he has resided for the period of seven days immediately before the giving of the notice.
- (2) Where both parties to a marriage intended to be solemnised in Scotland are residing in England, whether in the same registration district or in different registration districts, and one of the parties has a parent who has his usual residence in Scotland—
- (a) the other party may give notice of the intended marriage to the superintendent registrar of the registration district in which he has resided for the period of seven days immediately before the giving of the notice ;
- (b) if the parties live in different registration districts, it shall not be necessary for notice of the intended marriage to be given to the superintendent registrar of the other registration district.
- (2A) Section 28(1) of the Marriage Act 1949 (which relates to the declaration to accompany a notice of marriage) shall apply for the purposes of subsections (1) and (2) above as if paragraph (b) of the said section 28(1) required the declaration to state—
- (i) that the person giving the notice has for the period of seven days immediately before the giving of the notice had his usual place of residence within the registration district in which the notice is given ; and
- (ii) that the marriage is intended to be solemnised in Scotland; and
- (iii) that the other party to the intended marriage is resident in Scotland, or has a parent who has his usual residence in Scotland, as the case may be.” ;

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- (b) in subsection (3), for the words “last preceding subsection” there shall be substituted the words “foregoing provisions of this section”.

Modifications etc. (not altering text)

- C4** The text of S. 28(1)(2), Sch. 2 paras. 2, 3, 4(a)(b), 5(a)(b), 6, 7, 8, 9, Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

The Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49)

- 6 In section 11 (general provision as to fees)—
- (a) after the word “Act” where it first occurs there shall be inserted the words “or the Marriage (Scotland) Act 1977” ;
- (b) for the words “this Act” where they occur for the second time there shall be substituted the words “or under this Act or the Marriage (Scotland) Act 1977”.

Modifications etc. (not altering text)

- C5** The text of S. 28(1)(2), Sch. 2 paras. 2, 3, 4(a)(b), 5(a)(b), 6, 7, 8, 9, Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 7 In section 12 (fees to be accounted for), at the end there shall be added the words “and the Marriage (Scotland) Act 1977.”.

Modifications etc. (not altering text)

- C6** The text of S. 28(1)(2), Sch. 2 paras. 2, 3, 4(a)(b), 5(a)(b), 6, 7, 8, 9, Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 8 In section 32(1) (provision of registers etc. by Registrar General), at the end there shall be added the words “and the Marriage (Scotland) Act 1977.”.

Modifications etc. (not altering text)

- C7** The text of S. 28(1)(2), Sch. 2 paras. 2, 3, 4(a)(b), 5(a)(b), 6, 7, 8, 9, Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

- 9 In section 52 (sending of documents by post), after the word “Act” there shall be inserted the words “or the Marriage (Scotland) Act 1977.”.

Modifications etc. (not altering text)

- C8** The text of S. 28(1)(2), Sch. 2 paras. 2, 3, 4(a)(b), 5(a)(b), 6, 7, 8, 9, Sch. 3 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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

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

- s. 9(2)(e) inserted by [2014 asp 5 s. 13\(2\)\(d\)](#)