



Marriage (Scotland) Act 1977

1977 CHAPTER 15

GENERAL

24 Offences.

[^{F1}(A1) A person (“A”) commits an offence if A purports to enter into a marriage with another person (“B”) knowing that either or both—

- (a) A is already married to or in a civil partnership with a person other than B, or
- (b) B is already married to or in a civil partnership with a person other than A.

(A2) A person who commits an offence under subsection (A1) is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both),
- (b) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).]

(1) Any person who—

- (a) falsifies or forges any Marriage Schedule, certificate or declaration issued or made, or purporting to be issued or made, under this Act;
- (b) knowingly uses, or gives or sends to any person as genuine, any false or forged Marriage Schedule, certificate, declaration or other document issued or made, or purporting to be issued or made, or required, under this Act;
- (c) being an approved celebrant, solemnises a marriage without a Marriage Schedule in respect of the marriage, issued in accordance with this Act, being available to him at the time of the marriage ceremony;
- (d) not being an approved celebrant or an authorised registrar, conducts a marriage ceremony in such a way as to lead the parties to the marriage to believe that he is solemnising a valid marriage;^{F2} . . .
- (e) being an approved celebrant or an authorised registrar, solemnises a marriage without both parties to the marriage being present^{F3}; or]

[^{F3}(f) being an authorised registrar, solemnises a marriage in a place otherwise than in accordance with section 18(1) of this Act]

shall be guilty of an offence and shall be liable—

Changes to legislation: Marriage (Scotland) Act 1977, Section 24 is up to date with all changes known to be in force on or before 19 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

- (i) on conviction on indictment, to a fine or to imprisonment for a term not exceeding 2 years or to both;
 - (ii) on summary conviction, to a fine not exceeding [^{F4}the [^{F5}statutory maximum]] or to imprisonment for a term not exceeding 3 months or to both.
- (2) Any person who—
- (a) solemnises a marriage in an area [^{F6}or place] in which by virtue of section 9(4) (b) of this Act he is not permitted to solemnise a marriage;
 - (b) solemnises a marriage in contravention of section 10(5) of this Act;
 - (c) being a person temporarily authorised under section [^{F7}12 of this Act—
 - (i) if authorised under subsection (1)(a) of that section, solemnises a marriage not specified in the authorisation;
 - (ii) if authorised under subsection (1)(b) of that section, solemnises a marriage outwith the period specified in the authorisation;
 - (iii) in either case, solemnises a marriage otherwise than in accordance with such terms and conditions as may be specified in the authorisation;]
 - (d) solemnises a marriage in contravention of section 14 of this Act; or
 - (e) being a party to a marriage, fails to comply with a notice served under section 16(2) of this Act,
- shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding [^{F8}level 3 on the standard scale].
- (3) Summary proceedings for an offence under this Act or, in relation to information supplied under or for the purposes of this Act, section 53(1)(a) of the ^{M1}Registration of Births, Deaths and Marriages (Scotland) Act 1965, may be commenced at any time within the period of 3 months from the date on which evidence sufficient in the opinion of the Lord Advocate to justify the proceedings comes to his knowledge or within the period of 12 months from the commission of the offence, whichever period last expires; and subsection (3) of [^{F9}section 136 of the Criminal Procedure (Scotland) Act 1995 (time limit for certain offences)] shall have effect for the purposes of this section as it has effect for the purposes of that section.

Textual Amendments

- F1** S. 24(A1)(A2) inserted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 28(1)(a)**, 36; S.S.I. 2014/212, **art. 2**, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, **art. 2(3)**, **sch.**)
- F2** Word in s. 24(1)(d) repealed (25.4.2002) by [2002 asp 8](#), **s. 1(4)(a)**; S.S.I. 2002/184, **art. 2**
- F3** S. 24(1)(f) and word inserted (25.4.2002) by [2002 asp 8](#), **s. 1(4)(b)**; S.S.I. 2002/184, **art. 2**
- F4** Words in s. 24(1)(ii) substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **s. 289B**
- F5** Words in s. 24(1)(ii) substituted (1.9.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 28(1)(b)**, 36; S.S.I. 2014/212, **art. 2**, **sch.** (as amended (1.9.2014) by S.S.I. 2014/218, **art. 2(3)**, **Sch.**)
- F6** Words in s. 24(2)(a) inserted (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 13(5)**, 36; S.S.I. 2014/287, **art. 3**, **sch.**
- F7** S. 24(2)(c)(i)-(iii) substituted for words (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), **ss. 14(3)**, 36; S.S.I. 2014/287, **art. 3**, **sch.**
- F8** Words in s. 24(2) substituted by virtue of [Criminal Procedure \(Scotland\) Act 1975 \(c. 21\)](#), **ss. 289F**, **289G**
- F9** Words in s. 24(3) substituted (1.4.1996) by [1995 c. 40](#), **ss. 5**, **7(2)**, **Sch. 4 para. 14**

Changes to legislation: Marriage (Scotland) Act 1977, Section 24 is up to date with all changes known to be in force on or before 19 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](#)

Modifications etc. (not altering text)

C1 S. 24 modified (16.12.2014) by [The Marriage Between Civil Partners \(Procedure for Change and Fees\) \(Scotland\) Regulations 2014 \(S.S.I. 2014/361\)](#), regs. 1, **7(6)**

Marginal Citations

M1 1965 c. 49.

Changes to legislation:

Marriage (Scotland) Act 1977, Section 24 is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

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\(2\)\(d\)](#)