

## SCHEDULES

### SCHEDULE 2

#### AMENDMENTS OF MARRIAGE (SCOTLAND) ACT 1977

- 2 In section 2 (prohibited degrees for marriage of related persons)—
- (a) at the beginning of subsection (1) there shall be inserted the words " Subject to subsections (1A) and (1B) below, ";
  - (b) after subsection (1) there shall be inserted the following subsections—
    - “(1A) Subsection (1) above does not apply to a marriage between a man and any woman related to him in a degree specified in column 1 of paragraph 2 of Schedule 1 to this Act, or between a woman and any man related to her in a degree specified in column 2 of that paragraph, if—
      - (a) both parties have attained the age of 21 at the time of the marriage; and
      - (b) the younger party has not at any time before attaining the age of 18 lived in the same household as the other party and been treated by the other party as a child of his family.
    - (1B) Subsection (1) above does not apply to a marriage between a man and any woman related to him in a degree specified in column 1 of paragraph 2A of Schedule 1 to this Act, or between a woman and any man related to her in a degree specified in column 2 of that paragraph, if both parties to the marriage have attained the age of 21 and the marriage is solemnized—
      - (a) in the case of a man marrying the mother of a former wife of his, after the death of both the former wife and the former wife's father;
      - (b) in the case of a man marrying a former wife of his son, after the death of both his son and his son's mother;
      - (c) in the case of a woman marrying the father of a former husband of hers, after the death of both the former husband and the former husband's mother;
      - (d) in the case of a woman marrying a former husband of her daughter, after the death of both her daughter and her daughter's father.
- (c) after subsection (4) there shall be inserted the following new subsection—
- “(5) Where the parties to an intended marriage are related in a degree specified in paragraph 2 of Schedule 1 to this Act, either party may (whether or not an objection to the marriage has been submitted in accordance with section 5(1) of this Act) apply to the Court of Session for a declarator that the conditions specified in paragraphs

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*Status: This is the original version (as it was originally enacted).*

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(a) and (b) of subsection (1A) above are fulfilled in relation to the intended marriage.”.