SCOTTISH STATUTORY INSTRUMENTS

2014 No. 304

MARRIAGE

The Marriage Between Persons of Different Sexes (Prescribed Bodies) (Scotland) Regulations 2014

Made - - - -	*11th November 2014*
Laid before the Scottish Parliament	*13th November 2014*
Coming into force - -	*16th December 2014*

The Scottish Ministers make the following Regulations in exercise of the powers conferred on them by section 8(1)(a)(ii) of the Marriage (Scotland) Act 1977(**a**) and all other powers enabling them to do so.

In accordance with section 8(1A)(a)(**b**) of the Marriage (Scotland) Act 1977 the bodies prescribed in regulation 2 have requested the Scottish Ministers to prescribe them.

Citation, commencement and revocation

1.—(1) These Regulations may be cited as the Marriage Between Persons of Different Sexes (Prescribed Bodies) (Scotland) Regulations 2014 and come into force on 16th December 2014.

(2) The Marriage (Prescription of Religious Bodies) (Scotland) Regulations 1977(**c**) are revoked.

Prescribed bodies

2. The bodies prescribed for the purposes of 8(1)(a)(ii) of the Marriage (Scotland) Act 1977 are listed in the Schedule to these Regulations.

ALEX NEIL
A member of the Scottish Government

St Andrew's House,
Edinburgh
11th November 2014

(**a**) 1977 c.15; section 8(1) was amended relevantly by the Law Reform (Miscellaneous Provisions) (Scotland) Act 1980 (c.55), section 22(1)(b) and by the Marriage and Civil Partnership (Scotland) Act 2014 (asp 5) ("the 2014 Act"), section 12(2)(a)(i); section 8(1)(a)(ii) was amended by the 2014 Act, section 12(2)(a)(ii).

(**b**) Section 8(1A)(a) was inserted by section 12 of the 2014 Act.

(**c**) S.I. 1977/1670. Under article 4(1) of the Marriage and Civil Partnership (Scotland) Act 2014 (Commencement No. 3, Saving, Transitional Provision and Revocation) Order 2014 (S.S.I. 2014/287 (C.28)), the Marriage (Prescription of Religious Bodies) (Scotland) Regulations 1977 continue to have effect where a notice of intention to marry has been submitted to a district registrar before 16th December 2014.

SCHEDULE

Regulation 2

The Baptist Union of Scotland

The Free Church of Scotland

The Free Presbyterian Church of Scotland

The Liberal Jewish Community in Scotland

The Methodist Church

The Orthodox Jewish Community in Scotland

The Reform Jewish Community in Scotland

The Religious Society of Friends (Quakers)

The Roman Catholic Church

The Salvation Army

The Scottish Episcopal Church and other Churches of the Anglican Communion

The Scottish Unitarian Association

The Synod of Scotland of the United Reformed Church

The United Free Church of Scotland

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the religious or belief bodies whose ministers, clergymen, pastors, priests or other celebrants are entitled to solemnise marriage between persons of different sexes without the need to be registered as approved celebrants. The Church of Scotland are not prescribed in these regulations as their ministers or deacons are entitled to solemnise marriage between persons of different sexes under section 8(1)(a)(i) of the 1977 Act.

Section 12(2)(a) of the Marriage and Civil Partnership (Scotland) Act 2014 amends section 8(1)(a)(ii) of the Marriage (Scotland) Act 1977 so as to allow belief bodies to be prescribed in the same way as religious bodies to solemnise marriages between persons of different sexes.

The Marriage (Prescription of Religious Bodies) (Scotland) Regulations 1977 S.I. 1977/1670 ("the 1977 Regulations") that currently prescribe the religious bodies whose members are entitled to solemnise marriages are revoked and replaced by these Regulations. The revocation of the 1977 Regulations is subject to the transitional provision in article 4(1) of the Marriage and Civil Partnership (Scotland) Act 2014 (Commencement No. 3, Savings, Transitional Provision and Revocation) Order 2014 (S.S.I. 2014/287 (c.28)) ("the 2014 Order"). This provides that the 1977 Regulations continue to have effect where a notice of intention to marry has been submitted to a district registrar before 16th December 2014.

Article 4(2) of the 2014 Order also has the effect of allowing existing registrations and authorisations under sections 9 and 12 of the 1977 Act to continue to have effect for solemnising opposite sex marriage unless the person concerned is a minister, clergyman, pastor or priest or other celebrant of a religious or belief body prescribed in these Regulations.

Article 4(2) of the 2014 Order is subject to Article 4(3). Article 4(3) ensures that existing registrations under section 9 or temporary authorisations under section 12 cease to have effect from 16th December 2014 where the person holding the registration or temporary authorisation is a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed in these Regulations. This is relevant when a body is being prescribed for the first time.

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£4.25

S2014111212 11/2014 19585

http://www.legislation.gov.uk/id/ssi/2014/304

ISBN 978-0-11-102497-3

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