CHAPTER 70

An Act to amend the law with regard to notice of marriages intended to be celebrated or contracted in Scotland. [2nd August, 1956]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Notice of marriage intended to be celebrated or contracted in Scotland where one party has a parent residing there. 41 & 42 Vict. c. 43.

1.—(1) A party to a marriage intended to be celebrated or contracted in Scotland who is residing in England may, if he has a parent who has his usual residence in Scotland, give to the registrar of the parish or district in which that parent has his usual residence notice of the intended marriage in accordance with the provisions of the Marriage Notice (Scotland) Act, 1878, in like manner as if he had resided in the aforesaid parish or district for a period of fifteen clear days immediately previous to the giving of such notice, and the provisions of the said Act relating to notices of intended marriages and the granting of certificates of the due publication thereof shall apply accordingly.

(2) Where both parties to a marriage intended to be celebrated or contracted 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;

12, 13 & 14 Geo. 6. c. 76.

(*c*) subsection (1) of section twenty-eight of the Marriage Act, 1949 (which relates to the declaration to accompany a notice of marriage), shall apply as if paragraph (*b*) of that subsection 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 celebrated or contracted in Scotland, and

(iii) that the other party to the intended marriage has a parent who has his usual residence in Scotland.

(3) A notice of marriage and declaration given and made in accordance with the last preceding subsection, if in other respects they comply with the requirements of the Marriage Act, 1949, shall be treated as a notice of marriage and declaration given and made in accordance with that Act, and the provisions of that Act relating to the issue of certificates for marriage shall apply accordingly as if the marriage were intended to be solemnised in England.

(4) A certificate for marriage issued by virtue of the two last preceding subsections shall for the purpose of the marriage be of the like force and effect in all respects as a certificate granted by a registrar in Scotland under section nine of the Marriage Notice (Scotland) Act, 1878.

(5) In this section any reference to a parent of a party to an intended marriage includes a reference to—

14 Geo. 6. c. 26.

(*a*) any person who has adopted that party by virtue of an adoption order within the meaning of the Adoption Act, 1950, or any enactment repealed by that Act, or any similar order pronounced by a competent court elsewhere than in Great Britain (in this subsection referred to as an "adoptive parent"), and

(*b*) any spouse, widow, or widower of a parent or adoptive parent of that party.

Amendment of 41 & 42 Vict. c. 43, s. 10.

2. Section ten of the Marriage Notice (Scotland) Act, 1878 (which provides for the manner in which objections to an intending marriage are to be dealt with) shall be amended by the insertion in paragraph (*a*) after the word "district" of the words "or of the residence therein of a parent of his (as defined for the purposes of the Marriage (Scotland) Act, 1956)."

3. Section eighteen of the Marriage Notice (Scotland) Act, 1878 (which relates to the alteration of regulations for proclamation of banns), shall have effect as if there were added at the end thereof the words " or from dispensing with any requirement as to residence in Scotland in the case of any person who by virtue of section one of the Marriage (Scotland) Act, 1956, would be entitled to give in Scotland notice of a marriage intended to be celebrated or contracted there ". Amendment of 41 & 42 Vict. c. 43, s. 18.

4. This Act may be cited as the Marriage (Scotland) Act, 1956, and the Marriage (Scotland) Acts, 1834 to 1942, and this Act may be cited together as the Marriage (Scotland) Acts, 1834 to 1956. Short title and citation.

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