

## **Marriage in Scotland – Information Leaflet RM1**

This leaflet gives general guidance only and should not be treated as a complete and authoritative statement of the law.

Further advice can be obtained from [Registration Offices](#) or by emailing National Records of Scotland (NRS) [Marriage & Civil Partnership team](#)

### **Types of Marriages**

You can be married in either of **two** ways in Scotland:

**A religious or belief ceremony** – may only be solemnised by a minister, clergyman, pastor, priest or other person approved to do so under the Marriage (Scotland) Act 1977.

**A civil marriage** – may only be solemnised by a registrar or an assistant registrar who has been authorised by the Register General for that purpose.

By law both parties to a proposed civil, religious or belief marriage are required to submit marriage notice forms to the [registrar of the district](#) in which the marriage is to take place informing them of their intention to marry.

### **Making arrangements for the marriage ceremony**

It is important to make early arrangements to agree the date and time of your marriage.

For a **religious or belief ceremony**, contact the person performing the marriage before completing the [marriage notice form \(M10\)](#).

For a **civil marriage**, make advance arrangements with the registrar. This is particularly important if the ceremony is to be held in a popular area.

Arrange for two persons aged 16 years or over, to be present at your marriage to act as witnesses. They are required whether it is a religious, belief or civil ceremony.

[Be sure to let the person performing the marriage know if you change your plans or decide to postpone your marriage.](#)

### **Who can be married in Scotland?**

Any two persons, regardless of sex or where they live, may marry in Scotland provided that they are:-

- at least 16 years of age on the day of their marriage
- unmarried and not in a civil partnership\*
- capable of understanding the nature of a marriage ceremony and of consenting to marrying
- not related to one another in a way which would prevent their marrying (see appendix 1)

In the case of a mixed sex marriage, the marriage would be regarded as valid in the party's country of domicile.

### **\*Can we change our civil partnership to a marriage?**

Yes you can change your civil partnership to a marriage if:-

- (i) your civil partnership was registered in Scotland, England, Wales or Northern Ireland and has not been dissolved, annulled or ended by death or
- (ii) you have an overseas relationship registered outwith the United Kingdom which is treated as a civil partnership in UK and has not been dissolved, annulled or ended by death.

### **How do we notify our intention to marry?**

Contact the [registration office](#) located in the district where you intend to be married.

The registration office will discuss how best to submit your marriage notice forms and accompanying documents.

Some offices may accept emailed copies of the forms but the originals **must** be received prior to the ceremony.

### **Do you live in England or Wales?**

As an alternative to the normal procedure of giving notice to a registrar in Scotland, if you intend to marry:-

- (i) a person residing in Scotland,
- (ii) a person residing in England or Wales who has a parent residing in Scotland, then you may give notice of your marriage to the superintendent registrar in the district where you reside. You should seek advice of the superintendent registrar if you wish to proceed in this way. The certificate for marriage obtained from them should be sent to the Scottish registrar as quickly as possible.

The person you are marrying should give notice in Scotland in the usual way.

### **Where can we obtain marriage notice forms?**

Marriage notice forms can be downloaded from the [National Records of Scotland website](#) or obtained from a [Scottish Registration Office](#).

### **When should we submit our marriage notice forms?**

**Please check timescales with your local registration office, to avoid having to postpone your marriage ceremony.** The registrar must be in receipt of your completed marriage notices **no later than 29 days** before the intended marriage but it is **advisable to give 10 - 12 weeks' notice**, to allow time to check your notices and accompanying documents and ensure that there is no impediment to the proposed marriage

***Failing to give proper notice can result in a marriage being postponed or prevented from proceeding.***

Only in exceptional circumstances will the Registrar General authorise a marriage to take place if 29 days' notice has not been given.

### **Where should we submit our marriage notice forms?**

Completed marriage notice forms and accompanying documents should be submitted to the [registration office](#) located in the district where you intend to be married.

When you give notice, you will be required to sign the declaration on your marriage notice form to confirm everything is correct.

### **Additional Document Requirements**

Your marriage notice forms should be supplied to the registrar along with:-

- Your birth certificate or, if you are adopted, your adoption certificate
- Evidence of your usual residence
- Valid passport or other document to provide evidence of your nationality

**Some offices may accept emailed copies of the forms but the originals MUST be received prior to the ceremony.**

If:-

- **you have been married or in a registered civil partnership before** and the marriage or civil partnership has been dissolved or annulled, a decree of divorce or dissolution or annulment or a certified copy decree is required. A decree granted outwith Scotland must be absolute or final – a decree nisi is not acceptable.
- **you have a foreign divorce** you may need to complete the [Foreign Divorce Questionnaire](#).
- **you have a foreign dissolution** you may need to complete the [Foreign Dissolution Questionnaire](#).
- **your former spouse or civil partner is deceased**, a copy of their death certificate is required.
- **you are in an existing marriage**, a copy of your marriage certificate is required.
- **you are in a qualifying civil partnership**, a copy of your civil partnership certificate is required

- **you are a non-UK national who has been resident in the UK for 2 years or more**, you may be asked to provide a utility bill or bank statement dated 2 years or more prior to the date notice is submitted as evidence.
- **you are a UK national living abroad** you do not require a Certificate Of No Impediment.

**Documents not in English must be accompanied by a certified English translation.**

If you are a non-UK National who cannot obtain any of the relevant documents listed, please email the NRS [Marriage & Civil Partnership team](#).

**Do not delay giving notice simply because you are waiting for any of the above documents.** It is better to give notice first and then pass the documents to the registrar when they become available. However all documents must be made available to the registrar before the marriage can proceed.

**Do I require a visa?**

All non-UK nationals will be required to complete and submit a [Declaration of Status by Non-UK Nationals](#) and provide evidence in support of their declaration with their marriage notice form.

If you are a non-UK national, under provisions in the Immigration Act 2014 you should be aware that if you are not a '**relevant national**', or you do not have appropriate immigration status or a relevant visa, your proposed marriage will be referred to the Home Office for investigation.

A **relevant national** is defined as a person who is:

- a British citizen;
- an Irish citizen;
- a person with EU Settlement Scheme (EUSS) settled status;
- a person with EUSS pre-settled status; or
- a person with a pending application to the EUSS made before 30 June 2021

If you have **EU Settlement Scheme (EUSS)** status, please share your nine digit 'share code' with the registrar. Your share code can be sent by email, you can print the information from the government website, or you can write down the share code and provide it to the registrar.

To apply for a share code to allow the registrar to check your immigration status please visit the [GOV.UK Website](#) .

If a decision is still pending on your EUSS application status, you should submit your Certificate of Application as evidence of your 'relevant national' status.

**Appropriate immigration status** for marriage in Scotland is:

- Exemption from immigration control
- Settled status in the UK

**Relevant visa** means a visa issued for the purpose of allowing entry into the UK for the proposed marriage:

- Marriage visitor visa
- Fiancé(e)/ Spouse visa

Registrars have a statutory duty to report any marriage they suspect is being entered into for the purpose of evading statutory immigration controls.

**Do we need a visa to visit Scotland if we want to change our civil partnership registered in Scotland to a marriage?**

You may not need a visa but you must meet the standard visitor eligibility requirements and you will need to provide evidence to show that you are in an existing civil partnership when you enter the UK. Information is available on the [GOV.UK Website](#) . Please also read the attached [information](#) (92kb) which details Home Office requirements.

### **Fees Payable**

The registrar will advise you of the [fees payable](#) and methods for payment.

### **The Marriage Schedule**

***Your marriage cannot proceed without your Marriage Schedule***

- When the registrar is satisfied that there is no legal impediment to the marriage, they will prepare a Marriage Schedule from the information you have given them.
- **Religious or Belief Marriage** – The Marriage Schedule will be issued to you by the registrar, not more than seven days before your marriage takes place. The registrar will make arrangements with you regarding collection of your Schedule. The Schedule **must** be collected by one or both of the parties to the marriage. It cannot be collected on your behalf.
- The Marriage Schedule must be provided to the person performing the marriage before the marriage ceremony can take place.
- Immediately after the ceremony, the Schedule must be signed in best quality permanent black fountain pen ink by both parties, by the person performing the marriage and by the two witnesses. Thereafter it must be returned to the registrar within three days so that they can register the marriage.

- **Civil Marriage** – The registrar will have the marriage schedule available at your ceremony. The Schedule must be signed in best quality permanent black fountain pen ink by both parties, by the registrar performing the marriage and by the two witnesses. Thereafter the registrar will register the marriage.

### **Marriage Certificate**

After the marriage has been registered, you can obtain copies of the marriage certificate from the registrar on payment of the appropriate [fee](#).

If you require an urgent copy of your marriage certificate, please notify the registrar when you collect your Marriage Schedule.

### **Our Marriage plans have changed**

Should your marriage plans change or you wish to postpone your marriage please notify the registrar as soon as possible.

### **Further information**

Further advice can be obtained from [Registration Offices](#) or by emailing [Marriage & Civil Partnership team](#).

## **Appendix One**

Degrees of Relationships within which marriage is unlawful

### **1. Relationships by consanguinity (blood or half-blood relations)**

Parent  
Child  
Grandparent  
Grandchild  
Sibling  
Aunt or Uncle  
Niece or Nephew  
Great-grandparent  
Great-grandchild

### **2. Relationships by affinity (by marriage or civil partnership)**

Parties in this list can marry if both are 21 years of age or over **and** the younger party has not, before their 18<sup>th</sup> Birthday, lived in the same household as the other party and been treated by that person as a child of the family.

Child of Former Spouse  
Child of Former Civil Partner  
Former Spouse of parent  
Former Civil Partner of parent  
Former Spouse of grandparent  
Former Civil Partner of grandparent  
Grandchild of former spouse  
Grandchild of former civil partner

***If this criteria applies, please seek further guidance from your registrar.***

### **3. Relationships by adoption**

Adoptive parent or former adoptive parent  
Adopted child or former adopted child