

Notice:

Scots Law on Religious Marriages

In his pastoral concern for those about to be married, the responsible priest will, saving the provisions of Canon Law, ensure that the marriage enjoys the recognition of Scots Law. Cf. Marriage (Scotland) Act 1977.

- 1.** He will advise the couple that, at least four weeks before the proposed wedding, each party must submit a completed *Marriage Notice* to the Registrar of the district in which the wedding is to take place. If the Registrar is satisfied that there are no legal impediments, he will issue a *Marriage Schedule* not more than seven days before the wedding: one of the parties must attend personally to receive it. This Schedule must be brought to the priest or deacon before the ceremony.
- 2.** For civil validity, the Act requires that:
 - a)** a marriage be solemnised only by an “approved celebrant,” that is: a priest or deacon authorised by the Church;
 - b)** the parties provide the celebrant with the Marriage Schedule **before** the ceremony; and
 - c)** both parties be present at the ceremony.

Failure to comply with these three requirements will make the marriage **void** in Scots Law; and the celebrant may be prosecuted and fined or imprisoned or both.

3. It is also required that:

- a)** two witnesses be present, who both profess to be aged 16 or over;
- b)** the ceremony be performed at the place and on the date specified in the Marriage Schedule;
- c)** the Form of Ceremony be that recognised by the Church as sufficient for the solemnisation of marriages (for which purpose, the sections in this book headed "Consent" contain the minimum form of ceremony recognised by the Church for use in Scotland); and
- d)** the rules about interpreters, where needed, be observed.

For failure to comply, the celebrant may be prosecuted and fined.

4 Immediately after the ceremony (as noted in the rite), the Marriage Schedule is to be signed by the parties, the witnesses and the celebrant. The parties are responsible for returning the Schedule to the issuing Registrar for registration within three days: failure to do this could lead to prosecution and a fine.