



MARRIAGE IN SCOTLAND

(NOTES)
to Form M10

GUIDANCE NOTES TO HELP YOU COMPLETE THE MARRIAGE NOTICE APPLICATION FORM M10

(These notes are not part of the form M10 prescribed under the Marriage (Scotland) Act 1977)

If you are planning to be married in Scotland, please read these notes carefully

NOTE 1 - HOW AND WHEN TO GIVE NOTICE

To help you complete Section A1

Fill in your proposed date of marriage at A1. Remember that by law both parties to a proposed religious or civil marriage must submit marriage notice forms to the registrar of the district in which the marriage is to take place, informing the registrar of their intention to marry. This means that both parties must be aware of the proposed marriage and independently complete and sign the declaration on the marriage notice form. Failure to give proper notice can result in a marriage being postponed or prevented from proceeding. Notice must be given in the three-month period prior to the date of marriage and **NOT LATER THAN 15 DAYS BEFORE THE DATE OF MARRIAGE.**

Timing is important. You must submit the notices early enough to enable the registrar to be satisfied that you are free to marry one another. Normally notices should be in the registrar's hands about FOUR weeks before the marriage but if either of you has been married or in a civil partnership before, the notices should be with the registrar SIX weeks beforehand. **The minimum period is 15 days before the date of the proposed marriage, but if you leave things as late as this you could be faced with the need to postpone your marriage.** Only in exceptional circumstances will the Registrar General authorise a marriage to take place if 15 days' notice has not been given.

If you are having a religious ceremony (which includes other belief systems) contact the **religious** celebrant who is to take the service before completing the marriage notice. For a **civil** marriage make advance arrangements with the registrar. This is particularly important if the marriage is to be in a registration office or at a place agreed with the local council in towns and cities, where large numbers of people may want to be married at certain times of the year.

Although you need not both attend personally at the registrar's office to hand in your marriage notice, at least one of you may be asked to attend there personally before the date of the marriage. You will need, in the case of a **religious** marriage (which includes other belief systems), to collect the Marriage Schedule (see 10 and 11 below) or, in the case of a **civil** marriage, to finalise arrangements with the registrar. Personal attendance is necessary at this stage because the registrar will need further information before the marriage can proceed.

When you give notice you will be required to sign a declaration to the effect that the information given on your notice is correct. **As a safeguard against simultaneous marriage and/or civil partnership the Registrar General makes a subsequent check of the information.** Do not delay giving notice simply because you are waiting for any of the documents mentioned at note 9 to come to hand. If time is getting short it is better to give notice first and then pass the documents to the registrar when they become available; but they must be made available to the registrar in advance of the marriage. Provided the documents are in order the marriage can proceed as arranged.

NOTE 2 - PLACE OF MARRIAGE

To help you complete Section A2

Each of you must submit a marriage notice, along with the required documents (see below) and the appropriate fee, to the **registrar for the district in which the marriage is to take place.**

You can obtain marriage notice forms, and information about what the marriage will cost, from any Registrar of Births, Deaths and Marriages in Scotland. You can get the address of your local registrar from the phone book or the GROS website www.gro-scotland.gov.uk.

NOTE 3 - STATUS

To help you complete Section B

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

- both persons are at least 16 years of age on the day of their marriage
- they are not related to one another in a way which would prevent their marrying (see the list at the end of the Marriage in Scotland leaflet)
- each is unmarried or not already registered as a civil partner (any person who has already been married or registered as a civil partner must produce documentary evidence that the previous marriage or civil partnership has been ended by death, divorce, annulment or dissolution).
- they are not of the same sex
- they are capable of understanding the nature of a marriage ceremony and of consenting to marrying
- the marriage would be regarded as valid in any foreign country to which either party belongs

NOTE 4 - RESIDENCE

To help you complete Sections B10, B12 and G26

IF 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 **either a person residing in Scotland or a person residing in England or Wales who has a parent residing in Scotland**, you may instead give notice of marriage to the superintendent registrar in the district in England or Wales in which you reside. The person you are marrying should, however, give notice in Scotland in the usual way. You should seek the advice of the superintendent registrar if you wish to proceed in this way. You should send the certificate for marriage obtained from the superintendent registrar to the Scottish registrar as quickly as possible.

IF YOU ARE DOMICILED OUTSIDE THE UK

You must follow the normal procedure of giving notice to the registrar in Scotland but you may have to provide extra documentation. If you are domiciled in another country outside the United Kingdom you should provide a **certificate of no impediment to marriage**. See note 9.

If you are in any doubt about what is required, or if you need further information, you should consult the registrar or write to the General Register Office for Scotland at the address shown at the end of these notes.

NOTE 5 – ABOUT YOUR FATHER/PARENT OR MOTHER/PARENT

To help you complete Sections C and D

In completing these questions, "parent" is as defined by the Human Fertilisation and Embryology Act 2008 in relation to same-sex parents. It also relates to same-sex adoptive parents. The use of "parent" is confined to these circumstances only and does not, for example, apply to "step-parent".

NOTE 6 – ABOUT YOUR PARENTS

To help you complete Section E

These questions are asked to enable the registrar to insert your mother's maiden surname appropriately in your Marriage Schedule.

NOTE 7 – THE CELEBRANT

To help you complete Section F

You can be married in either of two ways in Scotland - by a **religious** ceremony or by a **civil** ceremony. A religious marriage (which includes other belief systems), whether Christian or non-Christian, may be solemnised only by a religious celebrant authorised to do so under the Marriage (Scotland) Act 1977. A civil marriage may be solemnised only by a registrar or an assistant registrar who has been authorised to do so by the Registrar General.

NOTE 8 – OTHER PARTY TO THE MARRIAGE

To help you complete Section G

Each of you must complete a marriage notice to be submitted to the registrar.

NOTE 9 - DOCUMENTS YOU WILL NEED TO PRODUCE

To help you complete Section H

When giving or sending the marriage notice forms to the registrar each of you must supply the following documents:

H27 Your genuine **birth** certificate. An unauthorised photocopy is not acceptable. If you are unable to produce your birth certificate, state the reason.

H28 If you have been married or have been in a civil partnership before and the marriage or civil partnership ended in divorce, annulment or dissolution, a certificate of **divorce or annulment** or a **certified copy decree or decree of dissolution**. A decree of divorce granted outwith Scotland must be absolute or final - a decree nisi is not acceptable. If you have been married or have been in a civil partnership more than once, only the document relating to the termination of the most recent marriage or civil partnership is required. If you are unable to produce the official decree of divorce, annulment or dissolution, state the reason for not doing so. The registrar will require proof of the termination of the earlier marriage or civil partnership.

For further information:

Contact any local registrar of births, deaths and marriages or Marriage/Civil Partnership Section, General Register Office for Scotland, New Register House, Edinburgh EH1 3YT.

Telephone: +44 (0)131 314 4447 email: marriage@gro-scotland.gsi.gov.uk

NOTE:- Forms and documents should be sent to the registrar in the district where the proposed marriage is to take place and not to Marriage/Civil Partnership Section, New Register House.

H29 If your former spouse or civil partner is deceased, the **death certificate** of your former spouse or civil partner. If you are unable to produce a death certificate of your previous spouse or civil partner, state the reason for not doing so. The registrar will require proof of the death.

H30 If you are domiciled in another country, outside the United Kingdom, you should provide a **certificate of no impediment to marriage**, issued by the competent authority there, to the effect that you are free to marry. Most European countries issue certificates of no impediment but other countries may not do so. If for any reason you are unable to enclose such a certificate, state the reason. However if you are now resident in the UK and have lived here for at least 2 years or more you need not submit such a certificate, but should state how long you have been resident in the UK.

If any document is in a language other than English, you must also provide a certified translation into English.

NOTE 10 – MARRIAGE SCHEDULE

When the registrar is satisfied there is no legal impediment to the marriage, he/she will prepare a Marriage Schedule from the information you have given. The Schedule is a most important document - **no Marriage can proceed without it**.

If you are having a religious marriage (which includes other belief systems) the registrar will issue the Marriage Schedule to you. The registrar cannot issue the Schedule more than seven days before the marriage and will advise you when to call to collect it. **The Schedule cannot be collected on your behalf by a relative or friend - the registrar will issue it only to the prospective bride or bridegroom.**

The Marriage Schedule **must** be produced before the marriage ceremony to the person solemnising the marriage.

Immediately after the ceremony the Schedule must be signed by both spouses, by the person solemnising the marriage and by the two witnesses. As the Schedule is a permanent record an appropriate permanent black liquid ink should be used when signing it – a ball-point pen should **not** be used. Thereafter you must arrange for it to be **returned to the registrar within three days** so that the marriage can be registered.

If you are having a civil marriage the registrar will not issue the Marriage Schedule to you in advance, but will have it available at the marriage ceremony for signature, and will subsequently register the marriage.

A fee for the marriage and, if applicable, for the attendance of an authorised registrar at an agreed place is payable to the registrar in advance.

NOTE 11

Be sure to let the religious celebrant or the registrar know if you change your plans or decide to postpone your marriage.