

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 belief 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 29 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 TEN to TWELVE weeks beforehand. **The minimum period is 29 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 29 days' notice has not been given.

If you are having a religious or belief ceremony contact the **religious or belief** celebrant who is to perform the ceremony 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 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 or belief** marriage, to collect the Marriage Schedule (see 12 below) or, in the case of a **civil** marriage, to finalise arrangements with the registrar.

When you give notice you will be required to sign a declaration to the effect that the information given on your notice is correct. Do not delay giving notice simply because you are waiting for any of the documents mentioned at note 11 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 then proceed as arranged. **As a safeguard against simultaneous marriage and/or civil partnership the Registrar General makes a subsequent check of the information.**

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 note 11) 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 NRS Website www.nrscotland.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*.
- They are capable of understanding the nature of a marriage ceremony and of consenting to marrying.
- In the case of opposite sex marriage, the marriage would be regarded as valid in the party's country of domicile.
- * If you are in a qualifying civil partnership, you can change it to a marriage – a qualifying civil partnership is a civil partnership which was registered in Scotland and which has not been dissolved, annulled or ended by death.

NOTE 4 – RESIDENCE (To help you complete Sections B10, B12 and G26)

The registrar will require to see evidence of your usual residence.

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 11.

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 National Records of Scotland at the address shown at the end of these notes.

NOTE 5 – IMMIGRATION CONTROLS

If you are subject to immigration controls you will have to provide extra documentation to that outlined in these notes. In particular, you will need to provide a Declaration of Immigration Status form which can be obtained from the registrar or the NRS website. Evidence to support the statement you make on the Declaration of Immigration Status form will also be required. If you are in any doubt about what is required, or if you need further information, you should consult the registrar or contact NRS.

NOTE 6 – DESIGNATION

To help you complete Section B13

Regardless of sex it is open to you to choose a designation Bridegroom, Bride or No designation as the case maybe. This will be recorded on the marriage schedule, marriage register and marriage extract. It is important that you check with the person solemnising the marriage that they are content with your choice of designation.

NOTE 7 – ABOUT YOUR FATHER/PARENT OR MOTHER/PARENT (To help you complete Sections C and D)

In completing these questions, if you are adopted the details relate to your adoptive parents. In relation to same sex parents “parent” is as defined by the Human Fertilisation and Embryology Act 2008. 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 8 – 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 9 – THE CELEBRANT (To help you complete Section F)

You can be married in either of two ways in Scotland – by a **religious or belief** ceremony or by a **civil** ceremony. A religious or belief marriage, may be solemnised only by a religious or belief celebrant approved 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 10 – 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 11 – 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:

H28 Your genuine **birth** certificate, or, if you are adopted, your adoption certificate. An unauthorised photocopy is not acceptable. If you are unable to produce your birth or adoption certificate, state the reason.

H29 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 out with 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 degree 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.

H30 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.

H31 If you are a foreign national 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.

H32 If you are in an existing civil partnership you should provide your **civil partnership certificate**. If you are unable to produce your civil partnership certificate, state the reason for not doing so. The registrar will require proof of your civil partnership.

H33 If you are in an existing marriage you should provide your **marriage certificate**. If you are unable to produce your marriage certificate, state the reason for not doing so. The registrar will require proof of your marriage.

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

NOTE 12 – 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 or belief marriage 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 one of the parties to the marriage.**

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 if the location is somewhere other than the registration office is payable to the registrar in advance.

If you are in an existing civil partnership and changing your status to marriage, reference will be made to the date of that civil partnership in the marriage register.

NOTE 13 – CHANGE OF PLANS

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

For Further information:

Contact any local registrar of births, deaths and marriages or Marriage/Civil Partnership Section, National Records of Scotland, New Register House, Edinburgh EH1 3YT. Telephone: +44 (0)131 314 4447 email: marriage@gro-scotland.gsi.gov.uk

NOTE:- Forms and documents must be sent to the registrar in the local authority district where the proposed marriage is to take place



MARRIAGE NOTICE - SCOTLAND

Form M10

(Section 3(1) of the Marriage (Scotland) Act 1977)

Use a pen to fill in the form, all in **BLOCK CAPITALS** except for your **signature** at the end

A About the proposed marriage

1. Date of marriage	Year	Month	Day
2. Place			

For registrar's use only
Number in Notice book
Date documents returned

B About yourself

3. Forename(s)			
Surname(s)			
4. Present or last occupation			
5. Retired (tick box)	Yes <input type="checkbox"/>	No <input type="checkbox"/>	6. Sex (tick box)
			Male <input type="checkbox"/> Female <input type="checkbox"/>
7. Marital or Civil Partnership Status (tick only one box)			
Single	<input type="checkbox"/>	Divorced	<input type="checkbox"/>
Surviving Civil Partner	<input type="checkbox"/>	Previous Civil Partnership dissolved	<input type="checkbox"/>
Previous marriage annulled	<input type="checkbox"/>	Existing Civil Partnership	<input type="checkbox"/>
		Widowed	<input type="checkbox"/>
		Previous Civil Partnership annulled	<input type="checkbox"/>
		Existing Marriage	<input type="checkbox"/>
8. Date of Birth	Year	Month	Day
9. Country of birth	10. Country of residence		11. Nationality
12. Usual residence			
			Postcode
13. How do you wish to be described in the Marriage Schedule and other documentation relating to your marriage? (tick only one box)			
Bridegroom <input type="checkbox"/>		Bride <input type="checkbox"/> No designation <input type="checkbox"/>	

C About your father/parent

14. (a) Forename(s)	
(b) Surname(s) at time of father's/parent's birth	
(c) Surname(s) at time of your birth if different from (b)	
(d) Surname(s) now (or at date of his/her death) if different from (b)	
15. Present or last occupation	
16. Retired (tick box)	Yes <input type="checkbox"/> No <input type="checkbox"/>
17. Is he/she still living? (tick box)	Yes <input type="checkbox"/> No <input type="checkbox"/>

D About your mother/parent

18. (a) Forename(s)	
(b) Surname(s) at time of your mother's/parent's birth	
(c) Surname(s) at time of your birth if different from (b)	
(d) Surname(s) now (or at date of her/his death) if different from (b)	
20. Present or last occupation	
21. Retired (tick box)	Yes <input type="checkbox"/> No <input type="checkbox"/>
22. Is she/he still living? (tick box)	Yes <input type="checkbox"/> No <input type="checkbox"/>

E About your parents

23. Were your parents			
(a) married to each other at the time of your birth or later?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>
(b) registered as civil partners at the time of your birth or later?	Yes	<input type="checkbox"/>	No <input type="checkbox"/>

F About the celebrant (complete this part if you intend to have ceremony solemnised by someone other than a registrar)

24. Person who is to solemnise the marriage?
25. Denomination or body to which (s)he is attached?

G About the other party to the marriage

26. Forename(s) in full
Surname(s)
27. Usual residence
Postcode

H Documents to be submitted by you with this Notice

<p>28. FOR ALL PERSONS</p> <p>Is your birth certificate enclosed? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><i>(tick box)</i></p>	<p><i>If you are unable to produce your birth certificate, state the reason here.</i></p>
<p>29. IF YOU ARE DIVORCED, YOUR PREVIOUS MARRIAGE WAS ANNULLED OR YOUR PREVIOUS CIVIL PARTNERSHIP HAS BEEN DISSOLVED OR ANNULLED</p> <p>Is your decree of divorce, annulment or dissolution enclosed? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><i>(tick box)</i></p>	<p><i>If you are unable to produce the official decree of divorce or annulment or decree of dissolution or annulment of Civil Partnership, state the reason for not doing so. The registrar will require proof of the termination of the earlier marriage or Civil Partnership.</i></p>
<p>30. IF YOUR FORMER SPOUSE OR CIVIL PARTNER IS DECEASED</p> <p>Is the death certificate of your former spouse or Civil Partner enclosed? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><i>(tick box)</i></p>	<p><i>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.</i></p>
<p>31. IF YOU ARE A PERSON WHO IS SUBJECT TO THE MARRIAGE LAWS OF A COUNTRY OUTSIDE THE UNITED KINGDOM</p> <p>Have you enclosed a certificate of no impediment to marriage issued by a competent authority in that country? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><i>(tick box)</i></p>	<p><i>If you are unable to produce such a certificate, state the reason. If you have resided in the UK for at least two years immediately before submitting the notice, you need not submit a certificate of no impediment, but should state how long you have been resident in the UK.</i></p>
<p>32. IF YOU ARE IN AN EXISTING CIVIL PARTNERSHIP</p> <p>Is the relevant extract from the Civil Partnership register (your Civil Partnership certificate) enclosed? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><i>(tick box)</i></p>	<p><i>If you are unable to produce the extract from the Civil Partnership register relating to your Civil Partnership, state the reason for not doing so. The registrar will require proof of the Civil Partnership.</i></p>
<p>33. IF YOU ARE IN AN EXISTING MARRIAGE</p> <p>Is your marriage certificate enclosed? YES <input type="checkbox"/> NO <input type="checkbox"/></p> <p><i>(tick box)</i></p>	<p><i>If you are unable to produce your marriage certificate, state the reason for not doing so. The registrar will require proof of the marriage.</i></p>

34. DECLARATION

I solemnly declare

- (1) that I am the person named at B3;
- (2) that I and the person named at Part G intend to be married on the date and at the place entered in Part A;
- (3) that there is no impediment caused by a relationship of consanguinity, affinity or adoption and that I know of no other legal impediment to our marriage;
- (4) that all the particulars and other information given by me on this notice are correct to the best of my knowledge and belief: and
- (5) that each document submitted by me in accordance with Part H of this notice is genuine.

Signed..... Date.....

Note: Any person who supplies false information to a registrar or uses, gives or sends any certificate, document or declaration required for purposes of this Marriage Notice which is false or has been forged in any way is liable to prosecution.