

ANGUS COUNCIL**POLICY AND RESOURCES COMMITTEE - 14 MAY 2002****THE MARRIAGE (SCOTLAND) ACT 2002****REPORT BY THE DIRECTOR OF LAW AND ADMINISTRATION****ABSTRACT**

The purpose of this Report is to advise members of the passing of the Marriage (Scotland) Act 2002 and to consider the implications for the Council in connection with civil marriages.

1. RECOMMENDATIONS

It is recommended that the Committee notes the terms of this Report and amends the Order of Reference of the Civic Licensing Committee to include the functions of the Council under the Marriage (Scotland) Act 2002 and any associated Regulations, with regard to the approval of premises.

2. INTRODUCTION

Reference is made to Article 10 of the minute of meeting of this Committee of 4 September 2001 when proposals by the Scottish Executive to change the law to allow civil marriages to be conducted in venues outside registration offices was reported. The proposals have now been incorporated into the Marriage (Scotland) Act 2002 which has been approved by Parliament and was given Royal Assent on 4 April 2002.

3. BACKGROUND

The new Act takes the form of amendments to the Marriage (Scotland) Act 1977, the effects of which are:

- to permit civil marriages to be solemnised at locations other than registration offices
- to authorise councils to approve locations for that purpose and to charge fees to meet related costs and connected purposes
- to enable the Registrar General for Scotland to give guidance on the above to local councils.

It will now be necessary for the appropriate Scottish Minister to make Regulations and for the Registrar General to give guidance. Drafts of the Regulations and guidance are available and are expected to be finalised shortly.

Also, it will necessary for local authorities to set up procedures and for people to apply to councils to have places approved. The Registrar General hopes that the new arrangements for civil marriages in Scotland will be in place by July of this year.

4. ACTION REQUIRED BY THE COUNCIL

There are 2 distinct aspects of the Act, namely the approval of premises and the solemnisation of the marriage itself, which require to be implemented by the Council.

With regard to the approval of premises, it is necessary to ensure that the approval procedures are self financing. There are 2 types of approval:

- period approvals which are for 3 years; and
- temporary approvals which are intended for "one-off" occasions.

As there is a similarity with the Council's general licensing functions which are dealt with by the Civic Licensing Committee, it is recommended that Order of Reference to that Committee be extended to include this new function. This will include the setting of fees for applications and attaching conditions to approvals.

With regard to the arrangements for the conduct of civil marriages at approved places, close consultation will need to take place with the Council's registration staff. Issues which will arise in particular cases include health and safety considerations and payment and cover arrangements in relation to the staff undertaking these marriages.

5. FINANCIAL IMPLICATIONS

The procedure for approving premises should be self-financing and it is recommended that the Civic Licensing Committee should consider an appropriate fee structure for applications. Consideration will need to be given to any additional costs falling on the Registration budget, eg staff costs, and a further report will be brought to this Committee in due course with proposals for any charges which it is considered the Council should make for the services of a registrar to perform civil marriages outwith registration offices.

6. HUMAN RIGHTS IMPLICATIONS

There are no direct human rights implications arising from this Report, although regard will of course have to be had to Article 12 on the Right to Marry.

7. CONSULTATION

The Chief Executive and the Director of Finance have been consulted in the preparation of this Report.

CATHERINE A COULL
Director of Law and Administration

No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information), were relied on to any material extent in preparing this report.