

# BAHÁ'Í MARRIAGE IN SCOTLAND

## INTRODUCTION

A Bahá'í marriage in Scotland has legal standing provided that it is solemnised in accordance with the Marriage (Scotland) Act 1977. The Bahá'í Marriage Officer and the local Spiritual Assembly concerned in the performance of a Bahá'í marriage have the responsibility of ensuring that not only the law of the land but also Bahá'í law are observed in every detail.

## REQUIREMENTS ACCORDING TO THE LAW OF THE LAND

- ™ The bride and bridegroom must both have attained the age of sixteen.
- ™ There are no residential qualifications. That is to say, any two people of any nationality may marry in Scotland provided that they comply with the provisions of Marriage (Scotland) Act 1977. If either or both parties are not normally domiciled in the United Kingdom they should produce a certificate issued by a competent authority in their own Country indicating that there is no legal impediment to the marriage. In the absence of such certification without good reason it may not be possible to grant facilities to marry in Scotland. A person who cannot submit such a certificate, either because his or her country does not use them, or for any other reason, will be expected to state in his or her Marriage Notice the reason for such non-production. (Some countries do not recognise as legal any marriage not performed according to their own national laws. The Scottish law is very lenient and understanding in such cases but is obviously unaware of Particular places where Bahá'í Marriage would be difficult or not recognised.)
- ™ Neither party should be already married to third person. If either has been married before, a death certificate of the other spouse, or a copy of the decree of civil divorce, dissolution or annulment needs to be produced.
- ™ A man may not marry any woman related to him in a degree specified in column 1 of Appendix "A" to this Guidance Note and a woman may not marry a man related to her in a degree specified in column 2 of Appendix "A" to this Guidance Note. Where there is some kinship between the parties other than those listed in Appendix "A" guidance should be sought from the National Spiritual Assembly.

Where any Bahá'í is in doubt about any of the above requirements he or she would be well advised to consult the local or National Assembly well in advance (at least 2 months) of the proposed marriage.

## REQUIREMENTS ACCORDING TO BAHÁ'Í LAW

- ◆ If either party is a Bahá'í, he or she must be a Bahá'í in good standing.
- ◆ The couple must ensure that they have certification from the appropriate Spiritual Assembly that the prerequisites for the Bahá'í marriage ceremony have been met, i.e.:-

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- ◆ the Assembly must be satisfied that the parties to the marriage and their natural living parents have given their consent to the marriage;
- ◆ where the natural parents have been impossible to trace, the Assembly must be
- ◆ satisfied that every effort has been made to trace them;
- ◆ where it is claimed that one or more of the parents is dead, the Assembly must have proper evidence of death;
- ◆ where either party to the marriage is a Bahá'í who was divorced after becoming a Bahá'í, the Assembly must have proper evidence that a Bahá'í divorce has been obtained.

**(for detailed guidance on the prerequisites for Bahá'í marriage, see Guidance Note number 13 on Bahá'í Marriage).**

- ◆ Where any Bahá'í is in doubt about any of the above requirements, he or she would be well advised to consult the local or National Spiritual Assembly well in advance (at least 2 months) of the proposed marriage.

### THE RESPONSIBILITY OF THE BAHÁ'Í MARRIAGE OFFICER

There are presently several Bahá'í Marriage Officers and each one has been authorised by the Registrar General of Scotland to solemnise Bahá'í marriages in any part of Scotland. It is his or her responsibility to ensure that the couple have proper certification to the effect that the prerequisites for Bahá'í marriage have been met. The Bahá'í Marriage Officer is also responsible to ensure that the marriage is duly witnessed, that the Bahá'í and statutory declarations are properly made and that the Marriage Schedule is completed at the end of the ceremony.

The names of the current Bahá'í Marriage Officers are available from the National Office.

### THE RESPONSIBILITY OF THE LOCAL SPIRITUAL ASSEMBLY

The local Spiritual Assembly in the area where the marriage is to take place is responsible for providing the Bahá'í Marriage Officer with certification to the effect that prerequisites for the Bahá'í marriage ceremony have been met.

(where there is no local Assembly the couple seeking marriage should obtain such certification from the National Assembly, which may appoint an individual or another local Assembly to act on its behalf.) The Assembly is also responsible for the appointment of the two witnesses to the marriage, who need not be Bahá'ís but who must be at least sixteen years old. The general guidance on Bahá'í marriage (found in Guidance Note number 13) should be studied in conjunction with this guidance on "Bahá'í Marriage in Scotland", as all its provisions continue to be applicable except in those places where it is modified by the laws of Scotland.

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### THE RESPONSIBILITY OF THE COUPLE

After having consulted the Bahá'í Marriage Officer regarding the time and place of the proposed marriage, the couple furnish the District Registrar with all the necessary documentation which will enable them to submit a Marriage Notice(see section on Marriage Notice below). They should also supply the local Assembly (or the individual representing the National Assembly) with all the necessary information to enable that Assembly to issue the Bahá'í Marriage Officer with certification to the effect that all the prerequisites for the Bahá'í marriage ceremony have been met. The choice of two witnesses to the marriage (who need not to be Bahá'ís but who must be at least sixteen years old) must be approved by the local Assembly in advance and the Bahá'í Marriage Officer informed of their names. The couple are responsible for submitting the Marriage Notice, ensuring that the Marriage Schedule is in the hands of the Bahá'í Marriage Officer well before the ceremony and returning the completed Schedule to the District Registrar after the ceremony so that a Marriage Certificate may be issued. It is also the responsibility of the couple to make all the necessary arrangements with regard to the ceremony itself: i.e. choosing appropriate prayers and readings; requesting the Bahá'í Marriage Officer (or some other person) to say the appropriate words of introduction, if desired; ensuring that the physical arrangements for the room where the ceremony is to be held are adequate.

### THE MARRIAGE NOTICE

Each party must submit to the District Registrar of the district in which the marriage is to take place a form known as the "Marriage Notice" which gives of the intention to marry.

This form may be obtained from any District Register's Officer in Scotland and when it is submitted it must be accompanied by a birth certificate, any evidence (if appropriate) of divorce, dissolution or annulment of a previous marriage, or death of a previous spouse, as well as the prescribed fee. If any of the necessary documents are not available, the District Registrar will require the information, which was on those documents, with authentic support. If such documents are in any language other than English, a certified translation is required.

Where one of the parties is resident in England or Wales, with the other being normally domiciled in Scotland, or has a parent whose usual residence is in Scotland, he /she may produced all the necessary documents to his /her local Superintendent Registrar and obtain an "approved certificate" instead of the Scottish Marriage Notice, but the laws of England and Wales only require such a certificate to be given to one of the two parties; it is generally better therefore for most people to use the Scottish Marriage Notice, and in any case, people not normally domiciled in England or Wales could not avail themselves of this special concession.

It is necessary to carry out the above documentation some 4-6 weeks before the proposed date of the marriage so that the Registrar may make any enquiries, which may be required.

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Information from the Marriage Notice or “approved certificate” is copied into the Registrar’s “Marriage Notice Book” and the names and proposed date of the marriage are added to a list which is displayed by the Registrar until after the date of the marriage. Any person claiming to have reason to submit an objection to that marriage may inspect any entry in the Marriage Book relating to that marriage.

### THE MARRIAGE SCHEDULE

The parties to the marriage must agree with the Bahá'í Marriage Officer the time and the place of the marriage in advance of submission of the Marriage Notice or “approved certificate”, since the Bahá'í marriage may only take place on the date and at the place specified in the Marriage Schedule. This Marriage Schedule must be issued and produced to the Bahá'í Marriage Officer before the ceremony, and if the Schedule is not so produced and the ceremony proceeds without it the marriage will be void. It is issued personally to either or both the parties to the intended marriage at the office of the District Registrar not earlier than 14 clear days (i.e. 15 days) after receipt of the Marriage Notice and not earlier than 7 days before the date of the marriage. The Registrar may only issue the Marriage Schedule when he is satisfied that there is no legal impediment to the marriage and only waive the 14 and 7-day restrictions if he has received a written request from one of the parties and has been authorised to do so by the Registrar General. If, after the Marriage Schedule has been issued, it becomes necessary for the date and place of the marriage to be changed, the District Registrar must either issue another Schedule or substitute, or authorise the Bahá'í Marriage Officer to substitute the new date and place on the original Schedule.

### THE BAHÁ'Í MARRIAGE CEREMONY

An approved form of the Bahá'í Marriage Ceremony is shown in Appendix “B” to this Guidance Note. It will be seen that the ceremony combines the simplicity suggested by the Guardian with the freedom of the two people getting married to add whatever they wish in the way of reading from Scripture, prayers, music, selections from Scripture of other religions and even secular readings, and it is left entirely to the couple being married, who may wish to give consideration to the wishes of their relatives and friends, as well as incorporating the two basic statutory declarations. These statutory declarations and the one required by Bahá'í law are, when carried out in front of the Bahá'í Marriage Officer and the two witnesses appointed by the Bahá'í Spiritual Assembly, the minimum essentials for the Ceremony.

The basic order of the Ceremony, as set out in Appendix “B”, should not be changed, i.e. the Bahá'í marriage vows should follow the statutory declarations, after which the Marriage Schedule and the Bahá'í Marriage Certificates should be duly completed.

### THE BAHÁ'Í MARRIAGE CERTIFICATE

Two Bahá'í Marriage Certificate are to be completed at the marriage ceremony and sent as soon possible to the National Assembly’s office.

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If the marriage is taking place under the jurisdiction of a local Assembly, two copies of type III certificate are needed. Where the marriage takes place directly under the jurisdiction of the National Assembly, two copies of type IV certificate are needed. For details, please refer to the general guidance note on Bahá'í Marriage, (number13). For samples of the different types of Bahá'í Marriage Certificate, please see in the Appendices.

**Note:** After registration of the Bahá'í marriage, a stamped original will be returned to the couple and, where appropriate, a photocopy will be sent to the officiating local Assembly.

### THE CIVIL MARRIAGE CERTIFICATE

The completed Marriage Schedule should be returned to the issuing District Registrar for the registration of the marriage within three days of the marriage ceremony. It can be posted or delivered by hand, by the couple themselves or by a reliable person. The ultimate responsibility, however, rests with the couple themselves. Thereafter, copies of the entry in the register (the marriage certificate) may be obtained from the Registrar on Payment of the appropriate fee. Any additional copies, if requested at the same time, and within one month of the marriage may be purchased at the same cost. Copies requested after one-month cost extra.

### MARRIAGES TO BE FOLLOWED BY A SECOND CEREMONY

It may happen that a Bahá'í marrying a non-Bahá'í wishes to have the marriage followed by a ceremony of his or her spouse's own religion. As the Bahá'í Marriage in Scotland is the legal marriage, such a ceremony must follow the Bahá'í one and no Marriage Schedule may be issued for the second ceremony. Consequently, no religious marriage ceremony which is legal in one country may follow the Bahá'í marriage ceremony (e.g. a Church of England ceremony in England) and the Scottish Registrar needs to know in advance if such a second ceremony is planned to follow the legal Bahá'í ceremony.

If a Bahá'í is marrying a non-Bahá'í in Scotland and the latter wants a ceremony of his or her own religion, it is quite acceptable for the non-Bahá'í ceremony to be the legal one. The Bahá'í ceremony, which would then follow on the same day, would not be the one registered with the Registrar General. The District Register of the legal ceremony should be informed in advance, since in this instance the Bahá'í marriage ceremony would be regarded as a "blessing ceremony" only.

### USE OF AN INTERPRETER

If he feels it to be necessary, the Bahá'í Marriage Officer may require an interpreter to be present at the ceremony, who is not permitted to be a party or witness to the marriage. In this case he will obtain the appropriate form for use in such cases from the Registrar, in advance of the ceremony.

### PAYMENT OF EXPENSES INCURRED BY THE BAHÁ'Í MARRIAGE OFFICER

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A fee would normally be charged for the services of a Marriage Officer but, in the case of Bahá'í Marriages in accordance with the Marriage (Scotland) Act, the services of the Bahá'í Marriage Officer is given free of charge. However, expenses should be offered to the Bahá'í Marriage Officer, particularly if he /she has had to make telephone calls and travel any distance to the place where the marriage is to take place.

(A copy of this Guidance Note is available from the National Assembly's office, and will be sent to any couple wishing to be married under the Marriage (Scotland) Act 1977).

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## APPENDIX "A"

### BAHÁ'Í MARRIAGE SCOTLAND IN ACCORDANCE WITH THE MARRIAGE (SCOTLAND) ACT 1977

#### FORBIDDEN DEGREES OF RELATIONSHIP

<u>Relationship by consanguinity</u>	
A man may <b>not</b> marry his:-	A woman may <b>not</b> marry her:-
Mother	Father
Daughter	Son
Father's mother	Father's father
Mother's mother	Mother's father
Son's daughter	Son's son
Daughter's daughter	Daughter's son
Sister	Brother
Father's sister	Father's brother
Mother's sister	Mother's brother
Brother's daughter	Brother's son
Sister's daughter	Sister's son
Father's father's mother	Father's father's father
Father's mother's mother	Father's mother's father
Mother's father's mother	Mother's father's father
Mother's mother's mother	Mother's mother's father
Son's son's daughter	Son's son's son
Son's daughter's daughter	Son's daughter's son
Daughter's son's daughter	Daughter's son's son
Daughter's daughter's daughter	Daughter's daughter's son

THE ABOVE-MENTIONED RELATIONSHIPS INCLUDE HALF-BLOOD AS WELL AS FULL BLOOD RELATIONSHIPS; AND THEY APPLY EVEN WHERE TRACED THROUGH, OR TO, ANY PERSON OF ILLEGITIMATE BIRTH.

#### Relationships by affinity

A man may <b>not</b> marry his:-	A Woman may <b>not</b> marry her:-
Ex-wife's mother or daughter	Ex-husband's father or son
Ex-wife's grandmother or grandson	Ex-husband's grandfather or granddauhter
Father's ex-wife	Mother's ex-husband
Son's ex-wife	Daughter's ex-husband
Grandfather's ex-wife	Grandmother's ex-husband
Grandson's ex-wife	Granddaughter's ex-husband

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THESE RELATIONSHIPS APPLY EVEN WHERE TRACED THROUGH, OR TO, ANY PERSON OF ILLEGIMATE BIRTH.

### Relationships by adoption

A man may <b>not</b> marry his:-	A Woman may <b>not</b> marry her:-
Adoptive mother or former adoptive adoptivefather	Adoptive father or former mother
Adopted daughter or former adopted adopted son	Adopted son or former daughter



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## APPENDIX "B"

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**BAHÁ'Í MARRIAGE IN SCOTLAND**  
**IN ACCORDANCE WITH THE MARRIAGE (SCOTLAND) ACT 1977**  
**BAHÁ'Í MARRIAGE CEREMONY – OUTLINE PROGRAMME**  
**(this is intended as a guide only)**

The Bride, Bridegroom, the Bahá'í Marriage Officer and two witnesses appointed by the local Spiritual Assembly (or the National Assembly if appropriate) must be present during the Declaration.

**MUSIC-** Optional

**WELCOME AND INTRODUCTION** – Optional:- Bahá'í Marriage Officer is usually asked but it is helpful for all present to be acquainted with the legal and spiritual aspects of two forms of marriage being combined in this ceremony.

**MUSIC AND READINGS** – Optional

**STATUTORY DECLARATIONS** (i.e. legal requirements) – Bride and Bridegroom

*"I solemnly and sincerely declare that I .....(man)....accept you ....(woman).....as my lawful wife to the exclusion of all others".*

*"I solemnly and sincerely declare that I .....(woman)....accept you ....(man).....as my lawful husband to the exclusion of all others".*

**MUSIC, PRAYERS, READINGS** – Optional, but one of the Marriage Prayers revealed by Bahá'u'lláh is advisable.

**BAHÁ'Í MARRIAGE DECLARATION** – Bride and Bridegroom separately (usually each in turn is called upon by the Marriage Officer to make this declaration): ***"We will all, verily, abide by the Will of God."***

**STATUTORY DECLARATION** – Bahá'í Marriage Officer: *"Following the binding declarations which you have made before me and in the presence of these witnesses, I pronounce that you .....(man) ....and you .....(woman) ..... are now lawfully husband and wife."*

**MUSIC, PRAYERS, READINGS** – Optional

**EXCHANGE OF RINGS** – Optional

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### COMPLETION OF SCHEDULE OF MARRIAGE AND THE SIGNING OF THE BAHÁ'Í MARRIAGE CERTIFICATE

The Marriage Schedule must be produced before the wedding can commence.

It is the couple's responsibility to return this to the Registrar of the registration district where the marriage takes place within three days of the wedding.

**SIGNING OF THE BAHÁ'Í MARRIAGE CERTIFICATE** (All natural parents to be accounted for including non-Bahá'ís)

**NOTE:** As the signing may take some time, the couple may wish it to take place as part of their ceremony or left to be done after a closing prayer, on the spot, or in an adjacent room.

Please note that any music and reading are optional, but that the basic **order** of the ceremony should not be changed.