



**Protocols for Marriage and
Civil Partnership Requests
in the
Scottish Prison Service**

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1 Introduction

This protocol has been developed to meet the Equality Act 2010 compliance for religion or belief regarding marriage and civil ceremonies (marriages or partnership) for those people in custody who have requested to be married or to enter into a civil partnership.

All people can marry or enter into a civil partnership under Scottish law and in accordance with Article 12 of the European Court of Human Rights (ECHR). The SPS must provide safeguards to ensure that such requests do not present a risk to the public, prison order, national security, or infringe any prison rule. This protocol provides advice on the steps to take if a person in custody makes an application to marry or enter into a civil partnership.

The Civil Partnership Act 2004 means that two people of the same sex in the UK are able to register civil partnerships. Couples who register a civil partnership have the same rights as heterosexual married couples in areas such as tax, social security, inheritance and workplace benefits.

The Marriage and Civil Partnership (Scotland) Act 2014 (hereafter referred to as the Act) is an Act of the Scottish Parliament to make provision for the marriage of persons of the same sex; to make further provision as to the persons who may solemnise marriage and as to marriage procedure, and places at which civil marriages may be solemnised; to make provision for the registration of civil partnerships by celebrants of religious or belief bodies and to make provision about gender change by married persons and civil partners. The Act also provided for various other changes to marriage law including:

- A relaxation of the rules about where civil marriage ceremonies can take place,
- The establishment of belief marriage, and
- The removal of the requirement for a couple to divorce before obtaining a full gender recognition certificate, if either partner changes their gender during the marriage.

Governors should give consideration to requests to be married and should only refuse an application on the grounds of eligibility, security and other public protection issues. The SPS will not permit any marriages or partnerships forbidden by law.

The procedures described in this protocol are based on one person in custody and one person in the community. However, guidance is also offered on inter-prison marriage or civil partnership.

2 Eligibility

The right to marry or enter into a civil partnership is subject to national laws regulating marriage and civil partnerships including laws that prohibit marriage and civil partnerships between certain types of people.

Couples wishing to marry or enter into a civil partnership must:

- Not already be in a civil partnership or marriage;
- Be 16 years or older;
- Not be a close relative (as described in the [Marriage and Civil Partnership \(Scotland\) Act 2014](#));
- Meet the legal requirements, if either proposed partner is subject to immigration control (see section 4.1); and
- Be able to fully consent to a marriage or civil partnership. It is a legal requirement in the case of a marriage that both parties are capable of understanding the nature of a marriage ceremony and of consenting to marrying. It is a legal requirement in the case of a civil partnership that both parties are capable of understanding the nature of what it is to register a civil partnership and of consenting to do so.

Couples wishing to enter into a civil partnership must:

- Be of the same sex.

Couples must arrange for two persons, aged 16 years or over, to be present at their marriage or civil partnership to act as witnesses. Witnesses may be from the community or, subject to appropriate risk assessment, may be from the same establishment in which the person in custody resides. Witnesses must not be an SPS employee or a person working or delivering a service in a prison setting.

Only those convicted will be eligible to marry or enter civil partnership whilst in the SPS; however consideration should be given to people who are on remand if there are exceptional compassionate reasons for allowing the registration to take place immediately, for example, one of the partners is near the end of their life (see Section 8).

It is anticipated the majority of marriages /civil partnerships will happen inside the establishment although, on occasions a request might be received for the ceremony to take place at an external venue.

If an external venue is to be allowed:

- The person in custody must be on Low Supervision; or
- There are exceptional reasons, for example: the partner in the community is unable to attend the establishment because they are the near end of life or have a long-term limiting health condition or disability.

In every circumstance where an external venue is being considered, sufficient risk assessment and public protection arrangements must be in place. Please see Section 4.3.

3 Procedure

The following steps should be taken after a person in custody requests to be married or to enter into a civil partnership.

1. The SPS member of staff who has taken the original request will establish if the request is for a civil marriage, religious or belief marriage or civil partnership and sign post to the correct person accordingly. A Chaplain manages a request for a religious or belief ceremony and the Personal Officer manages a request for a civil ceremony.
2. A discussion takes place between the Personal Officer or Chaplain and the person in custody concerning a proposed date, eligibility and possible location.
3. The Personal Officer or Chaplain must inform the SPS Chaplaincy Advisers at Headquarters of any request for a marriage or civil partnership, by emailing SPSChaplaincyAdvisers@sps.pnn.gov.uk . The Residential First Line Manager (RFLM) should also be advised.
4. The Personal Officer or Chaplain must arrange and meet with the proposed partner independently of the person in prison who has initiated the request to establish that the partner also wishes the marriage or the civil partnership. Please note: if the partner does not want to go ahead with the marriage or civil partnership, the process stops here. Refer to Section 9 for guidance on forced marriages.
5. The SPS Marriage/Civil Partnership Application Form and Eligibility Guide (Annex B) is completed by the Personal Officer or Chaplain and copies sent to the RFLM.
6. The RFLM, in consultation with the Personal Officer and/or Chaplain, collates information on security and public protection issues and completes the SPS Marriage/Civil Partnership Risk Assessment (Annex B1). Both Annex B and Annex B1 are submitted to the Governor.
7. The Governor allows or refuses the request, completing the SPS Marriage/Civil Partnership Governor's Decision (Annex B2). The person in custody is informed of the decision. If the request is not allowed, the decision as to why is explained to him/her. A person in custody can appeal this decision as per the usual Prisoner Complaints process.

The SPS Chaplaincy Advisors are also informed of the decision (by [email](#)) for policy monitoring purposes.

8. If the marriage or civil partnership is allowed, an Event Plan (Annex C) is produced by the Personal Officer who should also liaise with the local chaplaincy team if the request is for a religious or belief ceremony.
9. In the case of a religious marriage, the celebrant may meet with both parties together to discuss preparations for marriage.
10. The marriage or civil partnership takes place.
11. Personal Officer updates details on PR2 and informs the SPS Chaplaincy advisors (by [email](#)) for policy monitoring purposes.

An information sheet explaining the steps a person in custody is required to take when requesting to be married or enter a civil partnership, including how to make an application and costs, is available in Chaplaincy or Multi-Faith Centre areas, Link Centres and Prison Resource Library and on the E&D Share Point site (Marriage and Civil Partnership). There is also an Easy Read document.

4 Governors' considerations

4.1 Immigration Status

An application cannot be refused solely on the basis of the immigration status of one or both of the parties. There are specific provisions in immigration legislation requiring registrars/registration authorities to refer proposed marriages or civil partnerships to the Home Office for investigation if one of the parties is a non-EEA national who could benefit from it in immigration terms. Where a Governor considers that this may apply and has concerns that the marriage may be a sham, he/she may raise these issues with the Registrar. Advice should also be sought from the HQ E&D Team and Immigration Compliance and Enforcement Teams (ICE) in any case in which the prison thinks this may apply.

4.2 Public protection considerations

It is important that the person in custody be made aware by the SPS employee managing the request for a marriage or civil partnership that any relevant risks and issues relating to public protection will be taken into account by the Governor in Charge when the application is being considered.

Concerns have been raised in previous cases that allowing a marriage or civil partnership (particularly between sex offenders), may undermine the ability to impose stringent licence conditions on release. However, there have been cases in the past where licence conditions have been imposed which restrict contact between married couples due to risk. Restrictions may be available, for example, if there is evidence to

suggest that the parties are colluding to commit further offences or that their association increases their risk of harm. The matter would need to be carefully considered at the time of the person in custody's release to assess whether a restriction on association is necessary and proportionate in view of all the circumstances.

In cases where an application is received from a person in custody who has been assessed as presenting a risk of harm to either the intended partner or their children the Governor should consult with all those responsible for the risk management of the person in custody. This would include relevant establishment staff, the ICM (Integrated case Management) coordinator, the risk management team, the Head of Offenders Outcomes, and MAPPA responsible authorities as well as Social Services. The information collated should be recorded in the Application Form Part 2 for consideration by the Governor.

It will then be necessary to decide whether to disclose information about the risk of harm presented by the person in custody (including their offending history) to the intended partner or another third party. It should first be established whether the person in custody consents to such disclosure. If her/she does not consent, staff should refer to national MAPPA guidance for information on disclosing information in these circumstances.

If Governors have concerns that a person in custody might be entering into a marriage or civil partnership under duress, this should be raised with the Registrar. Forcing someone to marry against their will is a criminal offence under Section 121 of the Anti-Social Behaviour, Crime and Policing Act 2014. Section 9 of this protocol has more details on forbidden marriages.

4.3 Security Considerations

Once a person in custody's eligibility to marry/enter into a civil partnership has been confirmed, the Governor gives consideration as to where the ceremony/registration is to take place. Most ceremonies/registrations will take place inside the establishment.

Inside the Establishment

Most religious or belief ceremonies take place in the Multi-Faith or Chaplaincy Centre.

Those wishing a civil ceremony may prefer not to be married or register their civil partnership in a venue associated with religious practice. In the community civil ceremonies cannot *by law* be held in a religious building. However, where a building has multiple uses exceptions can be made, and a Chaplaincy/Multi-Faith Centre that is also used for purposes other than religious would, in the context of an establishment, be considered a suitable venue. An alternative suitable location in the establishment should be sourced if the couple object to their marriage or civil partnership taking place in a Chaplaincy/Multi-Faith Centre, in consultation with the Registrar.

A police presence outside the establishment may be needed if there are security concerns about guests attending or interest from the media. SPS Communications Branch should be consulted about any case that might give rise to particular public interest or concern.

External Venues in the Community

It is for the Governor to decide whether or not the venue for a wedding or civil partnership celebration can be held in the community, subject to a current full risk assessment of both the person in custody and the proposed venue. The full risk assessment should include:

- The risk that the person in custody may attempt to escape (with or without the help of associates).
- The risk of harm to the public or escorting staff.
- The risk of public disorder at the venue.
- The room in which the ceremony/registration is to take place and any other parts of the building to which the person in custody will have access.
- Arrival and departure routes.
- Any other public protection arrangements.

Decisions must be taken in line with SPS Operations Directorate Escort Security Brief – External escorts. In reaching a decision, Governors will also wish to consider the impact that providing an escort could have on escorts for other people in custody (e.g. hospital appointments).

People in custody cannot appeal a decision on the location of the ceremony or registration in the community.

The security assessment for the venue must be up-to-date (i.e. in situations where a venue might have been assessed previously for other people in custody who have had a marriage ceremony or civil partnership there a newer assessment may be necessary). Detailed information on the location and layout of the intended premises and precise instructions on the use of restraints should be given to the escorting officer(s) as part of the initial briefing. Decisions taken around security, including the use of restraints, must be in line with SPS Operations Directorate Escort Security Brief – External Escorts.

Supervision Level

The Governor must bear in mind the following security considerations when deciding on the appropriate venue.

- People in custody who have a **High Supervision level**, or have been on **Special Security measures** in the last year or **have ever escaped or attempted to escape must not** be allowed to marry or register a civil partnership in the community.

- People in custody who have a **Medium Supervision level will not** be allowed a ceremony/registration in the community unless there are exceptional circumstances.
- People in custody who have a **Low Supervision level may** be allowed a community ceremony/registration. This includes but is not limited to people in custody at the Open Estate or who have been allowed community access.

An assessment of the risks involved should be completed *before* any indication is given that a community ceremony can go ahead.

4.4 Inter-Prison Marriages or Civil Partnerships Registration Ceremony

If a person in custody requests to marry or enter a civil partnership with a person who is also in custody, both people in custody must apply to be married or enter into a civil partnership.

The Governors of both establishments must be mindful of the need to make every effort possible to facilitate the person in custody's exercise of the right to marry, as per Article 12 of the European Convention on Human Rights.

Governors should also be mindful of all security factors, public protection, and protection of the individuals and the use of public money.

In the case of a religious or belief marriage, the celebrant may wish to meet with the couple prior to the ceremony to provide marriage preparation. This may require more than one meeting. Appropriate security factors and arrangements will need to be considered. Video conferencing should be considered in the first instance for such meetings.

SPS Chaplaincy Advisers will coordinate and support all religious marriages.

If either Governor refuses a request, both parties who requested to be married or enter a civil partnership should be provided with the reason in writing.

Governors should seek advice from SPS Operations Directorate and SPS legal branch at HQ for any case which is out with a normal request.

5 Types of Marriage and Partnerships

5.1 Civil Marriage and Civil Partnership

Civil marriages may be solemnised only by a Registrar who has been authorised to do so by the Registrar General.

Civil partnerships are registered by a Registrar or by celebrants of prescribed bodies that have opted in. These can include a religious or belief celebrant who has been authorised by the Registrar General for that purpose or who's religious or belief body has been prescribed in regulations under the Civil Partnership Act 2004. In the case of a religious or belief civil partnership, the RFLM may wish to discuss with the SPS Chaplain the best way to make contact with the religious or belief body.

Civil Partnership Registration is administrative and involves signing only in the presence of the Registrar and two witnesses and no words or ceremony are exchanged – this is the only legal requirement. Most local authorities offer the option of a ceremony should the couple wish to have one. This option should also be made to people in custody.

- a) The cost of a ceremony will be met by the person in custody or his/her partner;
- b) A provisional date would be agreed following confirmation that the venue is available;
- c) The partner will make an appointment with the Registrar and confirm the date and time;
- d) Although in the community civil ceremonies cannot *by law* be held in a religious building, where a building has multiple uses exceptions can be made. Civil ceremonies can take place in a Chaplaincy/Multi-Faith Centre that is also used for purposes other than religious. In the case where the couple object to their marriage or civil partnership taking place in a Chaplaincy/Multi-Faith Centre, other suitable venues such as the Visits Area or Links Centre may be selected in consultation with the Registrar;
- e) The RFLM who has responsibility for communicating with the event Plan will liaise with the Registrar to ensure that the date and time for the ceremony is confirmed and suitable for all parties. RFLM will inform the Registrar or visiting celebrant of security conditions;
- f) Personal details will have been submitted to security for clearance of all people attending the event;
- g) Visit/Gate Managers will have been informed;
- h) Operations FLM will provide staffing cover for the Wedding/Civil Partnership Ceremony following discussion with the RFLM on the most appropriate staff to be at the ceremony.
- i) Current civil partners wishing to record their partnership as a marriage without a ceremony can do so via the administrative route (see below) using the prescribed [application form](#) entitled "Application Form to Change a Civil Partnership into a Marriage" available from the National Records Scotland website (<https://www.nrscotland.gov.uk>).

5.2 Changing a Civil Partnership to a Marriage

Couples in a civil partnership registered in Scotland are able to change their civil partnership to a marriage in Scotland if they wish by:

- Administrative route: Ordinarily, in the community both partners are required to attend a local registration office, where in the presence of each other and the registrar, they sign Section 13 of the Application Form to Change a Civil Partnership into a Marriage. The Registrar will prepare an entry in the marriage register and provide a marriage certificate. No witnesses are required. Where a partner is in custody arrangements are required to be made for the Registrar and the couple to meet in an establishment to sign Section 13.
- Ceremony: Couples can change their civil partnership to marriage by having a civil, religious or belief marriage ceremony. This would follow the procedures for marriage requests in the SPS detailed elsewhere in these protocols.

5.3 Same Sex Marriage

Same sex marriage is a category of marriage introduced by the Marriage and Civil Partnership (Scotland) Act (2014). A religious or belief same sex marriage can only be conducted by a suitably appointed representative of an organisation that has opted in (e.g.: Quakers in Scotland, Scottish Unitarians and Humanist Society Scotland). The law protects individual celebrants who feel it goes against their faith to carry out same sex marriages and many religious bodies have not opted in. If the SPS Chaplain is from a religious body that has not opted in the Chaplain will refer the management of arrangements for a religious or belief same sex marriage to the RFLM.

A comprehensive list of organisations and approved celebrants is available by contacting Marriage and Civil Partnership Section at the [National Records Office for Scotland](#) on 0131 3340380

5.4 Religious Marriage

A religious marriage may be solemnised only by a religious celebrant who has been authorised by the Registrar General for that purpose or whose religious body has been prescribed in regulations under the Civil Partnership Act 2004. Many, though not all, SPS Chaplains are authorised conduct a religious marriage. An SPS Chaplain should be the first point of contact for anyone enquiring about a religious wedding. All applications will be dealt with as sensitively and sympathetically as possible.

If a person in custody requests a religious marriage, a Chaplain has the right to decline to officiate on the ground of conscience. A Chaplain who declines a request shall refer the request to other Chaplains on the Chaplaincy Team. If no Chaplain agrees to the request, the request shall be referred to the RFLM for further consideration by Senior Management to determine how the request can be met.

Procedures for marriage preparation should be in place and planning meetings should be agreed when the date of the marriage is agreed. Authority should be given for the

Chaplain to meet with both parties in a private secure area. The agent's room within the visits area is one such room.

- a) If a religious service is requested the Chaplain would arrange to meet with the person in custody and his/her intended spouse to discuss the request taking into account pastoral and religious matters. Prior to this a meeting by the Chaplain with the spouse separate from his or her intended spouse should take place. These meetings should take place prior to agreeing a date for the marriage. A number of meetings by the Chaplain with both parties may be required for marriage preparation and these should be facilitated. If the Chaplain is not to be the marriage officiant, the Chaplain should liaise and be satisfied that a visiting recognised religious officiant has met both parties separately and is suitably aware of the custodial context.
- b) Application form to be submitted to Head of Operations/Unit Manager for endorsement and Governor's approval.
- c) Following agreement that the marriage will proceed, the intended spouse will contact the Registrar and submit all necessary documents. It is advisable not to approach the Registrar before Governor approval.
- d) The Marriage Schedule has to be collected by the intended spouse, prior to the marriage ceremony from the Registrar's Office. This document has to be given to the Chaplain or Religious Officiant before the service starts or the ceremony will not go ahead.
- e) Personal details of the wedding guests will have been submitted to security for clearance in advance.
- f) Visit/Gate managers will have been informed. The Operations Managers will provide officers to assist during the marriage ceremony.
- g) A religious service would normally be held in the worship area of the Chaplaincy Centre. Usual security procedures will apply for children under the age of 16 entering an establishment. If the Chaplaincy Centre is deemed unsuitable then another appropriate venue can be used at the Governor's discretion.

The above applies to all religious marriages from the Christian Reformed Tradition but there are further particular considerations required for a Roman Catholic who wishes to be married as marriage is viewed as a Sacrament in the Roman Catholic Church.

Roman Catholic Marriage Preparation/Procedures

- a) Request received from the person in custody for the Sacrament of Marriage.
- b) The Chaplain will meet with the person in custody to ascertain whether both the person and their intended spouse are free to marry i.e. have not been married before or if they have, that they have had the first marriage annulled.
- c) The Chaplain will meet with person in custody and his/her intended spouse to talk about Catholic marriage, marriage preparation and what will be required of them by the Church, establishment and judicial system.

- d) The appropriate pre-nuptial enquiry forms should be completed and the necessary dispensations, permission and letters of freedom in accordance with canon law, permissions sought.
- e) Once all permissions have been granted, a full course of marriage preparation is undertaken and a date for the marriage is fixed.
- f) The date is confirmed and the necessary clearance has been given from the prison and the Marriage Schedule from the registrar of births, death and marriages is made available.
- g) After the marriage the wedding is recorded in the register of the local Roman Catholic parish church.
- h) The Parish of Baptism of the Catholic party(s) must also be informed.

Muslim Marriage

Generally speaking, marriage whilst in custody is discouraged primarily because of the inherent difficulties this would impose on the individual lives. However, at the wishes of the person in custody such a marriage would be carried out by an Imam authorised by the Registrar General to conduct a marriage.

The only way for a marriage to be recognised legally is if it is carried out by a registered Imam, and both partners to be married and two witnesses are present in the same room when they are declared married. All parties must be able to understand and converse in the language spoken by the Imam who is carrying out the ceremony.

Marriages (Faiths other than Christian or Islamic)

Each religious faith has its own particular considerations. It will be important that the establishment Chaplain is appraised of these considerations and can liaise with the establishment Management depending on the religion concerned.

The Chaplain would contact the named Recognised Faith Representative, to establish whether or not a religious ceremony could be conducted.

Procedures for a religious ceremony will apply. A suitable venue would have to be agreed. The authorised person conducting the service would require security clearance.

Belief Marriages

Belief marriages can be conducted by a suitably appointed celebrant of that belief authorised by the Registrar General. An SPS Chaplain should be the first point of contact.

The Chaplain would liaise with the belief celebrant as with a celebrant from a religious Faith. A comprehensive list of belief Celebrants can be accessed by phoning National Records of Scotland on 0131 334 0380.

An example of a belief marriage operating in Scotland is a Humanist Wedding.

Arranged Marriages

Arranged marriages are legal in Scotland however an essential aspect is the consent of each partner. In an arranged marriage, the bride and groom are selected by a third party rather than by each other.

Arranged marriages are usually set up by the parents or an older family member. In some cases, arranged marriage involves a matchmaker such as a priest or religious leader, mutual friends or a trusted third party. In many communities, priests or religious leaders as well as relatives or family friends play a major role in matchmaking.

Arranged marriages vary in nature and in how much time elapses between meeting and engagement. In an "introduction only" arranged marriage, the parents may only introduce their son or daughter to a potential spouse. From that point on, it is up to the intended parties themselves to manage the relationship and make a final choice.

6 Arrangements and Fees

SPS Marriage/Civil Partnership Application Form

A completed SPS Marriage/Civil Partnership Application Form is submitted to the Governor along with a completed SPS Marriage/Civil Partnership Risk Assessment. No plans should be made if the Governor does not approve the marriage application.

Forms required by the Registrar

The Marriage Notice Application Form [M10](#) must be lodged by both parties to a proposed religious or belief or civil marriage with the Registrar in whose district a marriage is to take place no later than 29 days before the date of the marriage.

The Civil Partnership Application Form [CP10](#) must be lodged by both parties to a proposed civil partnership registration with the Registrar in whose district the civil partnership registration is to take place no later than 29 days before the date of the marriage.

Genuine Birth Certificates are required with both forms M10 and CP10. Individuals who have changed their gender identity and received a Gender Recognition Certificate can acquire a new birth certificate showing their new gender. Other documents may also be needed such as a certificate of divorce or annulment, a certified copy decree or decree of dissolution if a person has been in a marriage or a civil partnership before. Full details are provided with the forms.

It is the responsibility of the couple to produce all legal paperwork to the Registrar. In the case of a marriage not conducted by the Registrar, it is the responsibility of the partner to collect the Marriage Schedule prior to the ceremony and ensure this is provided to the celebrant before the service can begin. The ceremony cannot go ahead if the celebrant does not have the marriage schedule.

Regarding the collection of the marriage schedule, particular arrangements will be required in the case of two people in custody being married to each other and the ceremony is a religious or a belief marriage. In such cases it is possible that the Chaplain or another celebrant might liaise with the Registrar and agree that the Chaplain (or other celebrant) might collect the Marriage Schedule from the Registrar prior to the ceremony taking place (on the day before). The ceremony cannot go ahead if the celebrant does not have the marriage schedule.

Fees

(All fees listed are subject to change and may increase)

Ceremony	Celebrant	Forms	Costs	
			Celebrant	Administrative
Religious Marriage	SPS Chaplain	M10	No fee	£60 (2x £30)
	External Religious Celebrant	M10	External Religious Celebrant will indicate fee.	£60 (2x £30)
Belief Marriage	Celebrant	M10	Celebrant will indicate fee.	£60 (2x £30)
Civil Marriage	Registrar	M10	£55	£60 (2x £30)
Civil Partnership	Registrar	CP10	£55	£60 (2x £30)
Changing Civil Partnership to Marriage	Registrar	Application to Change a Civil Partnership into a Marriage Form	N/A	£30

A £10 fee is payable to the Registrar for a Marriage or Civil Partnership Registration Certificate.

7 Planning the Event

Event Plan

The Personal Officer should create an event Plan for the marriage/civil partnership ceremony using the template in Annex C in this protocol. No date can be confirmed until a venue has been booked with either the Governor's Personal Secretary, Visits/Gate Managers, or through the Chaplaincy.

Guests

The number of guests allowed in to the establishment to attend a marriage or civil partnership ceremony will vary from establishment to establishment and will depend on specific circumstances. (No more than 12 guests including the couple and witnesses).

No children under 16 years of age will be allowed within the residential area of the establishment.

The Personal Officer should provide all guests with the Notice to Visitors (Annex E) signed by the Head of Operations at least one week in advance of the marriage or civil partnership ceremony taking place.

Guests must arrive at the prison 45 minutes prior to the ceremony and are subject to the same search procedures as all visitors into the establishment.

A person in custody's family and friends may attend the ceremony, however, another person in custody will not be allowed to attend unless he/she is a close family member as described in [Schedule 1 of the Marriage and Civil Partnership \(Scotland\) Act 2014](#).

Names, address, place of births and date of births of all guests are to be submitted to the Intelligence Management Unit for clearance at least four weeks prior to the ceremony. No guest will be added after the list has been submitted and approved.

The following individuals need to be informed of the Event Plan for the proposed marriage or civil partnership:

- The Governor
- Director (Private Prisons)
- Chaplaincy Line Manager
- Chaplains
- IMU Managers
- Hall Managers (where prisoner resides)
- Personal Officer
- Head of Operations
- Operations Manager
- Catering Manager
- Visit/Gate Managers

- Family Contact Officer

The Personal Officer gathers and collates the information required in the Event Plan and presents it to the RFLM, who checks, signs and leads on communicating it. The Event Plan is counter-signed by the Unit Manager.

Camera

The establishment's digital camera will be made available on request. The establishment will transfer the photographs to a disk which will be given to the bride/groom/partner after the ceremony. The escorting officer/SPS staff will take appropriate photographs ([GMA 15A/14 applies](#)).

If both people are in custody the disk with photos will be put stored in the bride/groom/partner's property and will be available on release from custody or sent out to a nominated person of their choice.

No photographs are permitted of an SPS employee or a person working or delivering a service in a custodial setting.

No ceremonies will be recorded on video.

The SPS cannot guarantee the quality of photographs.

Catering

The Catering Manager needs to be informed of the number of guests, and the time and place of the ceremony for a buffet to be organised. The person in custody is responsible for meeting the costs of the buffet. Cost and when payment is due for the buffet will be provided to the person in custody and their partner prior to the ceremony.

The buffet should be provided prior to the ceremony/registration starting.

Flowers

If flowers are requested by the couple, a suitable display may be ordered by the person in custody through the Sundry Purchase Sheet and residential staff will help facilitate this.

Flowers will have to be paid for prior to the ceremony. Flowers will be delivered to Front of House. Front of House Staff will contact residential staff who will ensure the flowers are in the area of the ceremony before the ceremony starts.

Wedding Clothes

A person in custody who wishes to wear particular clothes for the ceremony should complete a pro-forma and request the clothes be brought into the establishment. Clothes must be received by the establishment, 48 hours in advance of the ceremony. Immediately after the ceremony and celebration, the person in custody will return to Reception to change clothes and the clothing will be taken to Front of House where it will be returned to a guest.

Venue

There is no charge for the use of the facilities in custody. Where an external venue is being used, the couple is responsible for meeting the costs of hiring the venue (and any other charges associated with the event such as a buffet and flowers, etc.).

8 Near the end of life procedures

Although the marriage notice application form M10 or civil partnership registration application form CP10 must be lodged with the Registrar in whose district a marriage or civil partnership registration is taking place for a minimum period of 29 days – there are certain circumstances where the Registrar General for Scotland will allow this time period to be “dispensed with”.

This means that where one of the partners (or a close family relative – parent or child etc.) is not expected to live for the 29 days, a marriage or civil partnership registration can take place as soon as all parties are able to make the necessary arrangements.

The legal preliminaries still need to be completed (M10 or CP10 forms and accompanying documents) and lodged with the Registrar. In these circumstances the Registrar will be happy to help locate documents for people who were born/divorced/widowed in Scotland rather than asking them to find them themselves. A letter from a GP or hospital doctor will also be required confirming the condition the person has and that it is not in their interests to wait 29 days for the marriage or civil partnership registration or that they are not expected to live for 29 days.

The couple to be married must also write an application letter to the Registrar General (Annex D) asking for the 29 day period to be dispensed with.

It is usual for the Registrar General to give a decision on this very quickly and be able to give an answer to the applicant on the same day that the request is made. It will then be up to the Governor to ascertain how quickly the establishment concerned can organise the ceremony.

In extreme circumstances marriages can be arranged out with office hours – local Police or local authority emergency contact centres will be able to contact a Registrar out of hours where necessary. The ceremony can be solemnised by a Chaplain or Religious Officiant or a Registrar.

9 Forbidden Partnerships

Forced Marriage

Forced marriage is a marriage or partnership in which one or both of the parties do not (or cannot) consent to the marriage or are pressured or abused into agreeing to be married.

The pressure put on people to marry against their will can be physical (including threats, actual physical violence and sexual violence) or emotional and psychological (for example, when someone is made to feel like they are bringing shame on their family). Financial abuse (taking a person's wages or withholding wages) can also be a factor.

Forced marriage is viewed by the UK and the United Nations as a form of violence against women and men, domestic/child abuse and a serious abuse of human rights since it infringes the principle of the freedom and autonomy of individuals.

A forced marriage differs from an arranged marriage. In an arranged marriage both parties consent to the assistance of their parents or a third party in identifying a spouse. Both parties must be content to marry the spouse which has been identified for them, otherwise this becomes a forced marriage.

[Sham Marriages or civil partnerships](#)

Sham marriages or civil partnerships are held when a non-European national attempts to secure long-term residency, and the right to work and claim benefits in the UK, by marrying someone from the European Economic Area.

If there is any suspicion that a forced or sham marriage or partnership is being arranged, contact the [Forced Marriage Unit](#), or for more information see [forced Marriage.net](#) which has a range of guidance and help and [The Right to Choose](#) : Multi-agency statutory guidance for dealing with forced marriage.

More detail is also available in this [survivor's handbook](#), including sections on life after a force marriage, getting a new identity and ending a marriage.

Annex A: List of Registrars' Offices close to Scottish Prisons

Addiewell	Livingston Registrar's Office Civic Centre Howden Road South EH54 6FF 01506 281897
Barlinnie -	Glasgow Registrar's Office City Chambers George Square G2 1DU 0141 287 7677
Cornton Vale	Stirling Registrar's Office Customer First Shop 1-5 Port Street FK8 2EJ 01786 432 343
Dumfries	Dumfries Registrar's Office Municipal Chambers Buccleuch Street DG1 2AD 01387 245906
Edinburgh	Lothian Chambers Registrars 59-62 George IV Bridge EH1 2RN 0131 529 2600 Or Leith Registrars 30 Ferry Road EH6 4AE 0131 529 5520
Glenochil	Alloa Registrar's Office Marshall House Marshall outhouse, FK10 1AB 01259 723 850
Grampian	Peterhead Registrar's Office Arbuthnott House Broad Street AB42 1DA 01779 483 244
Greenock	Inverclyde Registrar's Office Customer Service Centre Municipal Buildings Clyde Square Greenock PA15 1LY 01475 714250
Inverness	Inverness Registrar's Office Bught Road IV3 5SS 01463 256400
Kilmarnock	Kilmarnock Registrar's Office Burns Monument Centre Kay Park KA3 7RU 01563 576695
Low Moss	Bishopbriggs Registrar's Office Bishopbriggs Library 170 Kirkintilloch Road G64 2LX 01415 788557
Open Estate	Perth Registrar's Office 5 High Street PH1 5JS 01738475121

Perth	Perth Registrar's Office 5 High Street PH1 5JS 01738 475121
Polmont	Falkirk Registrar's Office Redding Road Brightons Falkirk FK2 0HG 01324 503990
Shotts	Shotts Registrar's Office Council Office First Stop Shop 162 Station Road Shotts ML7 4BH 01501 824740

Annex B: SPS Marriage/Civil Partnership Application Form and Eligibility Guide

Person in Custody's Details

First Names		
Surname		
Gender		
Date of Birth		
Marital Status	<input type="checkbox"/> Single <input type="checkbox"/> Married / In a Civil Partnership	<input type="checkbox"/> Divorced / Civil Partnership dissolved <input type="checkbox"/> Widowed / Surviving civil partners
Prison Number		
Supervision Level		
Hall/Cell Location		
EDL		

Partner's Details

First Names		
Surname		
Gender		
Date of Birth		
Marital Status	<input type="checkbox"/> Single <input type="checkbox"/> Married / In a Civil Partnership	<input type="checkbox"/> Divorced / Civil Partnership dissolved <input type="checkbox"/> Widowed / Surviving civil partners
Home Address		
Contact Number		

Ceremony Details

Type of Ceremony	<input type="checkbox"/> Religious marriage <input type="checkbox"/> Belief marriage <input type="checkbox"/> Civil marriage <input type="checkbox"/> Civil Partnership
Proposed Date	
Proposed Location	

Eligibility Criteria

The right to marry or enter into a civil partnership is subject to national laws regulating marriage and civil partnerships including laws that prohibit marriage and civil partnerships between certain types of people.

Parties to the marriage / civil partnership must provide the following information.

Criteria	Person in Custody	Partner	Witnesses
1) Current Marital or Civil Partnership Status of both Parties			N/A
2) 16 years or older?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
3) Closely related?	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A
4) Subject to immigration control?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
4) (a) If 'yes' has the Home Office confirmed marriage can go ahead?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	N/A
5) Any concerns about the individuals' ability to consent?	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No Date interviewed _____	N/A

6) Consent given by both partners?	<input type="checkbox"/> Yes	<input type="checkbox"/> Yes	N/A
	<input type="checkbox"/> No	<input type="checkbox"/> No	
7) Same sex? (Civil Partnerships only)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	N/A

If there is any suspicion that a forced or sham marriage or partnership is being arranged refer to Section 9 of this Protocol.

Eligibility Criteria completed by:

Chaplain Personal Officer Other (specify) _____

Name:

Date:

Signature:

Copies of this completed form must sent to the RFLM

Annex B1: SPS Marriage/Civil Partnership Risk Assessment

The RFLM, in consultation with Personal Officer / Chaplain, must contact the Security Unit, Social Work and ICM co-ordinator and refer to MAPPA guidance in order to complete the Risk Assessment. This must be submitted, along with Annex B, to the Governor.

Risks	Evidence	Evidence provided by	Risk level (H,M,L)
Relevant offending history e.g. Sexual offences, domestic violence, offences against children, assault offences, etc.			
Risk towards others or children.			
Any Intelligence that may have an impact on this request.			
Behaviour during current sentence.			
Colluding to commit further offences.			
The risk of harm to the public or escorting staff during the ceremony/celebration.			
The risk of public disorder at the venue.			
Risk of reputational damage to SPS, adverse publicity or unwanted media interest.			

Any other identified risks.			

Name (RFLM):
Date completed:
Signature:

Annex B2: SPS Marriage/Civil Partnership Governor's Decision

Section 1

Governors should base their decision on the evidence provided in Annex B and Annex B1.

Criteria	Decision	
Eligibility Criteria	<input type="checkbox"/> Satisfactory	<input type="checkbox"/> Not satisfactory
Location of ceremony	<input type="checkbox"/> Approved	<input type="checkbox"/> Refused
Risk Assessment	<input type="checkbox"/> Satisfactory	<input type="checkbox"/> Not satisfactory

Additional comments/Explanation of decision (if necessary):

DECISION

Marriage/Civil Partnership Allowed Marriage/Civil Partnership Refused

Governor's signature: _____

Date: _____

COMPLETED FORM TO BE RETURNED TO RFLM

Section 2: To be completed by RFLM

• Person in custody informed of decision? Yes No

Date informed: _____

• Chaplain informed of decision? (where applicable) Yes No

Date informed: _____

• [SPS Chaplaincy Advisors](#) informed of decision? (in all cases) Yes No

Date informed: _____

Annex C: SPS Event Plan

It is the responsibility of the RFLM of the person in custody to oversee the production of this Event Plan.

It is the responsibility of the Personal Officer to produce the Event Plan within set timescales and to communicate it to all relevant staff and visitors taking part in the ceremony. The Personal Officer will liaise with Chaplains for religious or belief ceremonies to produce and communicate the Event Plan.

Names of partners being married / entering into a civil partnership	Person in custody	Partner
Date of marriage / civil partnership		
Location of marriage / civil partnership		
Name of Chaplain or Celebrant		
Name of Personal Officer		
Name of RFLM		

a) Confirmation of dates and location.

Task	Person responsible	Date confirmed
Date of ceremony confirmed.	Personal Officer	
Chaplain / Celebrant confirmed.	Personal Officer	
Ceremony location confirmed.	Personal Officer	
Security review completed (external locations only).	Personal Officer	
Escorting arrangements made (if wedding is taking place in the community).	Personal Officer	

Marriage application form (M10) or Civil Partnership application form (CP10) lodged.	Partner	
Marriage/Civil Partnership preparation meeting(s) with both parties (where necessary).	Chaplain/Celebrant	
Details of guests and witnesses attending provided (see (c) below).	Person in custody	
Security informed of guests for ceremony	Personal Officer	
All guests informed of security arrangements (Annex E).	Personal Officer	
Arrangements made to provide escorting officers for wedding/celebration (see (e) below).	Operations FLM	
Catering booked.	Personal Officer	
Catering paid for.	Person in Custody	
Camera booked for ceremony.	Personal Officer	
Proforma submitted if requesting particular clothes for event.	Person in Custody	
Outline timetable produced.	RFLM	

b) Marriage/civil partnership suggested timetable

Activity	Time Line	Responsible persons
Conduct security search of areas to be used for ceremony/celebration. Obtain camera from security. Set up wedding room: <ul style="list-style-type: none"> - flowers - sufficient chairs for guests - 1 table and 2 chairs for couple - pen 	0815	Personal Officer
Operations Officer to report to wedding location and remain there throughout ceremony/celebration.	0845	Operations Officer (x1)

Registrar / External Celebrant arrives at gate. Personal Officer escorts them to location for wedding.	0845	Personal Officer
Person in custody escorted to Reception to change for wedding.	0900	Residential Staff
Guests arrive at gate (party should arrive 45 minutes before start of ceremony). Operations Officer to inform them of arrangements for the day.	0900	Operations Officer
Personal Officer collects marriage/civil partnership schedule from wedding guests.	0920	Personal Officer
Buffet delivered to location	0930	Kitchen
Personal Officer escorts person in custody from Reception to the location of the ceremony and remains there throughout ceremony/celebration.	0930	Personal Officer
Operations Officer to escort guests escorted to wedding location and remain there throughout ceremony/celebration.	0940	Operations Officer
Ceremony starts including, signing of legal papers, and photographs.	0945	All
Wedding Buffet	1030	All
Wedding Guests and external celebrant escorted to Front of House.	1115	Operations Officer
Person in custody escorted to Reception to change out of wedding clothes.	1115	Personal Officer
Photos and wedding clothes returned to guests, guests leave the prison.	1130	Personal Officer
Wedding location cleared and searched.	1200	Personal Officer

c) **Wedding party (couple and guests)**

(Maximum numbers to be confirmed by Unit Manager. All names, address and date of birth to be with Security 4 weeks before the wedding date).

Name	Date of Birth	Place of Birth	Address

d) **Security**

- All areas used for ceremony/celebration to be searched as per normal searching procedures both before and after event.

e) **Staffing**

- 1x Operations Officer to be stationed in location throughout the event.
- 1x Operations Officer to escort guests to location and to remain throughout the event.
- Personal Officer to escort external Celebrant and person in custody to location and to remain throughout the event.
- Residential officer to escort person in custody to Reception prior to ceremony.

f) **Equipment**

- Prison camera – must be booked in advance and must be fully charged for event.

g) **Communications**

Who	When	What	Lead*	Completed
Security Managers	4 weeks before marriage/civil partnership ceremony date	List of guests/ Event Plan	RFLM	
Chaplaincy Team	4 weeks before ceremony date	Event Plan	RFLM	
Senior Management Team	2 weeks before ceremony date	Event Plan	RFLM	
Residential Unit Manager	2 weeks before ceremony date	Event Plan	RFLM	
RFLM	2 weeks before ceremony date	Event Plan	RFLM	
Family Contact Officers	2 weeks before ceremony date	Event Plan	RFLM	
Catering Manager	2 weeks before ceremony date	Event Plan	RFLM	
Guests	1 week before Ceremony date	Notice to Visitors	RFLM	
Personal Officer / Escorting Officers	1 week before ceremony date	Event Plan	RFLM	
Visits/Gate Manager	1 week before ceremony date	Event Plan	RFLM	
Front Gate	1 week before ceremony date	Event Plan	RFLM	

*Tasks may be delegated to the Personal Officer but the RFLM has to sign off their completion.

Annex D: Letter of Exception (29 Days' Notice)

Registrar General for Scotland
National Records office for Scotland
New Register House
Edinburgh
EH1 3YT

Date:

[Marriage and Civil Partnership \(Scotland\) Act 2014](#)

Requires that 29 clear days' notice of marriage be given by both parties.

1. Please give full details why 29 clear days' notice was not given:
2. Why 29 clear days' notice cannot be given:
3. Any other information relevant to your application:

Signed:

Name (print):

The letter above is a draft and should be accompanied by a letter from a GP or Hospital Doctor confirming the condition that the person is suffering from – for that reason the answers to questions above can be kept short and relevant.

Annex E: Notice to Visitors

Notice to all visitors

Would all visitors please inform staff prior to the Marriage or Civil Partnership Ceremony of any accessibility or communication needs or concerns?

You will be required to provide photo identification. Failure to produce this will result in you being refused entry to the ceremony.

Guests are asked to arrive 45 minutes before the start of the ceremony.

No-one under the age of 16yrs can be admitted to the prison.

The following will not be allowed into the Ceremony:

- Mobile phones.
- Laptop computers or any other electronic devices.
- Camera (unless approved by Operations Manager).
- Prescribed Medication (If medication is required e.g. an inhaler, permission must be approved prior to the ceremony).
- Any sharp objects, e.g... Scissors, knives etc.

Lockers are available on request from staff at the Front Desk (£1 coin) for storage of all items.

If you have any questions please do not hesitate to ask.

Any breach of these conditions or any suspicion of illegal substance being introduced to the establishment (e.g. Drugs or Alcohol) will result in the event being cancelled and the possibility of police charges.

HEAD OF OPERATIONS

HMP _____

Date _____

Annex F: Flow Chart for Marriage / Civil Partnership in SPS

