

Subject: Marriages with gender recognition clauses and divorces where the marriage was conducted under the terms of the Equal Marriage Act.

FOI reference: FOI/17/02736

Date received: 10 November 2017

Date responded: 08 December 2017

Information requested:

Statistics in regard to the numbers of individuals who have undergone a marriage, which has utilised the gender recognition clauses. In addition, you asked for statistics for divorces, where the marriage was conducted under the terms of the Equal Marriage Act.

NRS Response:

While our aim is to provide information whenever possible, in this instance National Records of Scotland (NRS) does not have the information you have requested. Under the terms of section 17(1) of FOISA (information not held), NRS is not required to provide information which it does not have.

NRS holds the information entered in the Statutory Register of Marriages. These entries will define a person as either male or female and not give any additional information as to whether gender recognition clauses were utilized. Marriage notification forms along with all documentation necessary for getting married in Scotland are submitted to the individual registrar who is undertaking the marriage. All documentation is then kept for 3 years at the registration office, which performed the marriage, and will thereafter be confidentially destroyed.

NRS also holds the Statutory Register of Divorces which contains names and addresses of both parties (the pursuer and the defender), the Sheriff Court, court reference number, date of decree of divorce, date of marriage and place of marriage. It does not give additional information on whether the marriage was conducted under the terms of the Equal Marriage Act. Full documentation relating to a divorce (rather than those data fields which constitute an extract from the register) is originally kept at the individual Sheriff Court deciding in the case. The divorce papers are kept at the Sheriff Court for 25 years and are then transferred to NRS for archiving. Consequently, our Registration team does not hold the requested information within their database (for either aspect of the question) and we are not able to produce figures for these requests.

Please note that the Scottish Government (SG) is now the only publisher of new statistics of Divorces and Dissolutions of Civil Partnerships for Scotland. National Records of Scotland (NRS) no longer publishes any new figures for Divorces or Dissolutions: such statistics will be made available from the [Crime and Justice](#)

[section](#) of the SG website, along with any revisions to the figures which SG has published for the financial years back to 2000-01.