



Marriage with Foreigners Act 1906

1906 CHAPTER 40

An Act to amend the Law with respect to Marriages between British Subjects and Foreigners. [29th November 1906]

BE IT ENACTED by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1 Marriages of British subjects with foreigners abroad

- (1) Any British subject who desires to be married in a foreign country to a foreigner according to the law of that country may, if it is desired for the purpose of complying with the requirement of the law of that country to obtain the certificate hereinafter mentioned, give notice of the marriage, if resident in the United Kingdom, to the registrar, and if resident abroad, to the marriage officer, and apply to the registrar or officer for a certificate that after proper notices have been given no legal impediment to the marriage has been shown to the registrar or officer to exist, and the registrar or officer shall, after the conditions set out in the Schedule to this Act have been complied with, give the certificate applied for unless the certificate is forbidden or a caveat is in operation as provided in that Schedule, or some legal impediment to the marriage is shown to the registrar or officer to exist.
- (2) If a person—
 - (a) knowingly and wilfully makes a false oath or signs a false notice of marriage for the purpose of a certificate under this section ; or
 - (b) forbids the granting of a certificate under this section by falsely representing himself to be a person who is authorised to forbid the certificate, knowing that representation to be false,

that person shall be guilty of perjury, and if the offence is committed abroad, may be tried in any county or place in the United Kingdom in which the offender may be, and dealt with in the same manner in all respects as if the offence had been committed in that county or place.

- (3) If any person enters a caveat on grounds which the registrar or officer or, in case of appeal, the Registrar-General declares to be frivolous, that person shall be liable to pay as a debt to the applicant for the certificate such sum as the registrar or officer or, in the case of appeal, the Registrar-General considers to be proper compensation for the damage caused to the applicant by the entering of the caveat.
- (4) Such fees may be charged in respect of any notice of an intended marriage, or any application for or grant of a certificate, or the entering of a caveat under this section, as may be fixed, as respects certificates to be granted by or caveats entered with registrars, by the Registrar-General, with the consent of His Majesty in Council, and, as respects certificates to be granted by or caveats entered with a marriage officer, as may be fixed by Order under the Consular Salaries and Fees Act, 1891.

2 Marriage of foreigners with British subjects in the United Kingdom

- (1) Where arrangements have been made to the satisfaction, of His Majesty with any foreign country for the issue by the proper officers of that country, in the case of persons subject to the marriage law of that country proposing to marry British subjects in the United Kingdom, of certificates that after proper notices have been given no impediment according to the law of that country has been shown to exist to the marriage, His Majesty may, by Order in Council, make regulations—
 - (a) requiring any person, subject to the marriage law of that foreign country, who is to be married to a British subject in the United Kingdom, to give notice of the fact that he is subject to the marriage law of that country to the person by or in the presence of whom the marriage is to be solemnised ; and
 - (b) forbidding any person to whom such a notice is given to solemnise the marriage or to allow it to be solemnised until such a certificate as aforesaid is produced to him.
- (2) If any person knowingly acts in contravention of, or fails to comply with, any such regulation, he shall be guilty of a misdemeanour, and shall be liable to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding one year.
- (3) Nothing in this section shall be taken to relate or have any reference to any marriages between two persons professing the Jewish religion solemnised according to the usages of the Jews in the presence of the secretary of a synagogue authorised by either the Births and Deaths Registration Act, 1836, or the Marriages (Ireland) Act, 1844, or by the Marriage and Registration Act, 1856, to register such a marriage, or of a deputy appointed by such secretary by writing under his hand, and approved by the president for the time of the London committee of deputies of the British Jews by writing under his hand.

3 Power to make general regulations

His Majesty may by Order in Council make general regulations prescribing the forms to be used under this Act and making such other provisions as seem necessary or expedient for the purposes of this Act, and may by Order in Council revoke, alter, or add to any Order in Council made under this Act.

4 Interpretation

In this Act, unless the context otherwise requires,—

The expressions "Registrar-General" and "registrar" mean respectively the Registrar-General within the meaning of the Births and Deaths Registration Act, 1836, and a superintendent registrar of marriages within the meaning of the Marriage Act, 1836 ; and

The expression " marriage officer " means a marriage officer for the time being under the Foreign Marriage Act, 1892, and includes any person for the time being empowered to register a marriage under section eighteen of that Act.

5 Application to Scotland

In the application of this Act to Scotland—

- (1) References to the forbidding of a certificate shall not apply ;
- (2) A reference to a caveat shall be construed as a reference to an objection, and the provisions respecting the entry of a caveat on frivolous grounds shall not apply;
- (3) The expressions " Registrar-General " and "registrar" mean respectively the Registrar-General of births, deaths, and marriages in Scotland, and the registrar of births, deaths, and marriages for a parish or district under the Registration of Births, Deaths, and Marriages (Scotland) Act, 1854, and the Acts amending that Act;
- (4) Paragraph (a) of subsection one of section two shall be read as if the following words were inserted after the word " solemnised, " namely, " or to any registrar, " law agent, or other person whom he desires to " draw up any declaration of irregular marriage " between him and a British subject " ; and paragraph (V) of the same subsection shall be read as if the following words were inserted after the word " solemnised, " namely, "or to aid in effecting the said irregular marriage " ;
- (5) The duly appointed minister of a synagogue shall be substituted in subsection (3) of section two for the secretary of the synagogue or deputy as described in that subsection.

6 Application to Ireland

In the application of this Act to Ireland the expressions " Registrar-General" and "registrar" mean respectively the Registrar-General and registrar within the meaning of the Marriages (Ireland, Act, 1844.

7 Short title

This Act may be cited as the Marriage with Foreigners Act, 1906.

SCHEDULE

PART I

PROVISIONS APPLICABLE EXCEPT IN SCOTLAND

A.—CONDITIONS

- 1 The applicant shall sign a notice stating the name, surname, profession, condition, nationality, and residence of each of the parties to the marriage, and whether each of the parties is or is not a minor.
- 2 The applicant shall at the time of giving the notice make and subscribe in a book to be kept by the registrar or officer for the purpose, an oath—
- (a) that the applicant believes that there is no impediment to the marriage by reason of kindred or alliance, or otherwise ; and
 - (b) that the applicant has for three weeks immediately preceding had his usual residence within the district of the registrar or officer ; and
 - (c) if the applicant, not being a widower or widow, is under the age of twenty-one years, that the consent of the persons whose consent to the marriage is required by law has been obtained thereto, or that there is no person having authority to give that consent, as the case may be.
- 3 The registrar or officer shall file every such notice and keep it with the archives of his office, and shall forthwith enter in a book of notices to be kept by him for the purpose, and post up in some conspicuous place in his office a copy of every such notice, and shall keep it so posted up for at least twenty-one days.
- 4 The book in which the notice is entered, and the copy posted up, shall be open at all reasonable times without fee to the inspection of any person.

B.—PROVISIONS AS TO FORBIDDING CERTIFICATE, AND AS TO CAVEATS

- 5 Any person whose consent is required by law to marriages solemnised in England may forbid the certificate by writing the word "forbidden" opposite to the entry of the application in the book of notices, and by subscribing thereto his name and residence and the character by reason of which he is authorised to forbid the certificate.
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- (a) Any person may enter with the registrar or officer a caveat against the granting of the certificate, signed by him or in his behalf and stating his residence and the grounds of his objection.
 - (b) The registrar or officer shall examine into the matter of the caveat and decide whether it ought to obstruct the giving of the certificate or not, but he may if he thinks fit refer the matter to the Registrar-General to decide. If the registrar or officer decides the question himself, and decides that the caveat ought to obstruct the granting of the certificate, the applicant for the certificate may appeal to the Registrar-General in manner provided by regulations made under this Act.
 - (c) The caveat shall cease to operate—
 - (i) if withdrawn by the persons entering it ; or
 - (ii) if it is decided by the registrar or officer or by the Registrar General on appeal that it ought not to obstruct the giving of the certificate.

PART II

PROVISIONS APPLICABLE IN SCOTLAND

A.—CONDITIONS

- 1 The applicant shall give a notice to the registrar of the parish or district in which he shall have resided for a period of not less than fifteen clear days previous to the giving thereof. Such notice shall be in the form as nearly as may be set forth in Schedule A. to the Marriage Notice (Scotland) Act, 1878, but shall state, in addition to the particulars therein set out, the nationality of the parties to the intended marriage.
- 2 On the receipt of a notice of an intended marriage the registrar, being satisfied that the notice is conformable to the requirements of this Act, shall forthwith enter the particular; set forth in the notice in the Marriage Notice Book kept in terms of the Marriage Notice (Scotland) Act, 1878, and shall on the same day post or put up in a conspicuous and accessible place on the door or outer wall of his office a public notice of the intended marriage, in the form as nearly as may be set forth in the Schedule B. annexed to the said last mentioned Act, but stating, in addition to the particulars therein set out, the nationality of the parties to the intended marriage, and shall keep the same so posted or put up for seven consecutive days thereafter.

B.—PROVISIONS AS TO OBJECTIONS

- 3 (a) Any person may enter with the registrar an objection against the granting of the certificate signed by him or on his behalf, and stating his residence and the grounds of his objection.
- (b) The registrar shall refer any objection to the Registrar-General, who shall decide whether it ought to obstruct the granting of the certificate or not, and shall instruct the registrar accordingly, and the instructions so given shall be carried out by the registrar.
- (c) The objection shall cease to operate—
 - (i) if withdrawn by the person entering it ; or
 - (ii) if it is decided by the Registrar General that it ought not to obstruct the granting of the certificate.