



Marriages (Ireland) Act 1846

1846 CHAPTER 72

An Act to amend the Act for Marriages in *Ireland*, and for registering such Marriages. [26th August 1846]

WHEREAS an Act was passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for Marriages in Ireland, and for registering such Marriages*: And whereas it is expedient to amend the Provisions of the same in respect of Marriages of Parties, One of whom may reside in *England* or *Scotland*:

Be it therefore enacted by the Queen'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,

Marriages intended to be solemnized in Ireland between Parties One of whom resides in England, Notice of the same to be given to the Superintendent Registrar of the District in England within which the Party resides Seven Days preceding, &c.

That in any Case of a Marriage intended to be solemnized in *Ireland* between Parties One of whom shall be resident in *England*, such Party so resident in *England* shall give Notice in the Form used in *England* in that Behalf, or to the like Effect, to the Superintendent Registrar of the District within which such Party shall have dwelt for not less than Seven Days then next preceding, and shall state therein the Name and Surname and the Profession or Condition of each of the Parties intending Marriage, the Dwelling Place of each of them, and the Time, not being less than Seven Days, during: which each has dwelt therein, and the Church or other Building in which the Marriage is to be solemnized, provided that if either Party shall have dwelt in the Place stated in the Notice more than One Calendar Month, it may be stated therein that he or she hath dwelt there One Month and upwards; and such Notice shall be dealt with in such Manner, and such Certificate shall be given by such Registrar in such Manner, as is prescribed in an Act of the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for Marriages in England*, provided that in such Case such Certificate shall not be issued before the Expiration of Seven Days from the Entry of such Notice as aforesaid; and from and after the Expiration of Seven Days from the issuing of such Certificate the Production of the same to the Person duly authorized under the Provisions

of the said first-recited Act to grant a Licence for Marriage in such Case shall be as valid and effectual to all Intents and Purposes for authorizing such Person to grant a Licence for Marriage, and such Certificate shall be as valid and effectual for all other Purposes under the Provisions of the said first-recited Act as any Certificate of a Registrar of a District in *Ireland* would be under the said Act if such Party giving such Notice were resident within such District in *Ireland*, and the other Party to such intended Marriage were also resident within another Registrar's District in *Ireland*.

II Marriages intended to be solemnized in Ireland between Parties One of whom shall be resident in Scotland, a Certificate of the Banns having been published on Three several Sundays in the Congregation of which the Party is a Member to be obtained from the Minister.

And be it enacted, That in the Case of a Marriage intended to be solemnized in *Ireland* between Parties One of whom shall be resident in *Scotland*, it shall be lawful for such Party to obtain from the Minister of the Congregation in *Scotland* of which he or she shall be a Member for at least One Calendar Month preceding a Certificate under his Hand that Banns of such intended Marriage of such Parties have been duly published or proclaimed in such Congregation on Three several *Sundays*; and from and after the Expiration of Seven Days from the granting of such Certificate the Production of such Certificate to the Person duly authorized in *Ireland* under the Provisions of the said first-recited Act to grant a Licence for Marriage in such Case shall be as valid and effectual to all Intents and Purposes for authorizing such Person to grant a Licence for Marriage, and such Certificate shall be as valid and effectual for all other Purposes under the Provisions of the said recited Act as any Certificate of a Registrar of a District in *Ireland* would be under the said Act if such Party giving such Notice were resident within such District in *Ireland*, and the other Party to such intended Marriage also were resident within another Registrar's District in *Ireland*.

III Places having no Parish Church, &c., and Extra-parochial Places having no Chapel wherein Marriages may be solemnized, to be deemed, for the Purpose of this Act only, to belong to an adjoining Parish.

And whereas it is by the said Act, amongst other things, provided, that no Surrogate or other Person having Authority to grant any Licences for Marriages shall grant any Licence for Marriage, not being a Special Licence, until Seven Days after Notice shall have been given by one of the Parties who shall have resided for not less than Seven Days then next preceding in the Parish named in that Notice, under his or her Hand, in the Form therein mentioned, to such Surrogate or other Person having Authority to grant Licences as aforesaid, which Notices he shall file and keep with the Records of his Office, and that such Surrogate or other Person shall forthwith send a Copy of such Notice to the Incumbent or Incumbents of the Parish or Parishes in which the Parties intending Marriage dwell: And whereas certain Parishes in *Ireland* have no Parish Church or Chapel belonging thereto, or no Church or Chapel where Divine Service is usually solemnized every *Sunday*, and certain Places are extra-parochial; and it is expedient to make Provision for such Cases, and other Cases, as herein-after mentioned: Be it enacted, That all Parishes where there shall be no Parish Church or Chapel belonging thereto, or none wherein Divine Service shall be usually solemnized every *Sunday*, and all Extra-parochial Places whatever having no public Chapel wherein Banns may be lawfully published or Marriage celebrated, shall be deemed and taken to belong to any Parish or Chapelry having such Church or Chapel next adjoining, for the Purposes of the said recited and this Act only; and where

Banns shall be published in any Church or Chapel of any Parish or Chapelry adjoining to any such Parish or Chapelry where there shall be no Church or Chapel, or none wherein Divine Service shall be solemnized as aforesaid, or to any Extra-parochial Place as aforesaid, the Parson, Vicar, Minister, or Curate publishing such Banns shall, in Writing under his Hand, certify the Publication thereof, and act in all Things in the same Manner as if either of the Persons to be married had dwelt in such adjoining Parish or Chapelry.

IV When Parish Church is in Ruins, or under Repair, &c, Banns may be proclaimed and Marriages celebrated in an adjoining Parish, &c.

And be it enacted, That if the Church of any Parish, or Chapel of any Chapelry, wherein Marriages may have been usually solemnized, be in Ruins, or be demolished in order to be rebuilt, or for any other Cause, or be under Repair, and on such Account or for any other Reason be disused for Public Service, it shall be lawful for Banns to be proclaimed and Marriages to be celebrated in a Church or Chapel of any adjoining Parish or Chapelry in which Banns are usually proclaimed or Marriage is usually celebrated, or in any Place within the Limits of the Parish or Chapelry which shall be licensed by the Ordinary of the Diocese for the Performance of Divine Service, during or by reason of the Repair or Rebuilding or Disuse of the Church as aforesaid; and where no such Place shall be so licensed, then during such Period as aforesaid the Marriage may be solemnized in the adjoining Church or Chapel wherein the Banns have been proclaimed, or which shall have been specified in the Licence; and all Marriages heretofore solemnized in other Places within the said Parishes or Chapelries than the said Churches or Chapels on account of their being in Ruins, under Repair, or demolished, or taken down in order to be rebuilt, or for any other Cause, shall not be liable to have their Validity questioned on that Account, nor shall the Ministers who have so solemnized the same be liable to any Ecclesiastical Censure, or to any other Proceeding or Penalty whatsoever.

V Act may be amended, &c.

And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.