



Marriage Act 1983

1983 CHAPTER 32

Marriages in England and Wales

1 Marriages of house-bound and detained persons in England and Wales

- (1) Subject to the provisions of this Act and the Marriage Act 1949, the marriage of a person who is house-bound or is a detained person may be solemnized in England and Wales, on the authority of a superintendent registrar's certificate issued under Part III of the Marriage Act 1949, at the place where that person usually resides.
- (2) For the purposes of this section a person is house-bound if—
 - (a) the notice of his or her marriage given in accordance with section 27 of the Marriage Act 1949 is accompanied by a statement, made in a form prescribed under that Act by a registered medical practitioner not more than fourteen days before that notice is given, that, in his opinion—
 - (i) by reason of illness or disability, he or she ought not to move or be moved from his or her home or the other place where he or she is at that time, and
 - (ii) it is likely that it will be the case for at least the three months following the date on which the statement is made that by reason of the illness or disability he or she ought not to move or be moved from that place ;and
 - (b) he or she is not a detained person.
- (3) For the purposes of this section, a person is a detained person if he or she is for the time being detained—
 - (a) otherwise than by virtue of section 2, 4, 5, 35, 36 or 136 of the Mental Health Act 1983 (short term detentions), as a patient in a hospital; or
 - (b) in a prison or other place to which the Prison Act 1952 applies.
- (4) In subsection (3) above " hospital" and " patient" have the same meanings as in Part II of the Mental Health Act 1983.

- (5) For the purposes of this section, a person who is housebound or is a detained person shall be taken, if he or she would not otherwise be, to be usually resident at the place where he or she is for the time being.
- (6) Nothing in the preceding provisions of this section shall be taken to relate or have any reference to any marriage according to the usages of the Society of Friends or any marriage between two persons professing the Jewish religion according to the usages of the Jews.
- (7) Schedule 1 to this Act (amendment of the Marriage Act 1949 in consequence of this section) shall have effect.

2 Consequential amendments of enactments

- (1) Any reference in the Registration Service Act 1953 to the Marriage Act 1949 includes a reference to that Act as amended by this Act.
- (2) In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees payable under certain enactments) the reference to the Marriage Act 1949 includes a reference to that Act as amended by this Act.
- (3) At the end of subsection (2) of section 1 of the Marriage (Registrar General's Licence) Act 1970 (restrictions on Registrar General's power to issue licences under subsection (1) of that section) there shall be added the words " (disregarding for this purpose the provisions of that Act relating to marriages in pursuance of section 26(1) (dd) of that Act) ".
- (4) In section 11 of the Matrimonial Causes Act 1973 (void marriages) for the words in paragraph (a) " the Marriages Acts 1949 to 1970 " there shall be substituted the words " the Marriage Acts 1949 to 1983 ".

Marriages in Northern Ireland

3 Marriages of house-bound and detained persons in Northern Ireland

- (1) Subject to the provisions of this Act and the enactments relating to marriage in Northern Ireland, the marriage of a person who is house-bound or is a detained person may be solemnized in Northern Ireland on the authority of a licence issued by the Registrar General under section 4 below at the place where that person resides.
- (2) Where a marriage is intended to be solemnized on the authority of the Registrar General's licence, notice of the intended marriage must be given in the prescribed form to the registrar of the district in which each party to the intended marriage has resided for at least seven days immediately before the notice is given.
- (3) Where a person other than a detained person is to be married at his or her residence in pursuance of subsection (1) above, the notice of marriage required by subsection (2) above shall, where it is given to the registrar of the district in which the person resides, be accompanied by a medical statement relating to him or her made not more than fourteen days before the date on which the notice is given.
- (4) In the case of the marriage of a detained person, the notice of marriage required by subsection (2) above shall, where it is given to the registrar of the district in which the detained person resides, be accompanied by a statement made in the prescribed form

- by the responsible authority not more than twenty-one days before the date on which notice of the marriage is given under that subsection—
- (a) identifying the establishment where the person is detained ; and
 - (b) stating that the responsible authority has no objection to that establishment being specified in the notice of marriage as the place where that marriage is to be solemnized.
- (5) Where notice is given under subsection (2) above, the person giving the notice shall give the registrar the prescribed particulars, in the prescribed form, of the person by or before whom the marriage is intended to be solemnized.
- (6) The registrar shall not enter the particulars given in the notice of the marriage in the marriage notice book until he has received the statement required by subsection (3) or (4) above and the particulars required by subsection (5) above.
- (7) The fact that a registrar has received a statement under subsection (3) or (4) above shall be entered in the marriage notice book.
- (8) In subsection (4) above " responsible authority " means—
- (a) if the person named in the statement is detained in a prison, the governor or other officer for the time being in charge of that prison ;
 - (b) if the person named in the statement is detained in a hospital or special accommodation, the Health and Social Services Board administering that hospital or the Department, respectively;
 - (c) if the person named in the statement is detained in a private hospital, the person in charge of that hospital.
- (9) For the purposes of this section—
- (a) a person is house-bound if—
 - (i) the notice of his or her marriage given in accordance with subsection (2) above to the registrar of the district in which he or she resides is accompanied by a medical statement relating to him or her; and
 - (ii) he or she is not a detained person ; and
 - (b) a person is a detained person if he or she is for the time being detained—
 - (i) otherwise than by virtue of section 15, 16 or 106 of the Mental Health Act (Northern Ireland) 1961 (short term detentions), as a patient in a hospital ; or
 - (ii) in a prison.
- (10) For the purposes of this section, a person who is housebound or is a detained person shall be taken, if he or she would not otherwise be, to be resident at the place where he or she is for the time being and, in relation to such a person, references in the Marriage Acts, as applied by Schedule 2 to this Act, to his or her dwelling place or usual place of abode shall be construed accordingly.
- (11) In this section—
- " hospital " has the same meaning as in the Mental Health Act (Northern Ireland) 1961 ;
 - " medical statement", in relation to any person, means a statement made in the prescribed form by a registered medical practitioner that in his opinion, at the time the statement is made—

Status: This is the original version (as it was originally enacted).

- (a) by reason of illness or disability, he or she ought not to move or be moved from the place where he or she is at that time, and
- (b) it is likely that it will be the case for at least the following three months that by reason of the illness or disability he or she ought not to move or be moved from that place ;

" patient" has the same meaning as in the Mental Health Act (Northern Ireland) 1961 ;

" prison " includes a remand centre and a young offenders centre;

" private hospital " has the same meaning as in the Mental Health Act (Northern Ireland) 1961;

" special accommodation " has the same meaning as in the Mental Health Act (Northern Ireland)1961.

4 Issue of licence by Registrar General

- (1) Where notice of an intended marriage is given to a registrar under section 3(2) above, the registrar shall—
 - (a) inform the Registrar General; and
 - (b) comply with any directions relating to the notice or the statement or particulars required by section 3(3), (4) or (5) which may be given to him by the Registrar General.
- (2) Where the Registrar General—
 - (a) is informed under subsection (1) above of an intended marriage; and
 - (b) is satisfied that a licence should be granted,
 he shall issue a licence in the prescribed form authorising the solemnization of the marriage unless—
 - (i) any lawful impediment to the issue of the licence has been shown to his satisfaction to exist; or
 - (ii) the issue of the licence has been forbidden under section 18 of the Marriages Act, as applied by Schedule 2 to this Act.
- (3) The Registrar General shall send any licence issued by him under subsection (2) above authorising the solemnization of a marriage—
 - (a) subject to paragraph (b) below, to the registrar of the district in which the marriage is to be solemnized ;
 - (b) where the marriage is to be solemnized in accordance with the rites of the Roman Catholic Church, to the priest who is to solemnize the marriage.
- (4) The Registrar General shall not issue a licence under subsection (2) above before the expiration of seven days after the day on which notice of the marriage is entered in the marriage notice book under section 14 of the Marriage Act, as applied by Schedule 2 to this Act.

5 Solemnization of marriage pursuant to Registrar General's licence

- (1) A marriage to be solemnized on the authority of the Registrar General's licence shall be solemnized, at the wish of the persons to be married—
 - (a) according to such religious form or ceremony as the persons to be married see fit to adopt; or

- (b) by a ceremony performed by the registrar of the district in which it is solemnized.
- (2) A marriage to be solemnized on the authority of the Registrar General's licence shall be solemnized in the presence of—
 - (a) subject to subsection (4) below, the registrar of the district in which it is solemnized ; and
 - (b) two witnesses in addition to the person solemnizing the marriage.
- (3) Where a marriage is to be solemnized on the authority of the Registrar General's licence the persons to be married shall, subject to subsection (5) below, in some part of the ceremony in the presence of the witnesses and of the registrar of the district in which it is solemnized, make the declaration and say to each other the words set out in section 29 of the Marriages Act.
- (4) Subsection (2)(a) does not apply to a marriage which is solemnized according to the rites of the Roman Catholic Church.
- (5) Subsection (3) does not apply to a marriage solemnized—
 - (a) according to the rites of the Church of Ireland or the Roman Catholic Church ; or
 - (b) by the ceremony used by Presbyterians in Northern Ireland; or
 - (c) by the ceremony of any church, denomination or body of Protestant Christians who use a building registered under section 12 of the Marriage Law (Ireland) Amendment Act 1863.
- (6) A marriage on the authority of the Registrar General's licence may be solemnized at any time between 8 a.m. and 6 p.m.

6 Void marriages

If any persons knowingly purport to intermarry in pursuance of section 3 above—

- (a) in any place other than that specified in the Registrar General's licence; or
 - (b) in the absence of the registrar of the district in which it is solemnized, unless the marriage is solemnized in accordance with the rites of the Roman Catholic Church ; or
 - (c) without the Registrar General's licence,
- the marriage shall be void.

7 Offences

- (1) Any person who knowingly—
 - (a) purports to solemnize a marriage on the authority of the Registrar General's licence in any place other than that specified in the licence ; or
 - (b) purports to solemnize a marriage on the authority of that licence without the presence of the registrar of the district in which it is solemnized, unless the marriage is solemnized in accordance with the rites of the Roman Catholic Church; or
 - (c) solemnizes a marriage on the authority of that licence at any other time than between 8 a.m. and 6 p.m.; or
 - (d) purports to solemnize a marriage on the authority of that licence after the expiration of three months beginning on the day on which notice of the

marriage is entered in the marriage notice book under section 14 of the Marriages Act, as applied by Schedule 2 to this Act,

shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six months, or to both;
 - (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding three years, or to both.
- (2) No prosecution under this section shall be commenced after the expiration of three years from the commission of the offence.

8 Application of Marriage Acts

Schedule 2 to this Act (application and amendment of Marriage Acts) shall have effect.

9 Fees

An order under section 1 of the Registration of Births, Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955 may make provision with respect to—

- (a) the fees payable for licences of the Registrar General under section 4 above and for the performance by registrars of any functions for the purposes of this Act; and
- (b) the persons by and to whom such fees are to be paid.

10 Regulations

- (1) The Department may make regulations prescribing—
- (a) the form of notice of a marriage which is intended to be solemnized on the authority of the Registrar General's licence;
 - (b) anything which is authorised or required to be prescribed under sections 3 to 9 above, Schedule 2 to this Act or any provision applied by that Schedule.
- (2) Regulations under subsection (1) above—
- (a) shall be a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ;
 - (b) shall be subject to negative resolution (as defined in section 41(6) of the Interpretation Act (Northern Ireland) 1954).

11 Interpretation and savings (Northern Ireland)

- (1) In sections 3 to 10 above and Schedule 2 to this Act—
- " the Department" means the Department of Health and Social Services for Northern Ireland ;
 - " the Marriage Acts " means the Acts applied or amended by Schedule 2 to this Act;
 - "the Marriages Act" means the Marriages (Ireland) Act 1844;
 - " the Registrar General" means the Registrar General in Northern Ireland or any officer of the Department authorised by it to exercise the functions of the Registrar General for the purposes of this Act;

" the Registrar General's licence " means a licence issued by the Registrar General under section 4 above.

- (2) Nothing in sections 3 to 10 above or Schedule 2 to this Act shall be taken to relate or have any reference to—
- (a) any marriage between two persons professing the Roman Catholic religion according to the rites of the Roman Catholic Church;
 - (b) any marriage according to the usages of the Society of Friends or any marriage between two persons professing the Jewish religion according to the usages of the Jews.
- (3) Nothing in sections 3 to 10 above or Schedule 2 to this Act shall affect the right of any person by virtue of section 36 or 37 of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870 to grant special licences to marry at any convenient time at any place or affect the validity of any marriage solemnized on the authority of such a licence.

General

12 Citation, commencement, etc.

- (1) This Act may be cited as the Marriage Act 1983 and this Act as it extends to England and Wales and the Marriages Acts 1949 to 1970 may be cited as the Marriages Acts 1949 to 1983.
- (2) Sections 3 to 11 above shall be construed as one with the Acts relating to marriage in Northern Ireland.
- (3) Nothing in this Act shall affect any law or custom relating to the marriage of members of the Royal Family.
- (4) Nothing in this Act shall affect the right of the Archbishop of Canterbury or any other person by virtue of the Ecclesiastical Licences Act 1533 to grant special licences to marry at any convenient time or place or affect the validity of any marriage solemnized on the authority of such a licence.
- (5) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.
- (6) This Act shall not extend to Scotland.
- (7) Sections 1 and 2 above and Schedule 1 to this Act, except paragraph 9, shall not extend to Northern Ireland and sections 3 to 11 above and Schedule 2 to this Act, except paragraph 11, shall not extend to England and Wales.