



# Foreign Marriage (Amendment) Act 1988

## 1988 CHAPTER 44

### **2 Consent requirements for parties domiciled in Northern Ireland or Scotland varied or abolished according to the law of their domicile.**

- (1) For section 4 of the 1892 Act (same consent required as for marriage in England and Wales, dispensation with consent and power to forbid marriage) there shall be substituted the following—

#### **“4 Consent to marriage and power to forbid marriage.**

- (1) The same consent shall be required to the marriage under this Act of a party domiciled in England and Wales or in a country outside the United Kingdom as would be required in respect of that party to a marriage solemnised in England and Wales on the authority of a certificate issued by a superintendent registrar under Part III of the Marriage Act 1949.
- (2) The same consent shall be required to the marriage under this Act of a party domiciled in Northern Ireland as would be required in respect of that party to a marriage solemnised there.
- (3) No consent shall be required to a marriage under this Act in respect of a party domiciled in Scotland.
- (4) The Secretary of State or, in such cases as may be prescribed, the Registrar General for England and Wales may dispense with the necessity of obtaining any consent required by virtue of subsection (1) above if he is satisfied that it cannot be obtained because of the absence, inaccessibility or disability of the person whose consent is so required.
- (5) The necessity of obtaining any consent required by virtue of subsection (2) above may be dispensed with by an order under section 2 of the Marriages Act (Northern Ireland) 1954; and for the purposes of this subsection an application for such an order may be made to any county court in Northern Ireland.
- (6) Any person whose consent is required to a marriage under this Act may at any time before its solemnisation forbid it by—

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**Changes to legislation:** There are currently no known outstanding effects for the Foreign Marriage (Amendment) Act 1988, Section 2. (See end of Document for details)

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- (a) writing the word “forbidden” against the entry of the intended marriage in the book of notices; and
- (b) adding after that word his name and address and a statement of the capacity by virtue of which his consent is required;

and if a marriage is so forbidden the notice shall be void and the intended marriage shall not be solemnised under that notice.”

(2) For paragraph (c) of section 7 of that Act (oath as to satisfaction of consent requirements) there shall be substituted the following—

“(c) where either party is under the age of eighteen years and domiciled in a country other than Scotland—

- (i) that any consent to the marriage which is required in respect of that party has been obtained,
- (ii) that the necessity of obtaining any such consent in respect of that party has been dispensed with, or
- (iii) if that party is domiciled in England and Wales or in a country outside the United Kingdom, either that he or she is a widow or widower or that there is no person having authority to give any such consent.”

**Changes to legislation:**

There are currently no known outstanding effects for the Foreign Marriage (Amendment) Act 1988, Section 2.