



# Marriage Act 1994

## 1994 CHAPTER 34

An Act to amend the Marriage Act 1949 so as to enable civil marriages to be solemnized on premises approved for the purpose by local authorities and so as to provide for further cases in which marriages may be solemnized in registration districts in which neither party to the marriage resides; and for connected purposes. [3rd November 1994]

Be it 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, as follows:—

### **1 Solemnization of marriages on premises approved by local authorities**

- (1) In section 26(1) of the Marriage Act 1949 (marriages which may be solemnized on authority of superintendent registrar's certificate) after paragraph (b) there shall be inserted—
  - “(bb) a marriage on approved premises;”.
- (2) After section 46 of that Act there shall be inserted—

*“Marriages on approved premises*

#### **46A Approval of premises**

- (1) The Secretary of State may by regulations make provision for and in connection with the approval by local authorities of premises for the solemnization of marriages in pursuance of section 26(1)(bb) of this Act.
- (2) The matters dealt with by the regulations may include—
  - (a) the kinds of premises in respect of which approvals may be granted;
  - (b) the procedure to be followed in relation to applications for approval;
  - (c) the considerations to be taken into account by a local authority in determining whether to approve any premises;

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- (d) the duration and renewal of approvals;
  - (e) the conditions that must or may be imposed by a local authority on granting or renewing an approval;
  - (f) the determination and charging by local authorities of fees in respect of applications for the approval of premises and in respect of the renewal of approvals;
  - (g) the circumstances in which a local authority must or may revoke an approval;
  - (h) the review of any decision to refuse an approval or the renewal of an approval, to impose conditions on granting or renewing an approval or to revoke an approval;
  - (i) the notification to the Registrar General of all approvals granted, renewed or revoked;
  - (j) the keeping by local authorities of registers of approved premises;
  - (k) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (3) In this section “local authority” means a county council, metropolitan district council or London borough council.
- (4) Regulations under this section may make different provision for different cases or circumstances.
- (5) Any regulations under this section shall be made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.

#### **46B Solemnization of marriage on approved premises**

- (1) Any marriage on approved premises in pursuance of section 26(1)(bb) of this Act shall be solemnized in the presence of—
    - (a) two witnesses, and
    - (b) the superintendent registrar and a registrar of the registration district in which the premises are situated.
  - (2) Without prejudice to the width of section 46A(2)(e) of this Act, the Secretary of State shall exercise his power to provide for the imposition of conditions as there mentioned so as to secure that members of the public are permitted to attend any marriage solemnized on approved premises in pursuance of section 26(1)(bb) of this Act.
  - (3) Each of the persons contracting such a marriage shall make the declaration and use the form of words set out in section 44(3) of this Act in the case of marriages in registered buildings in the presence of a registrar.
  - (4) No religious service shall be used at a marriage on approved premises in pursuance of section 26(1)(bb) of this Act.”
- (3) The Schedule to this Act contains amendments consequential on those set out above in this section.

## **2 Registration districts in which marriages may be solemnized**

- (1) In section 35 of the Marriage Act 1949 (marriages in registration district in which neither party resides) after subsection (2) there shall be inserted—

“(2A) A superintendent registrar may issue a certificate or, if the marriage is to be by licence, a certificate and licence, for the solemnization of a marriage in the office of another superintendent registrar, notwithstanding that the office is not within a registration district in which either of the persons to be married resides.

(2B) A superintendent registrar may issue a certificate or, if the marriage is to be by licence, a certificate and licence, for the solemnization of a marriage on approved premises, notwithstanding that the premises are not within a registration district in which either of the persons to be married resides.”

- (2) For section 36 of that Act (superintendent registrar to issue licences only for marriages to be solemnized in his registration district) there shall be substituted—

### **“36 Superintendent registrar not normally to issue licences for marriages in registered buildings outside his district**

Subject to section 35 of this Act, a superintendent registrar shall not issue a licence for the solemnization of a marriage in a registered building which is not within his registration district.”

## **3 Short title and commencement**

- (1) This Act may be cited as the Marriage Act 1994.
- (2) This Act shall come into force on such day as the Secretary of State may appoint by order made by statutory instrument; and different days may be appointed for different purposes.

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## SCHEDULE

Section 1.

### APPROVED PREMISES: CONSEQUENTIAL AMENDMENTS

- 1 The Marriage Act 1949 shall be amended in accordance with paragraphs 2 to 8 below.
- 2 In section 27(3) (particulars to be stated in a notice of marriage) for “the church or other building in which” there shall be substituted “the church or other building or premises in or on which”.
- 3 In section 49 (void marriages)—
- (a) after paragraph (e) there shall be inserted—
    - “(e) in the case of a marriage purporting to be in pursuance of section 26(1)(bb) of this Act, on any premises that at the time the marriage is solemnized are not approved premises;”,
  - (b) the word “or” at the end of paragraph (f) and of paragraph (g) shall be omitted, and
  - (c) after paragraph (g) there shall be inserted—
    - “(g) in the case of a marriage on approved premises, in the absence of the superintendent registrar of the registration district in which the premises are situated or in the absence of a registrar of that district; or”.
- 4 In section 50(1) of that Act (person to whom superintendent registrar’s certificate to be delivered) after paragraph (c) there shall be inserted—
- “(c) if the marriage is to be solemnized on approved premises, the registrar in whose presence the marriage is to be solemnized;”.
- 5 After section 51(1) (fees of registrars for attending marriages) there shall be inserted—
- “(1A) In the case of persons married on approved premises in pursuance of section 26(1)(bb) of this Act—
- (a) subsection (1) of this section shall not apply, but
  - (b) the superintendent registrar in whose presence the persons are married shall be entitled to receive from them a fee of an amount determined in accordance with regulations under section 46A of this Act by the local authority that approved the premises.”
- 6 In section 53 (persons by whom marriages are to be registered) after paragraph (f) there shall be added—
- “(g) in the case of a marriage solemnized on approved premises in pursuance of section 26(1)(bb) of this Act, by the registrar in whose presence the marriage is solemnized.”
- 7 In section 75 (offences relating to solemnization of marriages)—
- (a) in subsection (2)(a)(ii) after “office” there shall be inserted “, approved premises”,
  - (b) after subsection (2)(a) there shall be inserted—
    - “(a) solemnizes a marriage purporting to be in pursuance of section 26(1)(bb) of this Act on premises that are not approved premises;”,

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- (c) after subsection (2)(c) there shall be inserted—
  - “(c) solemnizes a marriage on approved premises in pursuance of section 26(1)(bb) of this Act in the absence of a registrar of the district in which the premises are situated;”, and
- (d) in subsection (3)(d) for “section 26(1)(dd)” there shall be substituted “section 26(1)(bb) or (dd)”.

8 In section 78(1) (interpretation) before the definition of “authorised chapel” there shall be inserted—

““approved premises” means premises approved in accordance with regulations under section 46A of this Act as premises on which marriages may be solemnized in pursuance of section 26(1)(bb) of this Act;”.

9 In section 1(1) of the Marriage (Registrar General’s Licence) Act 1970 (marriages which may be solemnized by Registrar General’s licence) for “elsewhere than at a registered building or the office of a superintendent registrar” there shall be substituted “elsewhere than at a registered building, the office of a superintendent registrar or approved premises”.