



Foreign Marriage Act 1947

1947 CHAPTER 33 10 and 11 Geo 6

2 Re-enactment of s.22 of the Foreign Marriage Act, 1892.

For the said section twenty-two of the Foreign Marriage Act, 1892, the following section shall be substituted :—

“22 Validity of marriages solemnised by chaplains of H.M. forces serving abroad and other persons.

- (1) A marriage solemnised in any foreign territory by a chaplain serving with any part of the naval, military or air forces of His Majesty serving in that territory or by a person authorised, either generally or in respect of the particular marriage, by the commanding officer of any part of those forces serving in that territory shall, subject as hereinafter provided, be as valid in law as if the marriage had been solemnised in the United Kingdom with a due observance of all forms required by law:

Provided that this subsection shall only apply if—

- (a) one at least of the parties to the marriage is a member of the said forces serving in that territory in such other capacity as may be prescribed by Order in Council; and
- (b) such other conditions as may be so prescribed are complied with.

- (2) In this section the expression “foreign territory” means territory other than—

- (a) any part of His Majesty’s dominions;
- (b) any British protectorate; or
- (c) any other country or territory under His Majesty’s protection or suzerainty or in which His Majesty has for the time being jurisdiction:

Provided that His Majesty may by Order in Council direct that—

- (i) any British protectorate or any such other country or territory as is referred to in paragraph (c) hereof; or
- (ii) any part of His Majesty’s dominions which has been occupied by a State at war with His Majesty and in which the facilities for marriage in accordance with the local law have not in the

Changes to legislation: There are currently no known outstanding effects for the Foreign Marriage Act 1947, Section 2. (See end of Document for details)

opinion of His Majesty been adequately restored; shall, while the Order remains in force, be treated as foreign territory for the purposes of this section.

- (3) Any reference in this section to foreign territory, to forces serving in foreign territory and to persons employed in foreign territory shall include references to ships which are for the time being in the waters of any foreign territory, to forces serving in any such ship and to persons employed in any such ship, respectively.
- (4) His Majesty may by order in Council provide for the registration of marriages solemnised under this section, and for the application thereto, with such adaptations as may be necessary, of any provisions of the Births and deaths Registration Acts, 1836 to 1947, of the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, or of any Act (including any Act, whether passed before or after the passing of this Act, of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to the registration of marriages, and the Order may, to such extent as may be, specified therein, may be applicable to marriages solemnised under section twenty-two of the Foreign Marriage Act, 1892, as originally enacted.
- (5) Where a marriage purports to have been solemnised under this section, it shall not be necessary in any legal proceeding touching the validity of the marriage to prove the authority of the person by or before whom it was solemnised, nor shall any evidence to prove his want of authority be given in any such proceeding.
- (6) Any order in Council made under the foregoing provisions of this section may be varied or revoked by a subsequent Order in Council, and any Order in Council made under this section shall be laid forthwith before each House of Parliament.”

Modifications etc. (not altering text)

- C1** The text of ss. 2, 4(2) and 6 is in the form in which it was originally enacted: it was not reproduced in Statutes in Force and does not reflect any amendments or repeals which may have been made prior to 1.2.1991.

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