



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

E+W

An Act to consolidate certain enactments relating to the solemnization and registration of marriages in England with such corrections and improvements as may be authorised under the Consolidation of Enactments (Procedure) Act, 1949. [24th November 1949]

## Modifications etc. (not altering text)

- C1 Act extended to border parishes by [Marriage \(Wales and Monmouthshire\) Act 1962 \(c. 32\), s. 2](#)
- C2 Act applied with modifications by [Sharing of Church Buildings Act 1969 \(c. 38\), s. 6, Sch. 1](#)
- C3 Power to amend Act given by [Public Expenditure and Receipts Act 1968 \(c. 14\), s. 5\(1\), Sch. 3](#)
- C4 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C5 By [S.I. 1978/1844, art. 12](#) the Act has effect as if The Isles (i.e. The Isles of Scilly as defined in art. 2(1)) were a non-metropolitan county
- C6 Act modified by [Pastoral Measure 1983 \(No. 1, SIF 21:4\), s. 29\(2\)\(a\)](#)
- C7 Act applied (with modifications) (1.2.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 20, 48\(3\); S.I. 2004/3398, art. 3](#)
- C8 Act modified (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\), ss. 43\(2\)\(a\), 112\(3\) \(with ss. 100, 105\(4\), 107, 108\(6\), Sch. 8\); 2012 No. 1, art. 2](#)
- C9 Act: power to amend conferred (26.5.2019) by [Civil Partnerships, Marriages and Deaths \(Registration etc\) Act 2019 \(c. 12\), s. 1\(1\)](#)

## Commencement Information

- I1 Act wholly in force at 1.1.1950 see [s. 80\(4\)](#)

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**PART I E+W**

RESTRICTIONS ON MARRIAGE

**1 Marriages within prohibited degrees. E+W**

- (1) A marriage solemnized [<sup>F1</sup>between a person and any person mentioned in the list in Part 1 of Schedule 1], shall be void.
- [<sup>F2</sup>(2) Subject to subsection (3) of this section, a marriage solemnized [<sup>F3</sup>between a person and any person mentioned in the list in Part 2 of Schedule 1], shall be void.
- (3) Any such marriage as is mentioned in subsection (2) of this section shall not be void by reason only of affinity if both the parties to the marriage have attained the age of twenty-one at the time of the marriage and the younger party has not at any time before attaining the age of eighteen been a child of the family in relation to the other party.]
- <sup>F4</sup>(4) .....
- <sup>F4</sup>(5) .....
- <sup>F4</sup>(6) .....
- <sup>F4</sup>(7) .....
- <sup>F4</sup>(8) .....

**Textual Amendments**

**F1** Words in s. 1(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 13(2)**; S.I. 2005/3175, art. 2(2)

**F2** S. 1(2)–(5) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(6), **Sch. 1 para. 2**; original s. 1(2)(3) repealed by [Marriage \(Enabling\) Act 1960 \(c. 29\)](#), **Sch. 1 para. 13(3)**; S.I. 2005/3175, art. 2(2)

**F3** Words in s. 1(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 13(3)**; S.I. 2005/3175, art. 2(2)

**F4** S. 1(4)–(8) omitted (1.3.2007) by virtue of [The Marriage Act 1949 \(Remedial\) Order 2007 \(S.I. 2007/438\)](#), arts. 1(1), **2(a)** (with art. 1(2))

**2 Marriages of persons under [<sup>F5</sup>eighteen]. E+W**

A marriage solemnized between persons either of whom is under the age of [<sup>F6</sup>eighteen] shall be void.

**Textual Amendments**

**F5** Word in s. 2 heading substituted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), **ss. 1(2)(a)**, 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

**F6** Word in s. 2 substituted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), **ss. 1(2)(b)**, 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

**<sup>F73</sup> Marriages of persons under twenty-one. E+W**

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**Textual Amendments**

- F7** S. 3 omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), [ss. 1\(3\)](#), 7(1) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

**Modifications etc. (not altering text)**

- C10** S. 3 extended by [Family Law Reform Act 1969 \(c. 46\)](#), [s. 2\(3\)](#); applied with modification by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), [s. 6](#)
- C11** S. 3 applied (with modifications) (4.5.2021) by 1956 c. 70, s. 1(3) (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 53\(2\)](#) (with Sch. 2))

**<sup>F8</sup>4 Hours for solemnization of marriages. E+W**

**Textual Amendments**

- F8** S. 4 repealed (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 114(1)(a), 120, [Sch. 10 Pt. 11](#) (with s. 97); S.I. 2012/2234, art. 3(m)

**PART II U.K.**

MARRIAGE ACCORDING TO RITES OF THE CHURCH OF ENGLAND

**Modifications etc. (not altering text)**

- C12** Pt. II applied by [Sharing of Church Buildings Act 1969 \(c. 38\)](#), [s. 6\(2\)](#)

*Preliminary*

**5 Methods of authorising marriages. E+W**

- [<sup>F9</sup>(1)] A marriage according to the rites of the Church of England may be solemnized—
- (a) after the publication of banns of matrimony;
  - (b) on the authority of a special licence of marriage granted by the Archbishop of Canterbury or any other person by virtue of the <sup>M1</sup>Ecclesiastical Licences Act, 1533 (in this Act referred to as a “special licence”);
  - (c) on the authority of a licence of marriage (other than a special licence) granted by an ecclesiastical authority having power to grant such a licence (in this Act referred to as a “common licence”); or
  - (d) on the authority of [<sup>F10</sup>a marriage schedule] under Part III of this Act.

[<sup>F11</sup> Subsection (1)(a)] of this section shall not apply in relation to the solemnization of [<sup>F12</sup>(2) any marriage mentioned in subsection (2) of section 1 of this Act.]

[<sup>F13</sup>(3) In a case where one or both of the persons whose marriage is to be solemnized is not a relevant national—

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- (a) subsection (1)(a) shall not apply unless the banns are published in accordance with section 14 (whether or not the banns are also published otherwise);
- (b) subsection (1)(c) shall not apply.]

#### Textual Amendments

- F9** S. 5(1): s. 5 renumbered as s. 5(1) (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(2)(a)**, 75(3); S.I. 2015/371, art. 2(2) (with art. 5)
- F10** Words in s. 5(1)(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 2** (with Sch. 2)
- F11** Words added by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(4)(6), **Sch. 1 para. 3**
- F12** Words in s. 5(2) substituted (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(2)(b)**, 75(3); S.I. 2015/371, art. 2(2) (with art. 5)
- F13** S. 5(3) inserted (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(2)(c)**, 75(3); S.I. 2015/371, art. 2(2) (with art. 5)

#### Modifications etc. (not altering text)

- C13** S. 5(3)(a) excluded (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), reg. 1(2), **Sch. 5 para. 3**
- C14** S. 5(3)(b) excluded (31.12.2020) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), reg. 1(2), **Sch. 5 para. 4**

#### Marginal Citations

- M1** 1533 c. 21.

### [<sup>F14</sup>5A Marriages between certain persons related by affinity. **E+W**

No clergyman shall be obliged—

- (a) to solemnize a marriage which, apart from the [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) [<sup>F15</sup>or the [Marriage Act 1949 \(Remedial\) Order 2007](#)], would have been void by reason of the relationship of the persons to be married; or
- (b) to permit such a marriage to be solemnized in the church or chapel of which he is the minister.]

#### Textual Amendments

- F14** S. 5A inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), **s. 3**
- F15** Words in s. 5A inserted (1.3.2007) by [The Marriage Act 1949 \(Remedial\) Order 2007 \(S.I. 2007/438\)](#), arts. 1(1), **2(b)** (with art. 1(2))

### [<sup>F16</sup>5B Marriages involving person of acquired gender **E+W**

- (1) A clergyman is not obliged to solemnise the marriage of a person if the clergyman reasonably believes that the person's gender has become the acquired gender under the [Gender Recognition Act 2004](#).

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- (2) A clerk in Holy Orders of the Church in Wales is not obliged to permit the marriage of a person to be solemnised in the church or chapel of which the clerk is the minister if the clerk reasonably believes that the person's gender has become the acquired gender under that Act.]

#### Textual Amendments

**F16** S. 5B inserted (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), s. 26, **Sch. 4 para. 3**; S.I. 2005/54, art. 2

### *Marriage by banns*

#### **6 Place of publication of banns. E+W**

- (1) Subject to the provisions of this Act, where a marriage is intended to be solemnized after the publication of banns of matrimony, the banns shall be published—
- (a) if the persons to be married reside in the same parish, in the parish church of that parish;
  - (b) if the persons to be married do not reside in the same parish, in the parish church of each parish in which one of them resides:

Provided that if either of the persons to be married resides in a chapelry or in a district specified in a licence granted under section twenty of this Act, the banns may be published in an authorised chapel of that chapelry or district instead of in the parish church of the parish in which that person resides.

- (2) In relation to a person who resides in an extra-parochial place, the last foregoing subsection shall have effect as if for references to a parish there were substituted references to that extra-parochial place, and as if for references to a parish church there were substituted references to an authorised chapel of that place.
- (3) For the purposes of this section, any parish in which there is no parish church or chapel belonging thereto or no church or chapel in which divine service is usually solemnized every Sunday, and any extra-parochial place which has no authorised chapel, shall be deemed to belong to any adjoining parish or chapelry.
- (4) Banns of matrimony may be published in any parish church or authorised chapel which is the usual place of worship of the persons to be married or of one of them although neither of those persons resides in the parish or chapelry to which the church or chapel belongs:

Provided that the publication of banns by virtue of this subsection shall be in addition to and not in substitution for the publication of banns required by subsection (1) of this section.

#### Modifications etc. (not altering text)

**C15** S. 6(3) applied (with modifications) by 2008 gsm 1, s. 1A (as inserted (1.6.2013) by [Church of England Marriage \(Amendment\) Measure 2012 \(No. 1\)](#), **ss. 1(1), 3(2)**; 2013 No. 1, art. 2)

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## 7 Time and manner of publication of banns. **E+W**

- (1) Subject to the provisions of section nine of this Act, banns of matrimony shall be published on three Sundays preceding the solemnization of the marriage [<sup>F17</sup>during either the principal service or both the principal service and another service].
- [<sup>F18</sup>(1A) In subsection (1) of this section “principal service” means the service at which, in the opinion of the clergyman or other person who, under section 9 of this Act, has the responsibility for publishing banns of matrimony, the greatest number of persons who habitually attend public worship are likely to attend.
- (1B) Where banns of matrimony are published on a Sunday during both the principal service and another service, both of those occasions shall be deemed to be the same time of asking for the purposes of the form of words referred to in subsection (2) of this section.]
- (2) Banns of matrimony shall be published in an audible manner and in accordance with the form of words prescribed by the rubric prefixed to the office of matrimony in the Book of Common Prayer [<sup>F19</sup>or set out in section 2 of the Church of England Marriage (Amendment) Measure 2012.], and all the other rules prescribed by the said rubric concerning the publication of banns and the solemnization of matrimony shall, so far as they are consistent with the provisions of this Part of this Act, be duly observed.
- (3) The parochial church council of a parish shall provide for every church and chapel in the parish in which marriages may be solemnized, a register book of banns made of durable materials <sup>F20</sup>..., and all banns shall be published from the said register book of banns by the officiating clergyman, and not from loose papers, and after each publication the entry in the register book shall be signed by the officiating clergyman, or by some person under his direction.
- [<sup>F21</sup>(3A) A register book of banns must be marked as follows—
- (a) every place of entry is to be numbered consecutively from the beginning to the end of the book on each side of every page, beginning with the number one;
  - (b) every entry is to be divided from the following entry by a printed line;
  - (c) every entry must contain—
    - (i) the names of the parties to the marriage,
    - (ii) the parish or other place where each party to the marriage resides, and
    - (iii) the dates on which the banns of matrimony in respect of the marriage were published.]
- (4) Any reference in [<sup>F22</sup>subsection (3)] to a parochial church council shall, in relation to an authorised chapel in an extra-parochial place, be construed as a reference to the chapel warden or other officer exercising analogous duties in the chapel or, if there is no such officer, such person as may be appointed in that behalf by the bishop of the diocese.

### Textual Amendments

- F17** Words in s. 7(1) substituted (19.12.2003) by [Church of England Marriage \(Amendment\) Measure 2012 \(No. 1\)](#), **ss. 2(2)(a)**, 3(2)
- F18** S. 7(1A)(1B) inserted (19.12.2003) by [Church of England Marriage \(Amendment\) Measure 2012 \(No. 1\)](#), **ss. 2(2)(b)**, 3(2)
- F19** Words in s. 7(2) inserted (19.12.2003) by [Church of England Marriage \(Amendment\) Measure 2012 \(No. 1\)](#), **ss. 2(2)(c)**, 3(2)

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- F20** Words in s. 7(3) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 3(2)** (with Sch. 2)
- F21** S. 7(3A) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 3(3)** (with Sch. 2)
- F22** Words in s. 7(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 3(4)** (with Sch. 2)

## 8 Notice to clergyman before publication of banns. **E+W**

- [<sup>F23</sup>(1)] No clergyman shall be obliged to publish banns of matrimony unless the persons to be married, at least seven days before the date on which they wish the banns to be published for the first time, deliver or cause to be [<sup>F24</sup>delivered to him—
- (a) a notice] in writing, dated on the day on which it is so delivered, stating the christian name and surname and the place of residence of each of them, and the period during which each of them has resided at his or her place of residence [<sup>F25</sup>, and
  - (b) specified evidence that both of the persons are relevant nationals.
- (2) In this section “specified evidence” means evidence that is in accordance with regulations made under section 28G.]

### Textual Amendments

- F23** S. 8(1): s. 8 renumbered as s. 8(1) (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(3)(a)**, 75(3); S.I. 2015/371, art. 2(2) (with art. 5)
- F24** Words in s. 8 substituted (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(3)(b)**, 75(3); S.I. 2015/371, art. 2(2) (with art. 5)
- F25** Words in s. 8 inserted (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(3)(c)**, 75(3); S.I. 2015/371, art. 2(2) (with art. 5)

### Modifications etc. (not altering text)

- C16** S. 8 applied (with modifications) (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 1(8)(a)**, 5(2); 2008 No. 2, Instrument made by Archbishops
- C17** S. 8 applied (with modifications) (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 2(8)(a)**, 6(2) (with s. 1)

## 9 Persons by whom banns may be published. **E+W**

- (1) Subject to the provisions of this section and of section fourteen of this Act, it shall not be lawful for any person other than a clergyman to publish banns of matrimony.
- (2) Where on any Sunday in any church or other building in which banns of matrimony may be published a clergyman does not officiate at the service at which it is usual in that church or building to publish banns, the banns may be published—
- (a) by a clergyman at some other service at which banns of matrimony may be published; or
  - (b) by a layman during the course of a public reading authorised by the bishop of the diocese of a portion or portions of the service of morning or evening prayer, the public reading being at the hour when the service at which it is usual to publish banns is commonly held or at such other hour as the bishop may authorise:

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Provided that banns shall not be published by a layman unless the incumbent or minister in charge of the said church or building, or some other clergyman nominated in that behalf by the bishop, has made or authorised to be made the requisite entry in the register book of banns of the said church or building.

- (3) Where a layman publishes banns of matrimony by virtue of this section the layman shall sign the register book of banns provided under section seven of this Act and for that purpose shall be deemed to be the officiating clergyman within the meaning of that section.

## 10 Publication of banns commenced in one church and completed in another. **E**

- (1) Where the publication of banns of matrimony has been duly commenced in any church, the publication may be completed in the same church or in any other church which, by virtue of [<sup>F26</sup>the Mission and Pastoral Measure 2011], has at the time of the completion taken the place of the first-mentioned church for the purpose of publication of banns of matrimony either generally or in relation to the parties to the intended marriage.
- (2) Where the publication of banns of matrimony has been duly commenced in any building which by virtue of a reorganisation scheme under [<sup>F27</sup>the Mission and Pastoral Measure 2011], ceases to be a parish church or, as the case may be, ceases to be licensed for marriages, the publication may be completed in such other building, being either a parish church or a building licensed for marriages, as may be directed by the bishop of the diocese to take the place of the first-mentioned building for the purposes of the publication of banns.

### Textual Amendments

- F26** Words in s. 10(1) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), **Sch. 1 para. 2(2)**; S.I. 2019/97, **art. 2**
- F27** Words in s. 10(2) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), **Sch. 1 para. 2(3)**; S.I. 2019/97, **art. 2**

### Modifications etc. (not altering text)

- C18** S. 10(1) amended by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#), ss. 29, 32, 40, **Sch. 3 para. 14(1)**
- C19** S. 10(1) modified (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), **Sch. 3 para. 12(1)** (with ss. 100, 105(4), 107, 108(6), Sch. 8); 2012 No. 1, art. 2

## 11 Certificates of publication of banns. **E+W**

- (1) Where a marriage is intended to be solemnized after the publication of banns of matrimony and the persons to be married do not reside in the same parish or other ecclesiastical district, a clergyman shall not solemnize the marriage in the parish or district in which one of those persons resides unless there is produced to him a certificate that the banns have been published in accordance with the provisions of this Part of this Act in the parish or other ecclesiastical district in which the other person resides.
- (2) Where a marriage is intended to be solemnized in a church or chapel of a parish or other ecclesiastical district in which neither of the persons to be married resides, after



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the publication of banns therein by virtue of subsection (4) of section six of this Act, a clergyman shall not solemnize the marriage unless there is produced to him—

- (a) if the persons to be married reside in the same parish or other ecclesiastical district, a certificate that the banns have been published in accordance with the provisions of this Part of this Act in that parish or district; or
  - (b) if the persons to be married do not reside in the same parish or other ecclesiastical district, certificates that the banns have been published as aforesaid in each parish or district in which one of them resides.
- (3) Where banns are published by virtue of subsection (3) of section six of this Act in a parish or chapelry adjoining the parish or extra-parochial place in which the banns would otherwise be required to be published, a certificate that the banns have been published in that parish or chapelry shall have the like force and effect as a certificate that banns have been published in a parish in which one of the persons to be married resides.
- (4) Any certificate required under this section shall be signed by the incumbent or minister in charge of the building in which the banns were published or by a clergyman nominated in that behalf by the bishop of the diocese.

**Modifications etc. (not altering text)**

- C20** S. 11(2) applied (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 1(7), 5(2); 2008 No. 2**, Instrument made by Archbishops
- C21** S. 11(2) applied (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 2(7), 6(2)** (with s. 1)
- C22** S. 11(4) applied (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 1(7), 5(2); 2008 No. 2**, Instrument made by Archbishops
- C23** S. 11(4) applied (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 2(7), 6(2)** (with s. 1)

**12 Solemnization of marriage after publication of banns. E+W**

- (1) Subject to the provisions of this Part of this Act, where banns of matrimony have been published, the marriage shall be solemnized in the church or chapel or, as the case may be, one of the churches or chapels in which the banns have been published.
- (2) Where a marriage is not solemnized within three months after the completion of the publication of the banns, that publication shall be void and no clergyman shall solemnize the marriage on the authority thereof.

**13 Publication of banns in Scotland, Northern Ireland or Republic of Ireland. U.K.**

Where a marriage is intended to be solemnized in England, after the publication of banns of matrimony, between parties of whom one is residing in England and the other is residing in Scotland, Northern Ireland or the Republic of Ireland, then, if banns have been published or proclaimed in any church of the parish or place in which that other party is residing according to the law or custom there prevailing, a certificate given in accordance with that law or custom that the banns have been so published or proclaimed shall as respects that party be sufficient for the purposes of section eleven of this Act, and the marriage shall not be void by reason only that the banns have not been published in the manner required for the publication of banns in England.

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#### 14 **Publication of banns on board His Majesty's ships.** E+W

- (1) Where a marriage is intended to be solemnized in England, after the publication of banns of matrimony, between parties of whom one is residing in England and the other is an officer, seaman or marine borne on the books of one of His Majesty's ships at sea, the banns may be published on three successive Sundays during morning service on board that ship by the chaplain, or, if there is no chaplain, by the captain or other officer commanding the ship, and, where banns have been so published, the person who published them shall, unless the banns have been forbidden on any of the grounds on which banns may be forbidden, give a certificate of publication.
- (2) A certificate issued under this section shall be in such form as may be prescribed by the Admiralty and shall, as respects the party who is an officer, seaman or marine as aforesaid, be sufficient for the purposes of section eleven of this Act, and all provisions of this Act (including penal provisions) relating to the publication of banns and certificates thereof and all rules required by section seven of this Act to be observed shall apply in the case of banns published under this section subject to such adaptations therein as may be made by His Majesty by Order in Council.

#### *Marriage by Common Licence*

#### 15 **Places in which marriages may be solemnized by common licence.** E+W

- (1) Subject to the provisions of this Part of this Act, a common licence shall not be granted for the solemnization of a marriage in any church or chapel other than—
  - (a) the parish church of the parish, or an authorised chapel of the ecclesiastical district, in which one of the persons to be married has had his or her usual place of residence for fifteen days immediately before the grant of the licence; or
  - (b) a parish church or authorised chapel which is the usual place of worship of the persons to be married or of one of them.
- (2) For the purposes of this section, any parish in which there is no parish church or chapel belonging thereto or no church or chapel in which divine service is usually solemnized every Sunday, and any extra-parochial place which has no authorised chapel, shall be deemed to belong to any adjoining parish or chapelry.

##### **Modifications etc. (not altering text)**

**C24** S. 15 excluded (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 2(1), 5(2)**; [2008 No. 2](#), Instrument made by Archbishops

**C25** S. 15 excluded (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 3(1), 6(2)** (with s. 1)

#### 16 **Provisions as to common licences.** E+W

- (1) A common licence shall not be granted unless one of the persons to be married has sworn before a person having authority to grant such a licence—
  - (a) that he or she believes that there is no impediment of kindred or alliance or any other lawful cause, nor any suit commenced in any court, to bar or hinder the solemnization of the marriage in accordance with the licence;
  - (b) that one of the persons to be married has had his or her usual place of residence in the parish or other ecclesiastical district in which the marriage is to be

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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solemnized for fifteen days immediately before the grant of the licence or that the parish church or authorised chapel in which the marriage is to be solemnized is the usual place of worship of those persons or of one of them;

<sup>F28</sup>(c) .....

[<sup>F29</sup>(1A) A common licence shall not be granted for the solemnization of a marriage mentioned in subsection (2) of section 1 of this Act unless—

- (a) the person having authority to grant the licence is satisfied by the production of evidence that both the persons to be married have attained the age of twenty-one; and
- (b) he has received a declaration in writing made by each of those persons specifying their affinal relationship and declaring that the younger of those persons has not at any time before attaining the age of eighteen been a child of the family in relation to the other.]

<sup>F30</sup>(1B) .....

[<sup>F31</sup>(1C) A common licence shall not be granted unless the persons to be married deliver to the person granting the licence specified evidence that both of the persons are relevant nationals.

(1D) For that purpose “specified evidence” means evidence that is in accordance with regulations made under section 28G.]

(2) [<sup>F32</sup>Subject to subsection (2A) of this section] if any caveat is entered against the grant of a common licence, the caveat having been duly signed by or on behalf of the person by whom it is entered and stating his place of residence and the ground of objection on which the caveat is founded, no licence shall be granted until the caveat or a copy thereof is transmitted to the ecclesiastical judge out of whose office the licence is to issue, and the judge has certified to the registrar of the diocese that he has examined into the matter of the caveat and is satisfied that it ought not to obstruct the grant of the licence, or until the caveat is withdrawn by the person who entered it.

[<sup>F33</sup>(2A) Where in the case of a marriage mentioned in subsection (2) of section 1 of this Act a caveat is entered under subsection (2) of this section on the ground that the persons to be married have not both attained the age of twenty-one or that one of those persons has at any time before attaining the age of eighteen been a child of the family in relation to the other, then, notwithstanding that the caveat is withdrawn by the person who entered it, no licence shall be issued unless the judge has certified that he has examined into that ground of objection and is satisfied that that ground ought not to obstruct the grant of the licence.

(2B) In the case of a marriage mentioned in subsection (2) of section 1 of this Act, one of the persons to be married may apply to the ecclesiastical judge out of whose office the licence is to issue for a declaration that, both those persons having attained the age of twenty-one and the younger of those persons not having at any time before attaining the age of eighteen been a child of the family in relation to the other, there is no impediment of affinity to the solemnization of the marriage; and where any such declaration is obtained the common licence may be granted notwithstanding that no declaration has been made under the said subsection (1A).]

(3) Where a marriage is not solemnized within three months after the grant of a common licence, the licence shall be void and no clergyman shall solemnize the marriage on the authority thereof.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (4) No surrogate deputed by an ecclesiastical judge who has power to grant common licences shall grant any such licence until he has taken an oath before that judge, or a commissioner appointed under the seal of that judge, faithfully to execute his office according to law, to the best of his knowledge, . . . <sup>F34</sup>.

#### Textual Amendments

- F28** S. 16(1)(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) (c. 28), s. 7(1), **Sch. para. 1(2)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F29** S. 16 (1A)(1B) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) (c. 16, SIF 49:1), s. 1(4)(6), **Sch. 1 para. 4(a)**
- F30** S. 16(1B) repealed (1.3.2007) by [The Marriage Act 1949 \(Remedial\) Order 2007](#) (S.I. 2007/438), arts. 1(1), **3(a)(i)** (with art. 1(2))
- F31** S. 16(1C)(1D) inserted (2.3.2015) by [Immigration Act 2014](#) (c. 22), **ss. 57(4)**, 75(3); S.I. 2015/371, art. 2(2) (with art. 5)
- F32** Words inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) (c. 16, SIF 49:1), s. 1(4)(6), **Sch. 1 para. 4(b)**
- F33** S. 16(2A)(2B) by [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) (c. 16, SIF 49:1), s. 1(4)(6), **Sch. 1 para. 4(c)**
- F34** Words repealed by [Statute Law \(Repeals\) Act 1975](#) (c. 10), s. 1(1), **Sch. Pt. VI**

#### Modifications etc. (not altering text)

- C26** S. 16(1)(b) modified (18.3.2010) by [Marriage \(Wales\) Act 2010](#) (c. 6), **ss. 3(1)**, 6(2) (with s. 1)
- C27** S. 16(4) amended by [Statute Law \(Repeals\) Act 1975](#) (c. 10), **s. 1(3)**

### *Marriage under [<sup>F35</sup>marriage schedule]*

#### Textual Amendments

- F35** Words in s. 17 cross-heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 4** (with Sch. 2)

### 17 **Marriage under [<sup>F36</sup>marriage schedule].** **E+W**

A marriage according to the rites of the Church of England may be solemnized on the authority of [<sup>F37</sup>a marriage schedule] in force under Part III of this Act in any church or chapel in which banns of matrimony may be published [<sup>F38</sup>or in the case of a marriage in pursuance of section 26(1)(dd) of this Act the place specified in the [<sup>F39</sup>notices of marriage [<sup>F40</sup>and (if so specified) in the marriage schedule]] as the place where the marriage is to be solemnized]:

Provided that a marriage shall not be solemnized as aforesaid in any such church or chapel without the consent of the minister thereof or [<sup>F41</sup>(wherever the marriage is solemnized)] by any person other than a clergyman.

#### Textual Amendments

- F36** Words in s. 17 heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 5(a)** (with Sch. 2)

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- F37** Words in s. 17 substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 5(b)** (with Sch. 2)
- F38** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 2(a)**
- F39** Words in s. 17 substituted (1.1.2001) by [1999 c. 33, s. 169\(1\)](#), Sch. 14 para. 3, **6(b)**; [S.I. 2000/2698](#), art. 2
- F40** Words in s. 17 substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 5(c)** (with Sch. 2)
- F41** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 2(b)**

*Publication of banns and solemnization of marriages during disuse of churches*

**18 Publication of banns and solemnization of marriages during repair and rebuilding of churches.** **E+W**

- (1) Where any church or chapel in which banns may be published and marriages solemnized is being rebuilt or repaired, and on that account is not being used for divine service, banns of matrimony which could otherwise have been published therein and marriages which could otherwise have been solemnized therein may be published or solemnized, as the case may be,—
  - (a) in any building licensed by the bishop of the diocese for the performance of divine service during the disuse of the church or chapel, being a building within the parish or other ecclesiastical district in which the disused church or chapel is situated; or
  - (b) if no building has been licensed as aforesaid, in any such consecrated chapel as the bishop of the diocese may in writing direct, being a chapel within the said parish or district; or
  - (c) if no building has been licensed as mentioned in paragraph (a) of this subsection and no direction has been given by the bishop under the last foregoing paragraph, in a church or chapel of any adjoining parish or other ecclesiastical district, being a church or chapel in which banns may be published and marriages solemnized.
- (2) Any fees paid in respect of marriages solemnized by virtue of paragraph (b) of the last foregoing subsection in a consecrated chapel specified in a direction given by the bishop of the diocese under that paragraph shall be applied as the bishop, with the consent of the incumbent of the disused church or chapel, may in writing direct.

<sup>F42</sup>(3) .....

**Textual Amendments**

- F42** [S. 18\(3\)](#) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 6** (with Sch. 2)

**19 Publication of banns and solemnization of marriage where church injured by war damage.** **E**

Where an order made by the Church Commissioners under section three of the <sup>M2</sup>Diocesan Reorganisation Committees Measure, 1941, (which enables orders to be made deferring the restoration of churches injured by war damage) is in force as respects any church, banns of matrimony of persons entitled to be married in that

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church may be published, and marriages of such persons may be solemnized, in such other church, chapel or place of worship within the diocese as the bishop of the diocese shall in writing direct.

**Marginal Citations**

**M2** 1941 No. 1.

*Licensing of chapels for publication of banns and solemnization of marriages*

**20 Licensing of chapels for publication of banns and solemnization of marriages for persons residing in specified district. E+W**

- (1) Subject to the provisions of this section, the bishop of the diocese in which a public chapel is situated may—
  - (a) if he thinks it necessary so to do for the due accommodation and convenience of the inhabitants of any district; and
  - (b) if the <sup>F43</sup> . . . incumbent of the church of the parish in which the public chapel is situated have signified their consent under their respective hands and seals, authorise by a licence under his hand and seal the publication of banns and the solemnization of marriages in that public chapel between parties both or either of whom reside or resides within a district of which the limits shall be specified in the licence; and any such licence may include such <sup>F44</sup> . . . particulars as the bishop thinks fit.
- (2) Notwithstanding anything in the last foregoing subsection, the bishop of the diocese may grant a licence under this section without the consent of the <sup>F45</sup> . . . incumbent of the church of the parish in which the public chapel is situated after two months notice in writing given to the <sup>F45</sup> . . . incumbent by the registrar of the diocese:
 

Provided that where any <sup>F45</sup> . . . incumbent who refuses or withholds his consent to the grant of a licence under this section delivers to the bishop under his hand and seal a statement of the reasons for which the consent has been refused or withheld, no licence shall be granted by the bishop until he has inquired into the reasons contained in the statement.
- (3) Where a bishop grants a licence under this section without the consent of the <sup>F45</sup> . . . incumbent, the <sup>F45</sup> . . . incumbent may, within one month from the grant of the licence, appeal to the archbishop of the province who shall hear the appeal in a summary manner, and shall make such order confirming, revoking or varying the licence as seems to him expedient.
- (4) Any licence granted or order made under this section may at any time be revoked in writing under the hand and seal of the bishop of the diocese with the consent in writing of the archbishop of the province; and the registrar of the diocese shall notify the revocation in writing to the minister officiating in the chapel concerned and shall give public notice of the revocation by advertisement in some newspaper circulating within the county in which the chapel is situated and in the London Gazette.
- (5) There shall be displayed in some conspicuous part of the interior of any chapel licensed under this section the words “Banns may be published and marriages may be solemnized in this chapel”.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (6) Every consent of a <sup>F45</sup> . . . incumbent delivered under subsection (1) of this section, a copy of every notice given by the registrar of a diocese under subsection (2) of this section, every statement of reasons delivered by a <sup>F45</sup> . . . incumbent under the said subsection (2), together with the bishop’s decision thereon under his hand and seal, every order made by an archbishop under subsection (3) of this section and every revocation and consent made or given under subsection (4) of this section, shall be registered in the registry of the diocese.
- (7) The district specified in a licence granted under this section may be taken out of more than one parish; and where any such licence specifies a district taken out of more than one parish the expressions <sup>F45</sup> . . . “incumbent” shall for the purposes of this section mean the <sup>F45</sup> . . . incumbent, <sup>F45</sup> . . . , of the church of every parish out of which the district so specified is taken.
- [<sup>F46</sup>(7A) In the case of a benefice to which a suspension period within the meaning of the Mission and Pastoral Measure 2011 applies and for which a priest in charge has been appointed, this section has effect as if each reference to the incumbent were a reference to the priest in charge.]
- (8) In this section the expression “public chapel” means any public chapel with or without a chapelry annexed thereto, or any chapel duly licensed for the celebration of divine service according to the rites and ceremonies of the Church of England, or any chapel the minister of which is duly licensed to officiate therein according to the rites and ceremonies of the Church of England.

#### Extent Information

**E1** S. 20(7) does not extend to Wales; see s. 80(3), Sixth Sch.

#### Textual Amendments

**F43** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3\)](#), ss. 34(3), 41, **Sch. 5**

**F44** Words in s. 20(1) repealed (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), ss. **4(3)**, 6(2); 2011 No. 1, art. 2

**F45** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3\)](#), s. 41, **Sch. 5**

**F46** S. 20(7A) inserted (1.3.2019) by [Church of England \(Miscellaneous Provisions\) Measure 2018 \(No. 7\)](#), ss. **3**, 17(3); S.I. 2019/67, art. **2(1)(b)**

#### Modifications etc. (not altering text)

**C28** S. 20 applied by [Sharing of Church Buildings Act 1969 \(c. 38\)](#), s. **6(2)(b)**

## 21 Authorising of publication of banns and solemnization of marriages in churches and chapels of extra-parochial places. **E+W**

- (1) Where any extra-parochial place has belonging to it or within it any church or chapel of the Church of England, the bishop of the diocese in which the church or chapel is situated may, if he thinks fit, authorise in writing under his hand and seal the publication of banns and the solemnization of marriages by banns or licence in that church or chapel between parties both or either of whom reside or resides in that extra-parochial place.
- (2) Every authorisation given under the last foregoing subsection shall be registered in the registry of the diocese.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**Modifications etc. (not altering text)**

**C29** S. 21 applied by [Sharing of Church Buildings Act 1969 \(c. 38\), s. 6\(4\)](#)

*[<sup>F47</sup>Issue of marriage document after publication of banns or the grant of a special or common licence*

**Textual Amendments**

**F47** S. 21A and cross-heading inserted (27.3.2021 for specified purposes, 19.4.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(4)(c)(7)(a), [Sch. 1 para. 7](#) (with [Sch. 2](#))

**21A Issue of marriage document after publication of banns or the grant of a special or common licence** **U.K.**

- (1) This section applies to a marriage solemnized—
  - (a) after the publication of banns,
  - (b) on the authority of a special licence, or
  - (c) on the authority of a common licence.
- (2) Before the solemnization of the marriage, the clergyman who is to solemnize the marriage must issue a document, or ensure a document is issued and provided to the clergyman, in any form, and with any content, that may be prescribed.
- (3) The document issued under subsection (2) is to be known as a “marriage document”.
- (4) The clergyman must retain the marriage document until it is delivered to a registrar in accordance with section 53D(2).]

*Miscellaneous Provisions*

**22 Witnesses.** **E+W**

All marriages solemnized according to the rites of the Church of England shall be solemnized in the presence of two or more witnesses in addition to the clergyman by whom the marriage is solemnized.

**23 Benefices held in plurality.** **E+W**

Where two or more benefices are held in plurality under the <sup>M3</sup>Pastoral Reorganisation Measure, 1949, the bishop of the diocese in which the benefices are situated or, during a vacancy in the see, the guardian of the spiritualities thereof, may in writing direct where banns of matrimony of persons entitled to be married in any church of those benefices may be published and where marriages of those persons may be solemnized:

Provided that—

- (a) nothing in this section shall deprive a person of the right to be married in any church in which he would have been entitled to be married if no directions had been given under this section; and



*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (b) a person may be married in a church in which he would have been entitled to be married as aforesaid notwithstanding that the banns of matrimony have, by virtue of this section, been published only in some other church.

**Modifications etc. (not altering text)**

**C30** S. 23 extended (with modifications) by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#) ss. 27, 29, 40, Sch. 3 para. 14(4)

**C31** S. 23 extended (with modifications) (W.) by [Marriage \(Wales\) Act 1986 \(c. 7, SIF 49:1\)](#), s. 1

**C32** S. 23 applied (with modifications) (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 3 para. 12\(4\)](#) (with ss. 100, 105(4), 107, 108(6), Sch. 8); 2012 No. 1, art. 2

**Marginal Citations**

**M3** 1949 No. 3.

**24 Proof of residence not necessary to validity of marriage by banns or common licence.** **E+W**

- (1) Where any marriage has been solemnized after the publication of banns of matrimony, it shall not be necessary in support of the marriage to give any proof of the residence of the parties or either of them in any parish or other ecclesiastical district in which the banns were published, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.
- (2) Where any marriage has been solemnized on the authority of a common licence, it shall not be necessary in support of the marriage to give any proof that the usual place of residence of one of the parties was for fifteen days immediately before the grant of the licence in the parish or other ecclesiastical district in which the marriage was solemnized, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.

**25 Void marriages.** **E+W**

[<sup>F48</sup>(1) A marriage shall be void in any of the following cases.]

[<sup>F49</sup>(2)] [<sup>F50</sup>Case A is where any persons] knowingly and wilfully intermarry according to the rites of the Church of England (otherwise than by special licence)—

- (a) [<sup>F51</sup>except in the case of a marriage in pursuance of section 26(1)(*dd*) of this Act,] in any place other than a church or other building in which banns may be published;
- (b) without banns having been duly published, a common licence having been obtained, or [<sup>F52</sup>a marriage schedule] having been duly issued under Part III of this Act <sup>F53</sup>...; or
- (c) on the authority of a publication of banns which is void by virtue of <sup>F54</sup>... subsection (2) of section twelve of this Act, on the authority of a common licence which is void by virtue of subsection (3) of section sixteen of this Act, or on the authority of [<sup>F55</sup>a marriage schedule which is] void by virtue of subsection (2) of section thirty-three of this Act;
- (d) in the case of a marriage on the authority of [<sup>F56</sup>a marriage schedule], in any place other than the church [<sup>F57</sup>building or other place specified in the

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[<sup>F58</sup> notices of marriage [<sup>F59</sup> and (if so specified) in the marriage schedule]] as the place where the marriage is to be solemnized].

- [<sup>F60</sup>(3) Case B is where any persons knowingly and wilfully consent to or acquiesce in the solemnization of a Church of England marriage between them by a person who is not in Holy Orders.
- (4) Case C is where any persons of the same sex consent to or acquiesce in the solemnization of a Church of England marriage between them.
- (5) In subsections (3) and (4) “Church of England marriage” means a marriage according to the rites of the Church of England.]

#### Textual Amendments

- F48** S. 25(1) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 4(2)**; S.I. 2014/93, art. 3(k)(i)
- F49** Words in s. 25 renumbered as s. 25(2) (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 4(3)**; S.I. 2014/93, art. 3(k)(i)
- F50** Words in s. 25(2) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 4(3)**; S.I. 2014/93, art. 3(k)(i)
- F51** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 3(a)**
- F52** Words in s. 25(2)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(2)(a)** (with Sch. 2)
- F53** Words in s. 25(2)(b) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(2)(b)** (with Sch. 2)
- F54** Words in s. 25(2)(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 1(3)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F55** Words in s. 25(2)(c) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(3)** (with Sch. 2)
- F56** Words in s. 25(2)(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(4)(a)** (with Sch. 2)
- F57** Words substituted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 3(b)**
- F58** Words in s. 25(2)(d) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **7(c)**; S.I. 2000/2698, **art. 2**
- F59** Words in s. 25(2)(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(4)(b)** (with Sch. 2)
- F60** S. 25(3)-(5) substituted for words in s. 25(2) (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 4(4)**; S.I. 2014/93, art. 3(k)(i)

## PART III U.K.

### MARRIAGE UNDER [<sup>F61</sup>MARRIAGE SCHEDULE]

#### Textual Amendments

- F61** Words in Pt. 3 heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 9** (with Sch. 2)

#### Modifications etc. (not altering text)

- C33** Pt. III applied (S.) as to issue of certificates for marriage by [Marriage \(Scotland\) Act 1956 \(c. 70\)](#), s. **1(3)**

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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**C34** Pt. 3 applied (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 1\(2\)\(a\), 21\(3\)](#); S.I. 2014/93, art. 3(a)

*Issue of <sup>F62</sup>a marriage schedule]*

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**Textual Amendments**

**F62** Words in s. 26 cross-heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 10](#) (with Sch. 2)

**<sup>F63</sup>26 Marriage of a man and a woman; marriage of same sex couples for which no opt-in necessary E+W**

- (1) The following marriages may be solemnized on the authority of <sup>F64</sup>a marriage schedule]—
- (a) a marriage of a man and a woman, in a building registered under section 41, according to such form and ceremony as the persons to be married see fit to adopt;
  - (b) a marriage of any couple in the office of a superintendent registrar;
  - (bb) a marriage of any couple on approved premises;
  - (c) a marriage of a man and a woman according to the usages of the Society of Friends (commonly called Quakers);
  - (d) a marriage between a man and a woman professing the Jewish religion according to the usages of the Jews;
  - (dd) a qualifying residential marriage;
  - (e) a marriage of a man and a woman according to the rites of the Church of England in any church or chapel in which banns of matrimony may be published.
- (2) In this section “qualifying residential marriage” means—
- (a) the marriage of a man and a woman (other than a marriage in pursuance of subsection (1)(c) or (d) above), one or each of whom is house-bound or a detained person, at the usual place of residence of the house-bound or detained person or persons, or
  - (b) the marriage of a same sex couple (other than a marriage according to the rites of the Church of England or other religious rites or usages), one or each of whom is house-bound or a detained person, at the usual place of residence of the house-bound or detained person or persons.]

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**Textual Amendments**

**F63** S. 26 substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 3, 21\(3\)](#) (with Sch. 7 para. 1); S.I. 2014/93, art. 3(a)

**F64** Words in s. 26(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 11\(a\)](#) (with Sch. 2)

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**[<sup>F65</sup>26A Opt-in to marriage of same sex couples: places of worship U.K.]**

- (1) A marriage of a same sex couple in an appropriately registered building according to such form and ceremony as the persons to be married see fit to adopt may be solemnized on the authority of [<sup>F66</sup>a marriage schedule].
- (2) For the purposes of this section “appropriately registered building” means a building which has been registered under section 43A.
- (3) An application for registration of a building under section 43A may not be made unless the relevant governing authority has given written consent to marriages of same sex couples.
- (4) For that purpose, in relation to a building—
  - “relevant governing authority” means the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;
  - “relevant religious organisation” means the religious organisation for whose religious purposes the building is used.
- (5) Nothing in this section is to be taken to relate or have any reference to marriages solemnized according to the rites of the Church of England.
- (6) This section is subject (in particular) to sections 44A to 44C (registration of shared buildings for marriage of same sex couples) and regulations made under any of those sections.]

**Textual Amendments**

- F65** S. 26A inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), **ss. 4(1), 21(3)**; S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(b)
- F66** Words in s. 26A(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 11(b)** (with Sch. 2)

**[<sup>F67</sup>26B Opt-in to marriage of same sex couples: other religious ceremonies U.K.]**

- (1) A marriage may, in any of the following cases, be solemnized on the authority of [<sup>F68</sup>a marriage schedule].
- (2) Case A is where—
  - (a) the marriage is of a same sex couple according to the usages of the Society of Friends (commonly called Quakers), and
  - (b) the relevant governing authority has given written consent to such marriages of same sex couples.
- (3) For that purpose “relevant governing authority” means the recording clerk for the time being of the Society of Friends in London.
- (4) Case B is where—
  - (a) the marriage is of a same sex couple professing the Jewish religion according to the usages of the Jews, and
  - (b) the relevant governing authority has given written consent to such marriages of same sex couples.

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- (5) For that purpose the meaning of “relevant governing authority” is to be determined in accordance with this table—

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<i>The “relevant governing authority” is...</i>	<i>...if the marriage falls to be registered by...</i>
the Chief Rabbi of the United Hebrew Congregations of the Commonwealth	the secretary of a synagogue certified under paragraph (a) of the relevant definition (certification by the President of the Board of Deputies)
the person or persons duly recognised by the members of— (i) the West London Synagogue of British Jews (“the West London Synagogue”), and (ii) the other synagogues that are constituents of or affiliated to the Movement for Reform Judaism	— either the secretary of the West London Synagogue, as certified under paragraph (b) of the relevant definition — or the secretary of another synagogue in a case where: (i) the secretary is certified under paragraph (d) of the relevant definition by the secretary of the West London Synagogue, and (ii) the synagogue is one of those which are constituents of or affiliated to the Movement for Reform Judaism
the person or persons duly recognised by the members of— (i) the Liberal Jewish Synagogue, St. John's Wood (“the St. John's Wood Synagogue”), and (ii) the other synagogues that are constituents of or affiliated to Liberal Judaism	— either the secretary of the St. John's Wood Synagogue, as certified under paragraph (c) of the relevant definition — or the secretary of another synagogue in a case where: (i) the secretary is certified under paragraph (d) of the relevant definition by the secretary of the St. John's Wood Synagogue, and (ii) the synagogue is one of those which are constituents of or affiliated to Liberal Judaism
the person or persons duly recognised by the members of the synagogue by whose secretary the marriage falls to be registered	the secretary of a synagogue certified under paragraph (d) of the relevant definition (certification by the secretary of the West London Synagogue or the secretary of the St. John's Wood Synagogue) in a case where the synagogue is not one of those which are constituents of or affiliated to: (i) the Movement for Reform Judaism, or (ii) Liberal Judaism

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In that table—

- (a) “relevant definition” means the definition of “secretary of a synagogue” in section 67;

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- (b) a reference to a person or persons being duly recognised is a reference to the person or persons being recognised for the purpose of giving consent for the purposes of this section.
- (6) Case C is where—
- (a) the marriage is of a same sex couple according to religious rites or usages (other than the rites of the Church of England),
  - (b) one or each of the couple is house-bound or a detained person,
  - (c) the marriage is at the usual place of residence of the house-bound or detained person or persons, and
  - (d) the relevant governing authority has given written consent to marriages of same sex couples according to those religious rites or usages.
- (7) For that purpose—
- “relevant governing authority” means the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;
- “relevant religious organisation” means the religious organisation according to whose rites or usages the marriage is to be solemnized.
- (8) Subsection (6) does not authorise a marriage that may be solemnized under subsection (2) or (4).]

#### Textual Amendments

- F67** S. 26B inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 5, 21\(3\)](#); S.I. 2014/93, art. 3(c)
- F68** Words in s. 26B(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 11\(c\)](#) (with Sch. 2)

## 27 Notice of marriage. **E+W**

- (1) Where a marriage is intended to be solemnized on the authority of [<sup>F69</sup>a marriage schedule]<sup>F70</sup>. . . , notice of marriage in the prescribed form shall be given—
- (a) if the persons to be married have resided in the same registration district for the period of seven days immediately before the giving of the notice, by [<sup>F71</sup>each] of those persons to the superintendent registrar of that district;
  - (b) if the persons to be married have not resided in the same registration district for the said period of seven days as aforesaid, by [<sup>F72</sup>each] of those persons to the superintendent registrar of [the registration district in which he or she has resided] for that period.
- <sup>F73</sup>(2) . . . . .
- (3) A notice of marriage shall state [<sup>F74</sup>the name and surname, [<sup>F75</sup>the date of birth,] marital status, occupation [<sup>F76</sup>, place of residence and nationality] of each of the persons to be married][<sup>F74</sup>the name and surname, occupation, place of residence and nationality of each of the persons to be married, whether either of them has previously been married or formed a civil partnership and, if so, how the marriage or civil partnership ended] and [<sup>F77</sup>in the case of a marriage intended to be solemnized at a person’s residence in pursuance of section 26(1)(dd) of this Act, which residence is to be the place of

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solemnization of the marriage and, in any other case,][<sup>F78</sup>the church or other building or premises in or on which] the marriage is to be solemnized and—

- (a) <sup>F79</sup> . . . shall state the period, not being less than seven days, during which each of the persons to be married has resided in his or her place of residence;
- <sup>F80</sup>(b) . . . . .

[<sup>F81</sup>(4) A superintendent registrar in receipt of a notice of marriage must, as soon as reasonably practicable—

- (a) file the notice of marriage and keep it with the records of the superintendent registrar’s office, and
- (b) record the notice of marriage by entering in the marriage register the particulars given in that notice together with the date of the notice.

(4A) A superintendent registrar must ensure that the following are open to inspection free of charge at all reasonable hours—

- (a) the particulars and date referred to in subsection (4)(b) in respect of notices given in the superintendent registrar’s registration district;
- (b) any marriage notice book that was required to be kept in the office of the superintendent registrar before the introduction of the marriage register on 4th May 2021;
- (c) particulars given in a notice of marriage, the date of the notice and the name of the person by whom the notice was given, where such information has been entered in an approved electronic form in the superintendent registrar’s registration district before the introduction of the marriage register on 4th May 2021.]

(5) If the persons to be married wish to be married in the presence of a registrar in a registered building for which an authorised person has been appointed, they shall, at the time when notice of marriage is given to the superintendent registrar under this section, give notice to him that they require a registrar to be present at the marriage.

<sup>F82</sup>(6) . . . . .

<sup>F82</sup>(7) . . . . .

#### Textual Amendments

- F69** Words in s. 27(1) substituted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), reg. 1(2)(4)(d), **Sch. 1 para. 12(2)** (with [Sch. 2](#))
- F70** Words in s. 27(1) repealed (1.1.2001) by [1999 c. 33](#), ss. 160(2)(a), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F71** Word in s. 27(1)(a) substituted (1.1.2001) by [1999 c. 33](#), s. 161(1)(a); S.I. 2000/2698, **art. 2**
- F72** Words in s. 27(1)(b) substituted (1.1.2001) by [1999 c. 33](#), s. 161(1)(b); S.I. 2000/2698, **art. 2**
- F73** S. 27(2) repealed (1.1.2001) by [1999 c. 33](#), ss. 160(2)(b), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F74** Words in s. 27(3) substituted (15.4.2005 for specified purposes, 5.12.2005 in so far as not already in force) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(b), **Sch. 27 para. 14**; S.I. 2005/1112, art. 2, [Sch. 1](#); S.I. 2005/3175, art. 2(2)
- F75** Words in s. 27(3) inserted (1.3.2015) by [Immigration Act 2014](#) (c. 22), s. 75(3), **Sch. 4 para. 2(2)** (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)
- F76** Words in s. 27(3) substituted (1.1.2001) by [1999 c. 33](#), s. 161(2); S.I. 2000/2698, **art. 2**

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- F77** Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 5(a)**
- F78** Words in s. 27(3) substituted (1.4.1995) by [1994 c. 34, s. 1\(3\)](#), **Sch. para. 2**; [S.I. 1995/424, art. 2\(2\)\(a\)](#)
- F79** Words in s. 27(3)(a) repealed (1.1.2001) by [1999 c. 33, ss. 160\(2\)\(c\), 169\(3\)](#), **Sch. 16**; [S.I. 2000/2698, art. 2](#)
- F80** S. 27(3)(b) repealed (1.1.2001) by [1999 c. 33, ss. 160\(2\)\(d\), 169\(3\)](#), **Sch. 16**; [S.I. 2000/2698, art. 2](#)
- F81** S. 27(4)(4A) substituted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(b), **Sch. 1 para. 12(3)** (with Sch. 2)
- F82** S. 27(6)(7) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 9**; [S.I. 2016/603, reg. 3\(w\)](#)

**[<sup>F83</sup>27ZA]<sup>F84</sup> Circumstances in which a notice of marriage is not to be recorded in the marriage register] **U.K.****

The superintendent registrar shall not [<sup>F85</sup>record a notice of marriage in the marriage register] in a case where any of the following requirements is applicable but is not complied with—

- (a) a requirement imposed by or under any of the following provisions of this Act—
- section 27A(2) or (3);
  - section 27A(4);
  - section 27B(2);
  - section 27E(3) to (7);
  - section 27E(8);
  - section 28B(1);
  - [<sup>F86</sup>section 28B(1A);]
  - section 28C(4) or (6);
- (b) the requirement imposed by section 19(2) of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004.]

**Textual Amendments**

- F83** S. 27ZA inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 3(1)** (with Sch. 9 para. 66); [S.I. 2015/371, art. 2\(1\)\(f\)](#)
- F84** S. 27ZA heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 13(2)** (with Sch. 2)
- F85** Words in s. 27ZA substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 13(3)** (with Sch. 2)
- F86** Words in s. 27ZA(a) inserted (1.7.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(9)(b), **Sch. 1 para. 13(4)** (with Sch. 2)

**[<sup>F87</sup>27A Additional information required in certain cases. **E+W****

- (1) This section applies in relation to any marriage intended to be solemnized at a person's residence in pursuance of section 26(1)(dd) [<sup>F88</sup>or 26B(6)] of this Act, and in the following provisions of this section that person is referred to as “the relevant person”.
- (2) Where the relevant person is not a detained person, [<sup>F89</sup>each notice] of marriage required by section 27 of this Act shall be accompanied by a medical statement relating



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to that person made not more than fourteen days before the date on which the notice is given.

(3) Where the relevant person is a detained person, [F89 each notice] of marriage required by section 27 of this Act shall 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 section 27—

- (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.

(4) [F90 Each person] who gives notice of the marriage to the superintendent registrar in accordance with section 27 of this Act shall give the superintendent registrar the prescribed particulars, in the prescribed form, of the person by or before whom the marriage is intended to be solemnized.

F91(5) .....

(6) The fact that a superintendent registrar has received a statement under subsection (2) or (as the case may be) (3) of this section shall be entered in the [F92 marriage register] together with the particulars given in the notice of marriage and any such statement together with the form received under subsection (4) of this section shall be filed and kept with the records of the office of the superintendent registrar or, where notice of marriage is required to be given to two superintendent registrars, of [F93 each] of them.

F94(6A) .....

(7) In this section—

“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—

- (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 the 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; and

“registered medical practitioner” has the meaning given by Schedule 1 to the Interpretation Act M4 1978; and

“responsible authority” means—

- (a) if the person is detained in a hospital (within the meaning of Part II of the Mental Health Act M5 1983), the managers of that hospital (within the meaning of section 145(1) of that Act); or
- (b) if the person is detained in a prison or other place to which the Prison Act M6 1952 applies, the governor or other officer for the time being in charge of that prison or other place.]

#### Textual Amendments

**F87** S. 27A inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 6](#)

**F88** Words in s. 27A(1) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 5](#); S.I. 2014/93, art. 3(k)(i)

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- F89** Words in s. 27A(2)(3) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **9(a)**; S.I. 2000/2698, **art. 2**
- F90** Words in s. 27A(4) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **9(b)**; S.I. 2000/2698, **art. 2**
- F91** S. 27A(5) omitted (1.3.2015) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 4 para. 3(2)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)
- F92** Words in s. 27A(6) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 14(2)** (with Sch. 2)
- F93** Words in s. 27A(6) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **9(c)**; S.I. 2000/2698, **art. 2**
- F94** S. 27A(6A) omitted (4.5.2021) by virtue of The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 14(3)** (with Sch. 2)

#### Marginal Citations

- M4** 1978 c. 30 (115:1).  
**M5** 1983 c. 20 (85).  
**M6** 1952 c. 52 (39:1).

#### [<sup>F95</sup>27B Provisions relating to section 1(3) marriages. **E+W**

- (1) This section applies in relation to any marriage mentioned in subsection (2) of section 1 of this Act which is intended to be solemnized on the authority of [<sup>F96</sup>a marriage schedule].
- (2) The superintendent registrar shall not [<sup>F97</sup>record notice of the marriage in the marriage register][<sup>F98</sup>,] unless—
  - (a) he is satisfied by the production of evidence that both the persons to be married have attained the age of twenty-one; and
  - (b) he has received a declaration made in the prescribed form by each of those persons, each declaration having been signed and attested in the prescribed manner, specifying their affinal relationship and declaring that the younger of those persons has not at any time before attaining the age of eighteen been a child of the family in relation to the other.
- (3) The fact that a superintendent registrar has received a declaration under subsection (2) of this section shall be entered in the [<sup>F99</sup>marriage register] together with the particulars given in the notice of marriage and any such declaration shall be filed and kept with the records of the office of the superintendent registrar or, where notice of marriage is required to be given to two superintendent registrars, of each of them.

<sup>F100</sup>(3A) .....

- (4) Where the superintendent registrar receives from some person other than the persons to be married a written statement signed by that person which alleges that the declaration made under subsection (2) of this section is false in a material particular, [<sup>F101</sup>a marriage schedule may not be issued]<sup>F102</sup>. . . unless a declaration is obtained <sup>F103</sup>... under subsection (5) of this section.
- (5) Either of the persons to be married may, whether or not any statement has been received by the superintendent registrar under subsection (4) of this section, apply to the High Court [<sup>F104</sup>or the family court] for a declaration that, both those persons having attained the age of twenty-one and the younger of those persons not having at any time before attaining the age of eighteen been a child of the family in relation to

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the other, there is no impediment of affinity to the solemnization of the marriage; and where such a declaration is obtained the superintendent registrar may enter notice of the marriage in the [F105 marriage register and a marriage schedule may be issued]F106 . . . whether or not any declaration has been made under subsection (2) of this section.

- (6) Section 29 of this Act shall not apply in relation to a marriage to which this section applies, except so far as a caveat against the issue of a [F107 marriage schedule]F102 . . . for the marriage is entered under that section on a ground other than the relationship of the persons to be married.]

#### Textual Amendments

- F95** Ss. 27B, 27C inserted (E.W.) by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(4)(6), **Sch. 1 para. 5**
- F96** Words in s. 27B(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 15(2)** (with Sch. 2)
- F97** Words in s. 27B(2) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 15(3)** (with Sch. 2)
- F98** Words in s. 27B(2) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **4(1)**
- F99** Words in s. 27B(3) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 15(4)** (with Sch. 2)
- F100** S. 27B(3A) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 15(5)** (with Sch. 2)
- F101** Words in s. 27B(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 15(6)** (with Sch. 2)
- F102** Words in s. 27B(4)(6) repealed (1.1.2001) by [1999 c. 33, s. 169\(1\)\(3\)](#), Sch. 14 paras. 3, 10(b), **Sch. 16; S.I. 2000/2698, art. 2**
- F103** Words in s. 27B(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 14(2)**; [S.I. 2014/954, art. 2\(e\)](#) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F104** Words in s. 27B(5) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 14(3)**; [S.I. 2014/954, art. 2\(e\)](#) (with art. 3) (with transitional provisions and savings in [S.I. 2014/956, arts. 3-11](#))
- F105** Words in s. 27B(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 15(7)** (with Sch. 2)
- F106** Words in s. 27B(5) repealed (1.1.2001) by [1999 c. 33, s. 169\(1\)\(3\)](#), Sch. 14 paras. 3, 10(c), **Sch. 16; S.I. 2000/2698, art. 2**
- F107** Words in s. 27B(6) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 15(8)** (with Sch. 2)

#### F108 27C Provisions relating to section 1(5) marriages. **E+W**

#### Textual Amendments

- F108** S. 27C repealed (1.3.2007) by [The Marriage Act 1949 \(Remedial\) Order 2007 \(S.I. 2007/438\)](#), arts. 1(1), **3(a)(ii)** (with art. 1(2))

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[<sup>F109</sup>**27D Additional information required for certain marriages of same sex couples** **U.K.**]

- (1) This section applies in relation to any marriage intended to be solemnized in pursuance of section 26B(2), (4) or (6) (marriage of same sex couples: Quaker marriage, Jewish marriage, marriage of house-bound or detained person).
- (2) The superintendent registrar to whom notice of such a marriage is given under section 27 may require the relevant governing authority to provide a copy of the consent mentioned in section 26B(2)(b), (4)(b) or (6)(d).
- (3) In this section, “relevant governing authority”, in relation to an intended marriage under section 26B(2), (4) or (6), has the same meaning as in that provision.]

**Textual Amendments**

**F109** S. 27D inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 6**; S.I. 2014/93, art. 3(k)(i)

**Modifications etc. (not altering text)**

**C35** S. 27D applied (with modifications) by 1970 c. 34, s. 2(4) (as inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 24**; S.I. 2014/93, art. 3(k)(ii))

[<sup>F110</sup>**27E Additional information if party not relevant national** **U.K.**]

- (1) This section applies to notice of marriage given to a superintendent registrar in accordance with section 27 if one, or each, of the parties to the proposed marriage is not a relevant national.
- (2) But this section does not apply if section 39A applies to the proposed marriage.
- (3) For each party to the proposed marriage who is not a relevant national, the notice must include whichever of statements A, B or C is applicable to that person.
- (4) Statement A is a statement that the person has the appropriate immigration status.
- (5) Statement B is a statement that the person holds a relevant visa in respect of the proposed marriage.
- (6) Statement C is a statement that the person neither—
  - (a) has the appropriate immigration status, nor
  - (b) holds a relevant visa in respect of the proposed marriage.
- (7) If the notice contains the statement referred to in the first column of an entry in this table, the notice must be accompanied by the information and photographs referred to in the second column of that entry (insofar as that entry is applicable to the parties to the proposed marriage)—

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<i><b>If the notice includes this statement...</b></i>	<i><b>...the notice must be accompanied by...</b></i>
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Statement A (in respect of one or both of the parties to the proposed marriage)	For each party in respect of whom statement A is made, details of the particular immigration status which that party has
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|---|---|
| Statement B (in respect of one or both of the parties to the proposed marriage) | (1) For each party, a specified photograph of that party  |
|   | (2) For each party in respect of whom statement B is made, details of the relevant visa which that party has  |
| Statement C (in respect of one or both of the parties to the proposed marriage) | (1) For each party, a specified photograph of that party  |
|   | (2) For each party, the usual address of that party   |
|   | (3) For each party whose usual address is outside the United Kingdom, an address in the United Kingdom at which that party can be contacted by post                                     |
|   | (4) For each party who has previously used any name or names other than the person's name stated in the notice in accordance with section 27(3), a statement of the other name or names |
|   | (5) For each party who currently uses, or has previously used, an alias or aliases, a statement of the alias or aliases   |
- 

- (8) If the notice contains more than one of statements A, B and C, subsection (7) must be complied with in relation to each of those statements; but where the notice contains statements B and C, subsection (7) does not require the notice to be accompanied by more than one specified photograph of each party.
- (9) If the notice includes statement C for a party to the proposed marriage—
- (a) the notice may be accompanied by a statement (“statement D”) of that person's immigration position in the United Kingdom;
  - (b) if the notice is accompanied by statement D for a party to the proposed marriage, the person may provide the superintendent registrar with details of his or her immigration position in the United Kingdom; and
  - (c) if any such details are provided, the superintendent registrar must record them [F<sup>III</sup>in the marriage register].
- (10) In this section—
- (a) a reference—
    - (i) to a person having the appropriate immigration status, or
    - (ii) to a person holding a relevant visa,has the same meaning as in section 49 of the Immigration Act 2014;
  - (b) a reference to the particular immigration status which a person has is a reference to the immigration status set out in any of paragraphs (a) to (c) of section 49(2) of that Act which the person has;

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- (c) a reference to a person's immigration position in the United Kingdom includes a reference to the person's not being entitled to be in the United Kingdom.
- (11) In this section “specified photograph” means a photograph that is in accordance with regulations made under section 28G (and for this purpose “photograph” includes other kinds of images).]

#### Textual Amendments

- F110** S. 27E inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 4](#) (with [Sch. 9 para. 66](#)); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)
- F111** Words in s. 27E(9)(c) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 16](#) (with [Sch. 2](#))

## 28 Declaration to accompany notice of marriage. E+W

- (1) No [<sup>F112</sup>marriage schedule] shall be issued by a superintendent registrar unless the notice of marriage is accompanied by a solemn declaration in writing, in the body or at the foot of the notice, made and signed at the time of the giving of the notice by the person by whom the notice is given and attested as mentioned in subsection (2) of this section—
- (a) that he or she believes that there is no impediment of kindred or alliance or other lawful hindrance to the marriage;
- [<sup>F113</sup>(b) that the persons to be married have for the period of 7 days immediately before the giving of the notice had their usual places of residence within the registration district or registration districts in which notice is given;]
- <sup>F114</sup>(c) .....
- [<sup>F115</sup>(d) that he or she believes all of the information stated in the notice, and all information and evidence supplied with the notice, is true.]
- (2) Any such declaration as aforesaid shall be signed by the person giving the notice of marriage in the presence of the superintendent registrar to whom the notice is given or his deputy, or in the presence of a registrar of births and deaths or of marriages for the registration district in which the person giving the notice resides or his deputy, and that superintendent registrar, deputy superintendent registrar, registrar or deputy registrar, as the case may be, shall attest the declaration by adding thereto his name, description and place of residence.

#### Textual Amendments

- F112** Words in s. 28(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 17](#) (with [Sch. 2](#))
- F113** S. 28(1)(b) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), [Sch. 14 paras. 3, 11](#), [Sch. 16](#); S.I. 2000/2698, [art. 2](#)
- F114** S. 28(1)(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), [Sch. para. 1\(4\)](#) (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F115** S. 28(1)(d) inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 5](#) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C36 S. 28 (except s. 28(1)(b)) applied (with modifications) by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 2\(3\)](#)
- C37 S. 28(1) applied (with modifications) by [Marriage \(Scotland\) Act 1956 \(c. 70\), s. 1\(2\)\(c\)](#)

[<sup>F117</sup>28A [<sup>F116</sup>Power to require evidence of consent to marriages of same sex couples] **E**  
**+W**

<sup>F118</sup>(1) . . . . .

[ In the case of an intended marriage to which section 27D applies, the superintendent registrar to whom the notice of the marriage is given may require the relevant governing authority to produce evidence relating to the consent mentioned in section 26B(2)(b), (4)(b) or (6)(d).]

- (2) [<sup>F120</sup>A requirement under subsection (1A)] may be imposed at any time—
  - (a) on or after the giving of the notice of marriage; but
  - [<sup>F121</sup>(b) before a marriage schedule is issued.]

<sup>F122</sup>(3) . . . . .]

**Textual Amendments**

- F116 S. 28A title substituted (1.3.2015) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 4 para. 6\(2\)](#) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)
- F117 S. 28A and sidenote inserted (1.1.2001) by [1999 c. 33, s. 162\(1\)](#); S.I. 2000/2698, art. 2
- F118 S. 28A(1) omitted (1.3.2015) by virtue of [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 4 para. 6\(3\)](#) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)
- F119 S. 28A(1A) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 7\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F120 Words in s. 28A(2) substituted (1.3.2015) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 4 para. 6\(4\)](#) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)
- F121 S. 28A(2)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 18](#) (with [Sch. 2](#))
- F122 S. 28A(3) omitted (1.3.2015) by virtue of [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 4 para. 6\(5\)](#) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)

**Modifications etc. (not altering text)**

- C38 S. 28A(1A) applied (with modifications) by 1970 c. 34, s. 2(4) (as inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 24](#); S.I. 2014/93, art. 3(k)(ii))
- C39 S. 28A(2) applied (with modifications) by 1970 c. 34, s. 2(4) (as inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 24](#); S.I. 2014/93, art. 3(k)(ii))

[<sup>F123</sup>28B Provision of evidence **U.K.**

- (1) A notice of marriage under section 27 must, in relation to each of the parties to the marriage, be accompanied by specified evidence of the following matters—
  - (a) the person's name and surname;
  - (b) the person's date of birth;
  - (c) the person's place of residence;

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(d) the person's nationality.

<sup>F124</sup> [ If a party to the marriage is a relevant national within the meaning of paragraph (ab) (1A) of the definition of “relevant national” in section 78(1), the notice of marriage under section 27 must also be accompanied—

(a) where the party falls within paragraph (ab)(i) of that definition, by an electronic certificate which confirms that the leave referred to in that provision has been granted; or

(b) where the party falls within paragraph (ab)(ii) of that definition—

(i) by a certificate of application which confirms that the application referred to in regulation 4 of the Citizens’ Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 has been made; and

(ii) by evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.]

(2) A person giving a notice of marriage under section 27 must provide the superintendent registrar to whom the notice is given with specified evidence—

(a) as to whether the person has previously been married or formed a civil partnership; and

(b) if so, as to the ending of the marriage or civil partnership.

(3) In this section “specified evidence” means evidence that is in accordance with regulations made under section 28G.

#### **Textual Amendments**

**F123** Ss. 28B-28G inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 7](#) (with [Sch. 9 para. 66](#)); [S.I. 2014/2771](#), art. 3(e); [S.I. 2015/371](#), art. 2(1)(f)

**F124** S. 28B(1A) inserted (1.7.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(9)(a), 4 (with [Sch. 2](#))

#### **28C Additional evidence if party not relevant national U.K.**

(1) This section applies to notice of marriage given to a superintendent registrar in accordance with section 27 if one, or each, of the parties to the proposed marriage is not a relevant national.

(2) If the notice includes statement A (referred to in section 27E(4)), and accordingly is accompanied by details of the particular immigration status which a party to the proposed marriage has, the notice must be accompanied by specified evidence of that status.

(3) If the notice includes statement B (referred to in section 27E(5)), the notice must be accompanied by specified evidence of the holding of the relevant visa by the party to the proposed marriage.

(4) If, in accordance with section 27E(7), the notice is accompanied by the usual address of a party to the proposed marriage, the notice must also be accompanied by specified evidence that it is that party's usual address.



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- (5) If the notice includes statement D (referred to in section 27E(9)), the notice may be accompanied by evidence of the person's immigration position in the United Kingdom.
- (6) If subsection (2) or (3) applies to the notice, and the notice is not accompanied by the specified evidence required by that subsection, the notice must be accompanied by—
  - (a) photographs and addresses of the kinds referred to in paragraphs 1 and 2 in the relevant entry in section 27E(7);
  - (b) as respects the usual address of each party that is provided in accordance with paragraph (a), specified evidence that the address provided is that party's usual address; and
  - (c) addresses, names and aliases of the kinds referred to in paragraphs 3 to 5 in the relevant entry in section 27E(7) (insofar as those paragraphs are applicable to the parties to the proposed marriage).
- (7) In this section—
  - “relevant entry in section 27E(7)” means the second column of the last entry in the table in section 27E(7);
  - “specified evidence” means evidence that is in accordance with regulations made under section 28G.

#### Textual Amendments

**F123** Ss. 28B-28G inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 7](#) (with [Sch. 9 para. 66](#)); [S.I. 2014/2771](#), art. 3(e); [S.I. 2015/371](#), art. 2(1)(f)

## 28D Change of usual address or UK contact address **U.K.**

- (1) The Secretary of State may, by regulations, make provision about the giving to the Secretary of State of—
  - (a) notice of a person's usual address, if the person's notified usual address changes;
  - (b) notice of a UK contact address, if the person's notified usual address is not in the United Kingdom;
  - (c) notice of a person's UK contact address, if the person's notified UK contact address changes;
  - (d) evidence of any address notified in accordance with regulations under paragraph (a), (b) or (c).
- (2) The provision that may be made in regulations under this section includes—
  - (a) provision imposing a requirement on a person;
  - (b) provision about the rejection of information or evidence which there are reasonable grounds to suspect to be false.
- (3) Regulations under subsection (1)(d) may, in particular, make any provision of the kind that may be made under section 28G(3).
- (4) Regulations under this section are to be made by statutory instrument; and a statutory instrument containing such regulations is subject to annulment in pursuance of a resolution of either House of Parliament.

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(5) In this section—

“notified UK contact address” means an address in the United Kingdom, at which a person can be contacted by post, that has been notified in accordance with—

- (a) section 27E(7) or 28C(6), or
- (b) regulations under this section;

“notified usual address” means the usual address of a person that has been notified in accordance with—

- (a) section 27E(7) or 28C(6), or
- (b) regulations under this section.

#### Textual Amendments

**F123** Ss. 28B-28G inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 7](#) (with [Sch. 9 para. 66](#)); [S.I. 2014/2771](#), art. 3(e); [S.I. 2015/371](#), art. 2(1)(f)

### 28E Rejection of false information or evidence **U.K.**

(1) A superintendent registrar may reject—

- (a) any information or photograph provided under section 27, 27E or 28C, or
- (b) any evidence provided under section 28A, 28B or 28C,

if (in particular) the superintendent registrar has reasonable grounds for suspecting that the information, photograph or evidence is false.

(2) If the superintendent registrar rejects any information, photograph or evidence, the superintendent registrar may proceed under this Act as if the rejected information, photograph or evidence had not been provided.

(3) This section does not limit the powers of superintendent registrars to reject anything provided under any other enactment.

#### Textual Amendments

**F123** Ss. 28B-28G inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 7](#) (with [Sch. 9 para. 66](#)); [S.I. 2014/2771](#), art. 3(e); [S.I. 2015/371](#), art. 2(1)(f)

### 28F Amendment of notice and evidence provisions **U.K.**

(1) The Secretary of State may by order—

- (a) amend section 27, 27E or 28C so as to vary the information that must or may be given in cases where that section applies;
- (b) amend section 28B or 28C so as to vary the matters in respect of which evidence must or may be given in cases where that section applies;
- (c) make such provision (including provision amending section 27ZA, 28D or 28G or any other enactment) as the Secretary of State considers appropriate in consequence of provision made under paragraph (a) or (b).

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- (2) The Secretary of State must consult the Registrar General before making an order under this section.
- (3) An order under this section is to be made by statutory instrument; and no statutory instrument containing such an order may be made unless a draft of it has been laid before, and approved by resolution of, each House of Parliament.

#### Textual Amendments

**F123** Ss. 28B-28G inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 7](#) (with [Sch. 9 para. 66](#)); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)

### 28G Specified evidence **U.K.**

- (1) The Registrar General may make regulations about the evidence that is required to be given for the purposes of section 8, 16 or 28B.
- (2) The Secretary of State may make regulations about the evidence that is required to be given for the purposes of section 28C.
- (3) Regulations under this section may, in particular, make provision about—
  - (a) the kind of evidence which is to be supplied;
  - (b) the form in which evidence is to be supplied;
  - (c) the manner in which evidence is to be supplied;
  - (d) the period within which evidence is to be supplied;
  - (e) the supply of further evidence;
  - (f) the sufficiency of evidence supplied;
  - (g) the consequences of failing to supply sufficient evidence in accordance with the regulations (including provision to secure that, in such a case, a particular decision is made or is to be treated as having been made);
  - (h) the retention or copying of evidence supplied.
- (4) In this section “evidence” includes a photograph or other image.
- (5) The Secretary of State must consult the Registrar General before making regulations under this section.
- (6) The Registrar General must obtain the approval of the Secretary of State before making regulations under this section.
- (7) Regulations under this section are to be made by statutory instrument.
- (8) A statutory instrument containing regulations under this section made by the Secretary of State is subject to annulment in pursuance of a resolution of either House of Parliament.]

#### Textual Amendments

**F123** Ss. 28B-28G inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 7](#) (with [Sch. 9 para. 66](#)); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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**[<sup>F125</sup>28H Referral of proposed marriage to Secretary of State U.K.]**

- (1) On every occasion when notice of marriage is given under section 27, a superintendent registrar must decide whether or not each of the parties to the proposed marriage is an exempt person.
- (2) But this section does not apply if section 39A applies to the proposed marriage.
- (3) In making a decision under subsection (1) about a party to a proposed marriage, a superintendent registrar may rely on any advice given in relation to that decision by the Secretary of State.
- (4) In a case where—
  - (a) section 27E applies to the notice of marriage, and
  - (b) specified evidence required by section 28C(2) or (3) in relation to a party to the proposed marriage is not produced in accordance with that section,
 the superintendent registrar must decide that that party to the proposed marriage is not an exempt person.
- (5) If the superintendent registrar decides that either of the parties is not an exempt person, or that both of the parties are not exempt persons, the superintendent registrar must—
  - (a) refer the proposed marriage to the Secretary of State;
  - (b) notify the parties to the proposed marriage that the proposed marriage must be referred to the Secretary of State;
  - (c) give the parties to the proposed marriage prescribed information about—
    - (i) the effects of the referral;
    - (ii) the requirement under regulations under section 28D to notify the Secretary of State of changes of address.
- (6) The superintendent registrar must act in accordance with regulations when complying with the duty in subsection (5)(a) to refer a proposed marriage to the Secretary of State.
- (7) Regulations may, in particular, make provision about—
  - (a) the form, manner or timing of the referral of a proposed marriage;
  - (b) information, photographs or evidence — or copies of any of those things — to be included with the referral of a proposed marriage.
- (8) Regulations are to be made by statutory instrument; and a statutory instrument containing regulations is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) If the superintendent registrar refers the proposed marriage to the Secretary of State, this Act has effect in relation to the proposed marriage subject to the modifications in Schedule 3A.
- (10) In this section—
  - (a) a reference to a person being an exempt person has the same meaning as in section 49 of the Immigration Act 2014;
  - (b) “prescribed information” means information prescribed in regulations;
  - (c) “regulations” means regulations made by the Secretary of State after consulting the Registrar General.]

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

### Textual Amendments

**F125** S. 28H inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 4 para. 8** (with Sch. 9 para. 66); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)

## 29 Caveat against issue of [<sup>F126</sup>marriage schedule]. **E+W**

- [<sup>F127</sup>(1) Any person may enter a caveat with any superintendent registrar against the issue of a marriage schedule in respect of any person named in the caveat and that superintendent registrar must ensure that the fact that it has been entered and the information in it are recorded in the marriage register as soon as reasonably practicable.]
- (2) If any caveat is entered as aforesaid, the caveat having been signed by or on behalf of the person by whom it was entered and stating his place of residence and the ground of objection on which the caveat is founded, no [<sup>F128</sup>marriage schedule]<sup>F129</sup> . . . shall be issued [<sup>F130</sup>until the relevant superintendent registrar] has examined into the matter of the caveat and is satisfied that it ought not to obstruct the issue of the [<sup>F128</sup>marriage schedule]<sup>F129</sup> . . ., or until the caveat has been withdrawn by the person who entered it; and if the superintendent registrar is doubtful whether to issue a [<sup>F128</sup>marriage schedule]<sup>F129</sup> . . . he may refer the matter of the caveat to the Registrar General.
- [<sup>F131</sup>(2A) For the purposes of subsection (2), the relevant superintendent registrar is the superintendent registrar who first records that a notice of marriage has been given by one of the parties to the marriage.]
- (3) Where a superintendent registrar refuses, by reason of any such caveat as aforesaid, to issue a [<sup>F132</sup>marriage schedule]<sup>F129</sup> . . ., the person applying therefor may appeal to the Registrar General who shall either confirm the refusal or direct that a [<sup>F132</sup>marriage schedule]<sup>F129</sup> . . . shall be issued.
- (4) Any person who enters a caveat against the issue of a [<sup>F133</sup>marriage schedule]<sup>F129</sup> . . . on grounds which the Registrar General declares to be frivolous and to be such that they ought not to obstruct the issue of the [<sup>F133</sup>marriage schedule]<sup>F129</sup> . . ., shall be liable for the costs of the proceedings before the Registrar General and for damages recoverable by the person against whose marriage the caveat was entered.
- (5) For the purpose of enabling any person to recover any such costs and damages as aforesaid, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office shall be evidence that the Registrar General has declared the caveat to have been entered on grounds which are frivolous and such that they ought not to obstruct the issue of the [<sup>F134</sup>marriage schedule]<sup>F129</sup> . . .

### Textual Amendments

- F126** Words in s. 29 heading substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 19(2)** (with Sch. 2)
- F127** S. 29(1) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 19(3)** (with Sch. 2)
- F128** Words in s. 29(2) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 19(4)** (with Sch. 2)
- F129** Words in s. 29 repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 12, **Sch. 16**; S.I. 2000/2698, art. 2

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- F130** Words in s. 29(2) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 19(5)** (with Sch. 2)
- F131** S. 29(2A) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 19(6)** (with Sch. 2)
- F132** Words in s. 29(3) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 19(4)** (with Sch. 2)
- F133** Words in s. 29(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 19(4)** (with Sch. 2)
- F134** Words in s. 29(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 19(4)** (with Sch. 2)

**Modifications etc. (not altering text)**

- C40** S. 29 applied with modification by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), s. 5
- C41** Ss. 29-31A applied (with modifications) (4.5.2021) by 1956 c. 79, s. 1(3) (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 53(2)** (with Sch. 2))

**F135 30 Forbidding of issue of marriage schedule. E+W**

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**Textual Amendments**

- F135** S. 30 omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 1(5)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)

**Modifications etc. (not altering text)**

- C41** Ss. 29-31A applied (with modifications) (4.5.2021) by 1956 c. 79, s. 1(3) (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 53(2)** (with Sch. 2))

**31 Marriage under [F136 marriage schedule]. E+W**

[F137(1) Where a marriage is intended to be solemnized on the authority of a marriage schedule, the superintendent registrar to whom notice of marriage is given must display in some conspicuous place in their office, for 28 successive days beginning with the day after the day on which the notice was recorded in the marriage register—

- (a) the notice of marriage,
- (b) the particulars given in the notice, in an approved electronic form, or
- (c) an exact copy, signed by the superintendent registrar, of the particulars given in the notice, as entered in the marriage register.

(2) The superintendent registrar for the registration district in which a marriage is to be solemnized must, once satisfied that any of the conditions in subsection (3) is met, issue a document to be known as a “marriage schedule” in any form, and with any content, that may be prescribed, unless—

- (a) the superintendent registrar is not satisfied that there is no lawful impediment to the issue of the marriage schedule, <sup>F138</sup> ...

<sup>F139</sup>(b) .....

(3) The conditions are that—

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- (a) the waiting period in relation to each notice of marriage has expired;
- (b) where one party to the marriage resides in Scotland, the superintendent registrar has received a certificate issued to that party under section 7(2) of the Marriage (Scotland) Act 1977 and the waiting period in relation to the notice of marriage given by the party residing in England or Wales has expired;
- (c) where one party to the marriage is an officer, seaman or marine borne on the books of one of Her Majesty’s ships at sea, the superintendent registrar to whom notice of marriage was given by the other party has received a certificate issued under section 39 to the party borne on the books of one of Her Majesty’s ships at sea and the waiting period in relation to the notice of marriage given by the party residing in England or Wales has expired.

<sup>F140</sup>(3A) . . . . .

- (4) A marriage schedule issued under subsection (2) is to be issued to one or both of the parties to the marriage, except in a case where the marriage is to be solemnized in the presence of a registrar, in which case the marriage schedule is to be issued to that registrar.]

<sup>F141</sup>(4A) “The waiting period”, in relation to a notice of marriage, means—

- (a) the period of <sup>F142</sup>28 days], or
- (b) such shorter period as may be determined by the Registrar General under subsection (5A) or by a superintendent registrar under any provision of regulations made under subsection (5D),

after the day on which the notice of marriage was <sup>F143</sup>recorded in the marriage register].]

- (5) Where a marriage is to be solemnized in a registered building for which an authorised person has been appointed and no notice requiring a registrar to be present at the marriage has been given to the superintendent registrar under subsection (5) of section twenty-seven of this Act, the superintendent registrar shall, when issuing a <sup>F144</sup>marriage schedule], give to <sup>F145</sup>the person by whom notice of marriage was given] printed instructions in the prescribed form for the due solemnization of the marriage.

<sup>F146</sup>(5A) If, on an application made to the Registrar General, he is satisfied that there are compelling reasons for reducing the <sup>F147</sup>28 day period] because of the exceptional circumstances of the case, he may reduce that period to such shorter period as he considers appropriate.

(5B) “The <sup>F147</sup>28 day period]” means <sup>F148</sup>the period mentioned in subsection (4A), ignoring paragraph (b)].

<sup>F149</sup>(5C) . . . . .

(5D) The Registrar General may by regulations make provision with respect to the making, and granting, of applications under subsection (5A).

(5E) The regulations—

- (a) may provide for the power conferred by subsection (5A) to be exercised by a superintendent registrar on behalf of the Registrar General in cases falling within a category prescribed in the regulations;
- (b) may provide for the making of an appeal to the Registrar General against a decision taken by a superintendent registrar in accordance with regulations made by virtue of paragraph (a);

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- (c) may make different provision in relation to different cases;
- (d) require the approval of [<sup>F150</sup>the Secretary of State].

- [ If a proposed marriage is referred to the Secretary of State under section 28H—
- <sup>F151</sup>(5EA) (a) any application under subsection (5A) is to be made to the Secretary of State; and
- (b) the power conferred by subsection (5A) is exercisable by the Secretary of State;

<sup>F152</sup>....

(5EB) If the Secretary of State grants an application made under subsection (5A), the Secretary of State must give notice of the grant of the application to the applicant and to the superintendent registrar to whom notice of the marriage was given [<sup>F153</sup>and (if different) to the superintendent registrar responsible for issuing the marriage schedule].

(5EC) Regulations under subsection (5D) do not apply to applications made to the Secretary of State in accordance with subsection (5EA).

(5ED) The Secretary of State may by regulations make provision with respect to the making, and granting, of applications made in accordance with subsection (5EA).

(5EE) The Secretary of State must consult the Registrar General before making regulations under subsection (5ED).]

<sup>F154</sup>(5F) .....

<sup>F154</sup>(5G) .....

(5H) The power to make regulations under subsection (5D) [<sup>F155</sup>or (5ED)]<sup>F156</sup>... is exercisable by statutory instrument.

<sup>F157</sup>(5I) .....

<sup>F158</sup>(6) .....

[<sup>F159</sup>(7) This section has effect subject to section 31ZA.]

#### Textual Amendments

**F136** Words in s. 31 heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [regs. 1\(2\), 5\(2\)](#) (with [Sch. 2](#))

**F137** S. 31(1)-(4) substituted (27.3.2021 for specified purposes, 19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [regs. 1\(2\)\(4\)\(a\)\(8\)\(a\), 5\(3\)](#) (with [Sch. 2](#))

**F138** Word in s. 31(2)(a) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), [Sch. para. 1\(6\)\(a\)\(i\)](#) (with s. 8); S.I. 2023/88, [reg. 2](#) (with [regs. 3-17](#))

**F139** S. 31(2)(b) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), [Sch. para. 1\(6\)\(a\)\(ii\)](#) (with s. 8); S.I. 2023/88, [reg. 2](#) (with [regs. 3-17](#))

**F140** S. 31(3A) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), [Sch. para. 1\(6\)\(b\)](#) (with s. 8); S.I. 2023/88, [reg. 2](#) (with [regs. 3-17](#))

**F141** S. 31(4A) inserted (1.1.2001) by 1999 c. 33, [s. 160\(5\)](#); S.I. 2000/2698, [art. 2](#)

**F142** Words in s. 31 substituted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), [Sch. 4 para. 10\(2\)\(b\)](#) (with [Sch. 9 para. 66](#)); S.I. 2014/2771, [art. 3\(e\)](#); S.I. 2015/371, [art. 2\(1\)\(f\)](#)



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- F143** Words in s. 31(4A) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2), **5(4)** (with Sch. 2)
- F144** Words in s. 31(5) substituted (27.3.2021 for specified purposes, 19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(a)(8)(a), **5(5)** (with Sch. 2)
- F145** Words in s. 31(5) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **14(b)**; S.I. 2000/2698, **art. 2**
- F146** S. 31(5A)-(5I) inserted (1.1.2001) by 1999 c. 33, s. **160(6)**; S.I. 2000/2698, **art. 2**
- F147** Words in s. 31 substituted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 10(2)(c)** (with Sch. 9 para. 66); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)
- F148** Words in s. 31(5B) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2), **5(6)** (with Sch. 2)
- F149** S. 31(5C) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2), **5(7)** (with Sch. 2)
- F150** Words in s. 31(5E)(d) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 5(1)(a)** (with art. 4)
- F151** S. 31(5EA)-(5EE) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 10(3)** (with Sch. 9 para. 66); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)
- F152** Words in s. 31(5EA) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2), **5(8)** (with Sch. 2)
- F153** Words in s. 31(5EB) inserted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(8)(a), **5(9)** (with Sch. 2)
- F154** S. 31(5F)(5G) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 10(a)**; S.I. 2016/603, reg. 3(w)
- F155** Words in s. 31(5H) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 10(4)** (with Sch. 9 para. 66); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)
- F156** Words in s. 31(5H) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 10(b)**; S.I. 2016/603, reg. 3(w)
- F157** S. 31(5I) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 10(c)**; S.I. 2016/603, reg. 3(w)
- F158** S. 31(6) repealed by S.I. 1968/1242
- F159** S. 31(7) inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 11(1)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)

**Modifications etc. (not altering text)**

- C41** Ss. 29-31A applied (with modifications) (4.5.2021) by 1956 c. 79, s. 1(3) (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 53(2)** (with Sch. 2))
- C42** S. 31(5E)(d): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 5(a)** (with art. 4)

**[<sup>F160</sup>31ZA] Notice of marriage: false information or evidence** **U.K.**

- (1) A superintendent registrar may refuse to issue a [<sup>F161</sup>marriage schedule] under section 31(2) in a case where—
- (a) notice of marriage has been given under section 27, and

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- (b) a superintendent registrar has reasonable grounds for suspecting that a relevant decision was made incorrectly because of the provision of false information or evidence.
- (2) If the superintendent registrar refuses to issue the [F162 marriage schedule], the parties to the proposed marriage are to be taken not to have given notice under section 27; but that does not prevent criminal proceedings from being brought against either party, or any other person, in relation to the giving of the notice.
- (3) This section does not limit the powers of superintendent registrars to refuse to issue [F163 a marriage schedule] under section 31 in respect of marriages.
- (4) In this section—  
     “evidence” includes a photograph or other image;  
     “exempt person” has the same meaning as in section 28H;  
     “relevant decision” means a decision of a superintendent registrar that a party to a proposed marriage is an exempt person.]

#### Textual Amendments

- F160** S. 31ZA inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 11(2)** (with [Sch. 9 para. 66](#)); [S.I. 2015/371](#), art. 2(1)(f)
- F161** Words in s. 31ZA(1) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(b), **Sch. 1 para. 21(2)** (with [Sch. 2](#))
- F162** Words in s. 31ZA(2) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(b), **Sch. 1 para. 21(2)** (with [Sch. 2](#))
- F163** Words in s. 31ZA(3) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 21(3)** (with [Sch. 2](#))

#### Modifications etc. (not altering text)

- C41** Ss. 29-31A applied (with modifications) (4.5.2021) by 1956 c. 79, s. 1(3) (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 53(2)** (with [Sch. 2](#)))

### [F165] 31A Appeal on refusal under section 31(2)(a) [F164 or 31ZA]. **E+W**

- (1) If, relying on section 31(2)(a) [F166 or 31ZA], a superintendent registrar refuses to issue a [F167 marriage schedule], the parties to the marriage] may appeal to the Registrar General.
- (2) On such an appeal, the Registrar General must—  
     (a) confirm the refusal; or  
     (b) direct that a [F168 marriage schedule] be issued.
- [ In a case where—  
 F169(2A) (a) in reliance on section 31ZA, a superintendent registrar refuses to issue a [F170 marriage schedule], and  
     (b) on an appeal against the refusal, the Registrar General directs that a [F170 marriage schedule] be issued,

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section 31ZA(2) is of no effect — and is to be taken to have never had any effect — in relation to the parties' giving of notice under section 27.]

(3) If—

- (a) relying on section 31(2)(a), a superintendent registrar refuses to issue a [<sup>F171</sup>marriage schedule] as a result of a representation made to him, and
- (b) on an appeal against the refusal, the Registrar General declares the representation to have been frivolous and to be such that it ought not to obstruct the issue of a [<sup>F172</sup>marriage schedule],

the person making the representation is liable for the costs of the proceedings before the Registrar General and for damages recoverable by the [<sup>F173</sup>parties making the appeal].

[ If—

- <sup>F174</sup>(3A) (a) relying on section 31ZA, a superintendent registrar refuses to issue a [<sup>F175</sup>marriage schedule], and
- (b) on an appeal against the refusal, the Registrar General declares the appeal to have been frivolous,

the [<sup>F176</sup>parties making the appeal are] liable for the costs of the proceedings before the Registrar General.]

- (4) For the purpose of enabling a person to recover any [<sup>F177</sup>costs and damages in accordance with subsection (3) or (3A)], a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has declared the representation to have been frivolous and to be such that it ought not to obstruct the issue of a [<sup>F178</sup>marriage schedule][<sup>F179</sup>(in the case of subsection (3)) or evidence that the Registrar General has declared the appeal to have been frivolous (in the case of subsection (3A))].]

#### Textual Amendments

- F164** Words in s. 31A title inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 4 para. 11\(3\)](#) (a) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)
- F165** S. 31A and sidenote inserted (1.1.2001) by [1999 c. 33, s. 163\(2\)](#); S.I. 2000/2698, [art. 2](#)
- F166** Words in s. 31A(1) inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 4 para. 11\(3\)](#) (b) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)
- F167** Words in s. 31A(1) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)\(8\)\(c\), Sch. 1 para. 22\(2\)](#) (with [Sch. 2](#))
- F168** Words in s. 31A(2)(b) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)\(8\)\(c\), Sch. 1 para. 22\(3\)](#) (with [Sch. 2](#))
- F169** S. 31A(2A) inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\), s. 75\(3\), Sch. 4 para. 11\(3\)\(c\)](#) (with [Sch. 9 para. 66](#)); S.I. 2015/371, art. 2(1)(f)
- F170** Words in s. 31A(2A) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)\(8\)\(c\), Sch. 1 para. 22\(4\)](#) (with [Sch. 2](#))
- F171** Words in s. 31A(3)(a) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\)\(8\)\(c\), Sch. 1 para. 22\(5\)\(a\)](#) (with [Sch. 2](#))

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- F172** Words in s. 31A(3)(b) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(c), **Sch. 1 para. 22(5)(b)** (with Sch. 2)
- F173** Words in s. 31A(3) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(c), **Sch. 1 para. 22(5)(c)** (with Sch. 2)
- F174** S. 31A(3A) inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 11(3)(d)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)
- F175** Words in s. 31A(3A)(a) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(c), **Sch. 1 para. 22(6)(a)** (with Sch. 2)
- F176** Words in s. 31A(3A) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(c), **Sch. 1 para. 22(6)(b)** (with Sch. 2)
- F177** Words in s. 31A(4) substituted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 11(3)(e)(i)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)
- F178** Words in s. 31A(4) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(c), **Sch. 1 para. 22(7)** (with Sch. 2)
- F179** Words in s. 31A(4) inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 11(3)(e)(ii)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)

#### Modifications etc. (not altering text)

- C41** Ss. 29-31A applied (with modifications) (4.5.2021) by 1956 c. 79, s. 1(3) (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 53(2)** (with Sch. 2))

<sup>F180</sup>32 ..... **E+W**

#### Textual Amendments

- F180** S. 32 repealed (1.1.2001) by 1999 c. 33, ss. 160(3), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**

<sup>F182</sup>33 **Period of validity of [<sup>F181</sup>marriage schedule].** **E+W**

- (1) A marriage may be solemnized on the authority of [<sup>F183</sup>a marriage schedule] at any time within the period which is the applicable period in relation to that marriage.
- (2) If the marriage is not solemnized within the applicable period—
  - (a) the notices of marriage and the [<sup>F184</sup>marriage schedule] are void; and
  - (b) no person may solemnize the marriage on the authority of [<sup>F185</sup>that marriage schedule].
- (3) The applicable period, in relation to a marriage, is the period beginning with the day on which the notice of marriage was [<sup>F186</sup>recorded in the marriage register] and ending—
  - (a) in the case of a marriage which is to be solemnized in pursuance of section 26(1)(dd), 37 or 38, on the expiry of three months; and
  - (b) in the case of any other marriage, on the expiry of twelve months.

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- (4) If the notices of marriage given by each person to be married are not [<sup>F187</sup>recorded in the marriage register] on the same date, the applicable period is to be calculated by reference to the earlier of the two dates.]

#### Textual Amendments

- F181** Words in s. 33 heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 23\(2\)](#) (with [Sch. 2](#))
- F182** S. 33 and sidenote substituted (1.1.2001) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 paras. 3, 15](#); [S.I. 2000/2698, art. 2](#)
- F183** Words in s. 33(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 23\(3\)](#) (with [Sch. 2](#))
- F184** Words in s. 33(2)(a) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 23\(4\)\(a\)](#) (with [Sch. 2](#))
- F185** Words in s. 33(2)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 23\(4\)\(b\)](#) (with [Sch. 2](#))
- F186** Words in s. 33(3) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 23\(5\)](#) (with [Sch. 2](#))
- F187** Words in s. 33(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 23\(6\)](#) (with [Sch. 2](#))

#### Modifications etc. (not altering text)

- C43** S. 33 applied (with modifications) (4.5.2021) by [1956 c. 79, s. 1\(3\)](#) (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 53\(2\)](#) (with [Sch. 2](#)))

### <sup>F188</sup>34 **Marriages normally to be solemnized in registration district in which one party resides.** **E+W**

Subject to section 35, a superintendent registrar may not issue a [<sup>F189</sup>marriage schedule] for the solemnization of a marriage elsewhere than within a registration district in which one of the persons to be married has resided for 7 days immediately before the giving of the notice of marriage.]

#### Textual Amendments

- F188** S. 34 and sidenote substituted (1.1.2001) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 paras. 3, 16](#); [S.I. 2000/2698, art. 2](#)
- F189** Words in s. 34 substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 24](#) (with [Sch. 2](#))

### **35 Marriages in registration district in which neither party resides.** **E+W**

- (1) A superintendent registrar may issue a [<sup>F190</sup>marriage schedule]<sup>F191</sup>. . . for the solemnization of a marriage in a registered building which is not within a registration district in which either of the persons to be married resides, where the person giving the notice of marriage declares by endorsement thereon in the prescribed form—
- [<sup>F192</sup>(a) that the persons to be married desire the marriage to be solemnized according to a specified form, rite or ceremony, being a form, rite or ceremony of a body or denomination of christians or other persons meeting for religious worship to which one of them professes to belong.]

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- (b) that, to the best of his or her belief, there is not within the registration district in which one of them resides any registered building in which marriage is solemnized according to that form, rite or ceremony;
- (c) the registration district nearest to the residence of that person in which there is a registered building in which marriage may be so solemnized; and
- (d) the registered building in that district in which the marriage is intended to be solemnized;

and where any such [<sup>F190</sup>marriage schedule][<sup>F193</sup>is issued <sup>F194</sup>...], the marriage may be solemnized in the registered building stated in the notice.

- [<sup>F195</sup>(2) A superintendent registrar may issue a [<sup>F196</sup>marriage schedule]<sup>F197</sup>. . . for the solemnization of a marriage in a registered building which is the usual place of worship of the persons to be married, or of one of them, notwithstanding that the building is not within a registration district in which either of those persons resides.]
- [<sup>F198</sup>(2A) A superintendent registrar may issue a [<sup>F199</sup>marriage schedule]<sup>F200</sup>. . . for the solemnization of a marriage in [<sup>F201</sup>the superintendent registrar’s office], notwithstanding that the office is not within a registration district in which either of the persons to be married resides.]
- [<sup>F202</sup>(2B) A superintendent registrar may issue a [<sup>F203</sup>marriage schedule]<sup>F200</sup>. . . 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.]
- (3) A superintendent registrar may issue a [<sup>F204</sup>marriage schedule] for the solemnization of a marriage in any parish church or authorised chapel which is the usual place of worship of the persons to be married, or of one of them, notwithstanding that the church or chapel is not within a registration district in which either of those persons resides.
- [<sup>F205</sup>(3A) In a case where one or both of the persons to be married (“the couple”) are not relevant nationals, a superintendent registrar may issue a [<sup>F206</sup>marriage schedule] for the solemnization of a marriage in a qualifying church or chapel, notwithstanding that it is not within a registration district in which either of the couple resides.
- (3B) In subsection (3A) “qualifying church or chapel” means a church or chapel which is not the usual place of worship of the couple but in which it would be possible—
  - (a) (if section 5(3)(a) were disregarded) for the marriage of the couple to be solemnized in accordance with section 5(1)(a) (marriage after publication of banns), or
  - (b) (if section 5(3)(b) were disregarded) for the marriage of the couple to be solemnized in accordance with section 5(1)(c) (marriage on authority of common licence).]
- (4) A superintendent registrar may issue a [<sup>F207</sup>marriage schedule]<sup>F197</sup>. . . for the solemnization of a marriage according to the usages of the Society of Friends or in accordance with the usages of persons professing the Jewish religion, notwithstanding that the building or place in which the marriage is to be solemnized is not within a registration district in which either of the persons to be married resides.
- (5) Where a marriage is intended to be solemnized on the authority of [<sup>F208</sup>a marriage schedule] issued under subsection (2) or subsection (3) of this section, [<sup>F209</sup>each notice] of marriage <sup>F210</sup>... and [<sup>F211</sup>the marriage schedule] shall state, in addition to

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the description of the registered building or, as the case may be, the parish church or authorised chapel, in which the marriage is to be solemnized, that it is the usual place of worship of the persons to be married or of one of them and, in the latter case, shall state the name of the person whose usual place of worship it is.

[<sup>F212</sup>(6) Where a marriage is intended to be solemnized on the authority of [<sup>F213</sup>a marriage schedule] issued under subsection (3A), each notice of marriage <sup>F214</sup>... and [<sup>F215</sup>the marriage schedule] shall state, in addition to the description of the church or chapel in which the marriage is to be solemnized, that it would be possible for the marriage of the couple to be solemnized in that church or chapel after the publication of banns or on the authority of a common licence (if section 5(3) were disregarded).]

#### Textual Amendments

- F190** Words in s. 35(1) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(2)** (with Sch. 2)
- F191** Words in s. 35(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 17(1)(2)(a), **Sch. 16; S.I. 2000/2698, art. 2**
- F192** S. 35(1)(a) substituted by Marriage Act 1949 (Amendment) Act 1954 (c. 47), **s. 2**
- F193** Words in s. 35(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **17(1)(2)(b)**; S.I. 2000/2698, **art. 2**
- F194** Words in s. 35(1) omitted (4.5.2021) by virtue of The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(3)** (with Sch. 2)
- F195** S. 35(2) substituted by Marriage Act 1949 (Amendment) Act 1954 (c. 47), **s. 1**
- F196** Words in s. 35(2) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(2)** (with Sch. 2)
- F197** Words in s. 35(2)(4) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 17(1)(3), **Sch. 16; S.I. 2000/2698, art. 2**
- F198** S. 35(2A) inserted (1.1.1995) by 1994 c. 34, **s. 2(1)**; S.I. 1994/3116, **art. 2(a)**
- F199** Words in s. 35(2A) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(2)** (with Sch. 2)
- F200** Words in s. 35(2A)(2B) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 17(1)(4), **Sch. 16; S.I. 2000/2698, art. 2**
- F201** Words in s. 35(2A) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(4)** (with Sch. 2)
- F202** S. 35(2B) inserted (1.4.1995) by 1994 c. 34, **s. 2(1)**; S.I. 1995/424, **art. 2(2)**
- F203** Words in s. 35(2B) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(2)** (with Sch. 2)
- F204** Words in s. 35(3) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(2)** (with Sch. 2)
- F205** S. 35(3A)(3B) inserted (1.3.2015) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 4 para. 12(2)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)
- F206** Words in s. 35(3A) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(2)** (with Sch. 2)
- F207** Words in s. 35(4) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(2)** (with Sch. 2)
- F208** Words in s. 35(5) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(5)(a)** (with Sch. 2)
- F209** Words in s. 35(5) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **17(1)(5)(b)**; S.I. 2000/2698, **art. 2**
- F210** Words in s. 35(5) omitted (4.5.2021) by virtue of The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 25(5)(b)** (with Sch. 2)

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- F211** Words in s. 35(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 25(5)(c)** (with Sch. 2)
- F212** S. 35(6) inserted (1.3.2015) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 12(3)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)
- F213** Words in s. 35(6) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 25(5)(a)** (with Sch. 2)
- F214** Words in s. 35(6) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 25(5)(b)** (with Sch. 2)
- F215** Words in s. 35(6) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 25(5)(c)** (with Sch. 2)

<sup>F216</sup>**36** ..... **E+W**

**Textual Amendments**  
**F216** S. 36 repealed (1.1.2001) by [1999 c. 33](#), s. 169(1)(3), Sch. 14 paras. 3, 18, **Sch. 16**; [S.I. 2000/2698](#), art. 2

**37** **One party resident in Scotland.** **E+W**

- (1) Where a marriage is intended to be solemnized in England on the authority of [<sup>F217</sup>a marriage schedule]<sup>F218</sup> . . . between parties of whom one is residing in Scotland and the other is residing in England, the following provisions shall have effect—
- [<sup>F219</sup>(a) the party residing in Scotland may give notice of the intended marriage in accordance with section 7 of the Marriage (Scotland) Act 1977;]
  - (b) the party residing in England may, subject to and in accordance [<sup>F220</sup>with section 27 and the other provisions of this Act], give notice of the intended marriage as if both parties were residing in different registration districts in England, and the provisions of this Part of this Act relating to notices of marriage and the issue of [<sup>F221</sup>a marriage schedule apply accordingly];
  - [<sup>F222</sup>(c) if a certificate is issued under section 7(2) of the Marriage (Scotland) Act 1977 that certificate must be provided for the purposes of section 31(3)(b) of this Act to the superintendent registrar in the registration district in which the marriage is to be solemnized before the marriage schedule is issued;
    - (ca) the superintendent registrar must, as soon as reasonably practicable, record in the marriage register the fact that the superintendent registrar has been provided with the certificate issued under section 7(2) of the Marriage (Scotland) Act 1977;]
    - (d) for the purposes of section thirty-three of this Act the notice given in Scotland shall be deemed to have been [<sup>F223</sup>recorded in the marriage register] by a superintendent registrar in England on the day on which it was given.
- (2) ..... <sup>F224</sup>

**Textual Amendments**  
**F217** Words in s. 37(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 26(a)** (with Sch. 2)



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- F218** Words in s. 37(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 19(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F219** S. 37(1)(a) substituted by **Marriage (Scotland) Act 1977** (c. 15, SIF 49:2), **Sch. 2 para. 4(a)** (subject to a saving in s. 27(3) in relation to marriages before 1.1.1978)
- F220** Words in s. 37(1)(b) substituted (1.3.2015) by **Immigration Act 2014** (c. 22), s. 75(3), **Sch. 4 para. 13** (with **Sch. 9 para. 66**); S.I. 2015/371, **art. 2(1)(f)**
- F221** Words in s. 37(1)(b) substituted (4.5.2021) by **The Registration of Marriages Regulations 2021** (S.I. 2021/411), **reg. 1(2)**, **Sch. 1 para. 26(b)** (with **Sch. 2**)
- F222** S. 37(1)(c)(ca) substituted for s. 37(1)(c) (4.5.2021) by **The Registration of Marriages Regulations 2021** (S.I. 2021/411), **reg. 1(2)**, **Sch. 1 para. 26(c)** (with **Sch. 2**)
- F223** Words in s. 37(1)(d) substituted (4.5.2021) by **The Registration of Marriages Regulations 2021** (S.I. 2021/411), **reg. 1(2)**, **Sch. 1 para. 26(d)** (with **Sch. 2**)
- F224** S. 37(2) repealed by **Marriage (Scotland) Act 1977** (c. 15, SIF 49:2), s. 28(2), **Sch. 3** (subject to a saving in s. 27(3) in relation to marriages before 1.1.1978)

**F225** **38 One party resident in Northern Ireland.** **E+W**

.....

**Textual Amendments**

- F225** S. 38 omitted (1.3.2015) by virtue of **Immigration Act 2014** (c. 22), s. 75(3), **Sch. 4 para. 12(4)** (with **Sch. 9 para. 66**); S.I. 2015/371, **art. 2(1)(f)**

**39 Issue of certificates on board His Majesty’s ships.** **E+W**

- (1) Where a marriage is intended to be solemnized in England on the authority of [<sup>F226</sup>a marriage schedule]<sup>F227</sup> . . . between parties of whom one is residing in England and the other is an officer, seaman, or marine borne on the books of one of His Majesty’s ships at sea, the last-mentioned party may give notice of his intention to the captain or other officer commanding the ship, together with the name and address of the other party to the marriage, and such other information as may be necessary to enable the captain or other officer to fill up a certificate under this section, and shall at the same time make and sign such a declaration as is required by section twenty-eight of this Act, and the captain or other officer may attest the declaration and thereupon issue a certificate to the officer, seaman or marine giving the notice.
- (2) A certificate issued under this section shall be in such form as may be prescribed by the Admiralty <sup>F228</sup> . . . , and all provisions of this Act (including penal provisions [<sup>F229</sup>but [<sup>F230</sup>excluding sections 27A and 27B]]) relating to notices and declarations for obtaining [<sup>F231</sup>a marriage schedule and to the issue of a marriage schedule apply in relation to a notice and declaration under subsection (1) and the issue of a certificate under this section], subject to such adaptations therein as may be made by His Majesty by Order in Council.
- [<sup>F232</sup>(3) Subsections (4) to (6) apply where—
  - (a) the party who is an officer, seaman or marine borne on the books of one of Her Majesty’s ships at sea has been issued with a certificate under this section, and
  - (b) the superintendent registrar for the registration district in which the other party resides has received that certificate.

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- (4) That superintendent registrar may accept notice of marriage from that other party under section 27 and in accordance with this Part, as if both parties were residing in different registration districts.
- (5) The superintendent registrar must then, as soon as reasonably practicable—
  - (a) file the certificate issued under this section and keep it with the records of the superintendent registrar’s office, and
  - (b) record in the marriage register—
    - (i) the fact that the certificate has been received, and
    - (ii) the date on which the certificate was received.
- (6) The superintendent registrar must also ensure the information recorded under subsection (5)(b) is open to inspection free of charge at all reasonable hours.]

#### Textual Amendments

- F226** Words in s. 39(1) substituted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(6)(a), **Sch. 1 para. 27(2)** (with Sch. 2)
- F227** Words in s. 39(1) repealed (1.1.2001) by [1999 c. 33, s. 169\(1\)\(3\)](#), [Sch. 14 paras. 3, 21\(b\)](#), **Sch. 16**; [S.I. 2000/2698](#), **art. 2**
- F228** Words in s. 39(2) omitted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(6)(a), **Sch. 1 para. 27(3)(a)** (with Sch. 2)
- F229** Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 10(a)**
- F230** Words substituted (E.W.) by virtue of [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(6), **Sch. 1 para. 6(a)**
- F231** Words in s. 39(2) substituted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(6)(a), **Sch. 1 para. 27(3)(b)** (with Sch. 2)
- F232** S. 39(3)-(6) substituted for s. 39(3) (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(6)(a), **Sch. 1 para. 27(4)** (with Sch. 2)

### [<sup>F233</sup>39A Marriage of former civil partners one of whom has changed sex **U.K.**

- (1) This section applies if—
  - (a) a court—
    - (i) makes final a nullity order which annuls a civil partnership on the ground that an interim gender recognition certificate has been issued to one of the civil partners, or
    - (ii) (in Scotland) grants a decree of dissolution of a civil partnership on that ground,
 and, on doing so, issues a full gender recognition certificate (under section 5A(1) of the Gender Recognition Act 2004) to that civil partner, and
  - (b) the former civil partners wish to marry each other in England or Wales in accordance with this Part without being delayed by the waiting period.
- (2) For the purposes of this section the relevant period is the period—
  - (a) beginning with the issue of the full gender recognition certificate, and

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (b) ending at the end of 1 month from the day on which it is issued.
- (3) If either of the former civil partners —
- (a) gives notice of marriage in accordance with this Part during the relevant period, and
- (b) on doing so, makes an election under this section,
- this Act applies with the modifications set out in subsections (4) to (6).
- (4) In section 31 (marriage under [<sup>F234</sup>marriage schedule])—
- (a) omit subsections (1), [<sup>F235</sup>(3)], (4A) and (5A) to (5I), and
- [<sup>F236</sup>(b) in subsection (2), for “The superintendent registrar for the registration district in which a marriage is to be solemnized must, once satisfied that any of the conditions in subsection (3) is met,” substitute “As soon as notice of the marriage has been given, the superintendent registrar for the registration district in which a marriage is to be solemnized must”.]
- (5) For section 33(3) (period of validity of [<sup>F237</sup>marriage schedule]: applicable period) substitute —
- “(3) The applicable period, in relation to a marriage, is the period of 1 month beginning with the day on which the notice of marriage was [<sup>F238</sup>recorded in the marriage register].”
- (6) In section 75 (offences relating to solemnization of marriages), omit subsections (2) (d)<sup>F239</sup> ... and (3)(a).
- (7) Where one of the former civil partners is residing in Scotland—
- (a) this section applies as if subsection (3) referred to the giving of notice and the making of an election by the former civil partner residing in England or Wales, and
- (b) section 37(d) does not apply.
- (8) In subsection (1)(b), “the waiting period” has the meaning given by section 31(4A).]

#### Textual Amendments

- F233** S. 39A inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Overseas Relationships and Consequential, etc. Amendments\) Order 2005 \(S.I. 2005/3129\)](#), art. 1, **Sch. 2 para. 1**
- F234** Words in s. 39A(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(2)(a)** (with Sch. 2)
- F235** Word in s. 39A(4)(a) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(2)(b)** (with Sch. 2)
- F236** S. 39A(4)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(2)(c)** (with Sch. 2)
- F237** Words in s. 39A(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(3)(a)** (with Sch. 2)
- F238** Words in s. 39A(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(3)(b)** (with Sch. 2)
- F239** Word in s. 39A(6) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 28(4)** (with Sch. 2)

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**F240 40 Forms of certificates to be furnished by Registrar General. E+W**

.....

**Textual Amendments**

**F240** S. 40 omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 29](#) (with [Sch. 2](#))

*Marriages in registered buildings*

**41 Registration of buildings [F241: marriage of a man and a woman]. E+W**

(1) Any proprietor or trustee of a <sup>F242</sup> . . . building, which has been certified as required by law as a place of religious worship may apply to the superintendent registrar of the registration district in which the building is situated for the building to be registered for the solemnization of marriages therein.

[<sup>F243</sup>(1A) A reference in this section to the solemnization of marriage is a reference to the solemnization of marriage of a man and a woman.]

[<sup>F244</sup>(2) Any person making such an application as aforesaid shall deliver to the superintendent registrar a certificate, signed in duplicate by at least twenty householders and dated not earlier than one month before the making of the application, stating that the building is being used by them as their usual place of public religious worship and that they desire that the building should be registered as aforesaid, and both certificates shall be countersigned by the proprietor or trustee by whom they are delivered.]

(3) The superintendent registrar shall send both certificates delivered to him under the last foregoing subsection to the Registrar General who shall register the building in a book to be kept for that purpose in the General Register Office.

[<sup>F245</sup>(3A) The duty imposed by subsection (3) to register the building in a book may be discharged by registering the building in an approved electronic form.]

(4) The Registrar General shall endorse on both certificates sent to him as aforesaid the date of the registration, and shall keep one certificate with the records of the General Register Office and shall return the other certificate to the superintendent registrar who shall keep it with the records of his office.

(5) On the return of the certificate under the last foregoing subsection, the superintendent registrar shall—

- (a) enter the date of the registration of the building in a book to be provided for that purpose by the Registrar General;
- (b) give a certificate of the registration signed by him, on durable materials, to the proprietor or trustee by whom the certificates delivered to him under subsection (2) of this section were countersigned; and
- (c) give public notice of the registration of the building by advertisement in some newspaper circulating in the county in which the building is situated and in the London Gazette.

<sup>F246</sup>(6) .....

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

[<sup>F247</sup>(7) A building may be registered for the solemnization of marriages under this section whether it is a separate building or forms part of another building.]

**Textual Amendments**

- F241** Words in s. 41 title inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 8\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F242** Word repealed by [Marriage \(Registration of Buildings\) Act 1990 \(c. 33, SIF 49:1\), s. 1\(1\)](#)
- F243** S. 41(1A) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 8\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F244** S. 41(2) substituted by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)\(a\)](#)
- F245** S. 41(3A) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\), arts. 1\(1\), 8](#)
- F246** S. 41(6) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 15 para. 11](#); S.I. 2016/603, reg. 3(w)
- F247** S. 41(7) substituted by [Marriage \(Registration of Buildings\) Act 1990 \(c. 33, SIF 49:1\), s. 1\(1\)](#)

**Modifications etc. (not altering text)**

- C44** S. 41 modified (13.3.2014) by [The Marriage of Same Sex Couples \(Registration of Buildings and Appointment of Authorised Persons\) Regulations 2014 \(S.I. 2014/106\), regs. 1, 9](#)

**42** [<sup>F248</sup>**Cancellation of registration under section 41: building no longer used**] **E**  
**+W**

(1) Where, on an application made by or through the superintendent registrar of the registration district in which the building is situated, it is shown to the satisfaction of the Registrar General that a [<sup>F249</sup>building registered under section 41] is no longer used for the purpose of public religious worship by the congregation on whose behalf it was registered, he shall cause the registration to be cancelled <sup>F250</sup> . . .

<sup>F251</sup>(2) . . . . .

(3) Where the Registrar General cancels the registration of any building, <sup>F250</sup> . . . , under this section, he shall inform the superintendent registrar who shall enter that fact and the date thereof in the book provided for the registration of buildings, and shall certify and publish the cancellation <sup>F250</sup> . . . , in the manner provided by subsection (5) of the last foregoing section in the case of the <sup>F250</sup> . . . registration of a building.

[<sup>F252</sup>(3A) In a case where—

- (a) the registration of a building is cancelled under this section, and
- (b) the building is also registered under section 43A,

the Registrar General must also cancel the registration under section 43A.]

<sup>F251</sup>(4) . . . . .

(5) Where the registration of any building has been cancelled, <sup>F250</sup> . . . under this section, it shall not be lawful to solemnize any marriage in the disused building, unless the building has been registered again in accordance with the provisions of this Part of this Act.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

### Textual Amendments

- F248** S. 42 title substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 9\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F249** Words in s. 42(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 9\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F250** Words repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)
- F251** S. 42(2)(4) repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)
- F252** S. 42(3A) inserted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\), art. 1\(2\), Sch. 1 para. 5\(3\)](#)

## 43 <sup>F253</sup> Buildings registered under section 41: appointment of authorised persons] **E+W**

- (1) For the purpose of enabling marriages to be solemnized in a <sup>F254</sup>building registered under section 41] without the presence of a registrar, the trustees or governing body of that building may authorise a person to be present at the solemnization of marriages in that building and, where a person is so authorised in respect of any <sup>F254</sup>building registered under section 41], the trustees or governing body of that building shall, within the prescribed time and in the prescribed manner, certify the name and address of the person so authorised to the Registrar General and to the superintendent registrar of the registration district in which the building is situated.
- <sup>F255</sup>(1A) The power conferred by this section may only be exercised after the end of the relevant one year period (and, if that period has ended before the date of the registration under section 41, the power may accordingly be exercised immediately).
- (1B) The relevant one year period is the period of one year beginning with the date of the registration of the building under section 41 (the “new registration”).
- (1C) But if—
- (a) there is any earlier registration of the building under section 43A which is still in force at the date of the new registration, or
  - (b) there has been any earlier qualifying registration of a previous building,
- the relevant one year period is the period of one year beginning with the date of that registration (or the earlier of those dates).
- (1D) For that purpose there is a qualifying registration of a previous building if—
- (a) the congregation on whose behalf the new registration is made previously used another building for the purpose of public religious worship,
  - (b) that building was registered under section 41 or 43A, and
  - (c) that registration was cancelled not more than one month before the date of the new registration.]
- <sup>F256</sup>(2) .....
- (3) Nothing in this section shall be taken to relate or have any reference to marriages solemnized according to the usages of the Society of Friends or of persons professing the Jewish religion.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

- F253** S. 43 title substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 10\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F254** Words in s. 43(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 10\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F255** S. 43(1A)-(1D) substituted for words in s. 43(1) (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 10\(4\)](#); S.I. 2014/93, art. 3(k)(i)
- F256** S. 43(2) omitted (13.3.2014) by virtue of [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 10\(5\)](#); S.I. 2014/93, art. 3(k)(i)

### [<sup>F257</sup>43A Registration of buildings: marriage of same sex couples **E+W**

- (1) A building that has been certified as required by law as a place of religious worship may be registered under this section for the solemnization of marriages of same sex couples.
- (2) Any application for registration of a building under this section is to be made—
  - (a) by a proprietor or trustee of the building;
  - (b) to the superintendent registrar of the registration district in which the building is situated.
- (3) An application for registration of a building under this section must be accompanied by—
  - (a) a certificate, given by the applicant and dated not earlier than one month before the making of the application, that the persons who are the relevant governing authority in relation to the building have given written consent to marriages of same sex couples as mentioned in section 26A(3),
  - (b) a copy of that consent, and
  - (c) if the building is not already registered under section 41, a certificate of use for religious worship.
- (4) The superintendent registrar must send to the Registrar General—
  - (a) the certificate or certificates, and
  - (b) the copy of the consent,which accompany an application under this section.
- (5) The Registrar General must then register the building.
- (6) A building may be registered for the solemnization of marriages under this section whether it is a separate building or forms part of another building.
- (7) In this section, in relation to an application under this section, “certificate of use for religious worship” means a certificate given by at least twenty householders and dated not earlier than one month before the making of the application, stating that they—
  - (a) use the building as their usual place of public religious worship, and
  - (b) wish the building to be registered under this section.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

**F257** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

### **43B Buildings registered under section 43A: appointment of authorised persons** E

+W

- (1) For the purpose of enabling marriages to be solemnized in a building registered under section 43A without the presence of a registrar, the trustees or governing body of that building may authorise a person to be present at the solemnization of marriages in that building.
- (2) Where a person is so authorised in respect of any building registered under section 43A, the trustees or governing body of that building must certify the name and address of the person so authorised to—
  - (a) the Registrar General, and
  - (b) the superintendent registrar of the registration district in which the building is situated.
- (3) The power conferred by this section may only be exercised after the end of the relevant one year period (and, if that period has ended before the date of the registration under section 43A, the power may accordingly be exercised immediately).
- (4) The relevant one year period is the period of one year beginning with the date of the registration of the building under section 43A (the “new registration”).
- (5) But if—
  - (a) there is any earlier registration of the building under section 41 which is still in force at the date of the new registration, or
  - (b) there has been any earlier qualifying registration of a previous building,
 the relevant one year period is the period of one year beginning with the date of that registration (or the earlier of those dates).
- (6) For that purpose there is a qualifying registration of a previous building if—
  - (a) the congregation on whose behalf the new registration is made previously used another building for the purpose of public religious worship,
  - (b) that building was registered under section 41 or 43A, and
  - (c) that registration was cancelled not more than one month before the date of the new registration.
- (7) A reference in this section to the solemnization of marriage is a reference to the solemnization of marriage of a same sex couple.
- (8) Nothing in this section is to be taken to relate or have any reference to marriages solemnized according to the usages of the Society of Friends or of persons professing the Jewish religion.



*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

**F257** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

### 43C Cancellation of registration under section 43A **E+W**

- (1) The registration of a building under section 43A may be cancelled under this section.
- (2) Any application under this section is to be made—
  - (a) by a proprietor or trustee of the building;
  - (b) to the superintendent registrar of the registration district in which the building is situated.
- (3) The superintendent registrar must forward any application under this section to the Registrar General; and the Registrar General must then cancel the registration of the building.
- (4) This section is subject (in particular) to sections 44A to 44C (registration of shared buildings for marriage of same sex couples) and regulations made under any of those sections.

#### Textual Amendments

**F257** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

### 43D Regulations about sections 41 and 43 and 43A to 43C **E+W**

- (1) The Secretary of State may by statutory instrument make regulations about the procedures to be followed<sup>F258</sup> ... —
  - (a) on registration applications;
  - (b) in relation to section 43B authorisations;
  - (c) on cancellation applications.
- (2) The Secretary of State may by statutory instrument make—
  - (a) regulations modifying the application of section 41 or 43 in relation to buildings that are already registered under section 43A;
  - (b) regulations about cases where a person makes applications under sections 41 and 43A, or gives or certifies authorisations under sections 43 and 43B, in respect of the same building at the same time (including provision modifying any requirement imposed by any of those sections or by regulations under subsection (1) of this section).
- (3) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section—

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“cancellation application” means an application under section 43C for the cancellation of the registration of a building;

“registration application” means an application under section 43A for the registration of a building;

“section 43B authorisation” means the authorisation of a person under section 43B to be present at the solemnization of marriages in a building registered under section 43A.]

#### Textual Amendments

**F257** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

**F258** Words in s. 43D(1) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 15 para. 12](#); S.I. 2016/603, reg. 3(w)

#### 44 Solemnization of marriage in registered building. E+W

- (1) Subject to the provisions of this section, where [<sup>F259</sup>the notices of marriage and [<sup>F260</sup>the marriage schedule]] state that a marriage between the persons named therein is intended to be solemnized in a registered building, the marriage may be solemnized in that building according to such form and ceremony as those persons may see fit to adopt:

Provided that no marriage shall be solemnized in any registered building without the consent of the minister or of one of the trustees, owners, deacons or managers thereof, or in the case of a registered building of the Roman Catholic Church, without the consent of the officiating minister thereof.

- (2) Subject to the provisions of this section, a marriage solemnized in a registered building shall be solemnized with open doors in the presence of two or more witnesses and in the presence of either—
- (a) a registrar of the registration district in which the registered building is situated, or
  - (b) an authorised person whose name and address have been certified in accordance with [<sup>F261</sup>section 43 (in the case of the marriage of a man and a woman), or section 43B (in the case of the marriage of a same sex couple),] by the trustees or governing body of that registered building or of some other registered building in the same registration district.

- (3) Where a marriage is solemnized in a registered building each of the persons contracting the marriage shall, in some part of the ceremony and in the presence of the witnesses and the registrar or authorised person, make the following declaration:—

“I do solemnly declare that I know not of any lawful impediment why I,*AB*, may not be joined in matrimony to*CD*”

and each of them shall say to the other:—

“I call upon these persons here present to witness that I,*AB*, do take thee,*CD*, to be my lawful wedded wife [*or*husband]”:

- [<sup>F262</sup>(3A) As an alternative to the declaration set out in subsection (3) of this section the persons contracting the marriage may make the requisite declaration either—

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- (a) by saying “I declare that I know of no legal reason why I [*name*] may not be joined in marriage to [*name*]”; or
- (b) by replying “I am” to the question put to them successively “Are you [*name*] free lawfully to marry [*name*]?”;

and as an alternative to the words of contract set out in that subsection the persons to be married may say to each other “I [*name*] take you [*or thee*] [*name*] to be my wedded wife [*or husband*]”.]

<sup>F263</sup>(4) .....

- (5) If the Registrar General is not satisfied with respect to any building registered or proposed to be registered for the solemnization of marriages therein that sufficient security exists for the [<sup>F264</sup>solemnization of marriages or signing of marriage schedules in accordance with the provisions of this Act], he may in his discretion attach to the continuance of the registration, or to the registration, of the building a condition that no marriage may be solemnized therein without the presence of a registrar.

#### Textual Amendments

- F259** Words in s. 44(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **23**; S.I. 2000/2698, **art. 2**
- F260** Words in s. 44(1) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 30(2)** (with Sch. 2)
- F261** Words in s. 44(2)(b) substituted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 11**; S.I. 2014/93, art. 3(k)(i)
- F262** S. 44(3A) substituted for s. 44(3) proviso (1.2.1997) by 1996 c. 34, s. 1(1); S.I. 1996/2506, **art. 2**
- F263** S. 44(4) omitted (4.5.2021) by virtue of The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 30(3)** (with Sch. 2)
- F264** Words in s. 44(5) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 30(4)** (with Sch. 2)

#### Modifications etc. (not altering text)

- C45** S. 44(3) applied by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 10(3)

<sup>F265</sup>*Registration of shared buildings for marriage of same sex couples*

#### Textual Amendments

- F265** Ss. 44A-44D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 1 para. 3**; S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

### 44A Building subject to Sharing of Church Buildings Act 1969: registration **U.K.**

- (1) This section applies to a registration application relating to a building that is—
  - (a) subject to a sharing agreement, or
  - (b) used as mentioned in section 6(4) of the 1969 Act.
- (2) The registration application must be made in accordance with section 43A (as read with section 26A(3)).

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- (3) But those provisions have effect subject to the following provisions of this section.
- (4) Each of the sharing churches is a relevant religious organisation for the purposes of section 26A(3).
- (5) A consent given under section 26A(3) (a “consent to marriages of same sex couples”) by the relevant governing authority of any of the sharing churches is therefore sufficient for the registration application to be made in compliance with section 26A(3) (and references to the consent of the relevant governing authority in section 43A are to be read accordingly).
- (6) But the registration application may not be made unless the relevant governing authorities of each of the sharing churches (other than those which have given consents to marriages of same sex couples) have given a separate written consent to the use of the shared building for the solemnization of marriages of same sex couples (a “consent to use”).
- (7) The registration application must also be accompanied by—
  - (a) a certificate, given by the applicant and dated not more than one month before the making of the application, that the relevant governing authorities mentioned in subsection (6) have given written consents to use, and
  - (b) copies of those consents.
- (8) The superintendent registrar must also send to the Registrar General—
  - (a) the certificate, and
  - (b) the copies of the consents,
 which accompany the application in accordance with subsection (7).
- (9) The Registrar General must not register the shared building unless and until subsection (8) and the requirements of section 43A have been complied with.
- (10) The Secretary of State may by statutory instrument make regulations containing such provision supplementing this section as the Secretary of State thinks appropriate.

**44B Building subject to Sharing of Church Buildings Act 1969: cancellation** U.K.

- (1) This section applies to a cancellation application relating to a building that is—
  - (a) subject to a sharing agreement, or
  - (b) used as mentioned in section 6(4) of the 1969 Act.
- (2) The cancellation application must be made in accordance with section 43C.
- (3) But section 43C has effect subject to the following provisions of this section.
- (4) The cancellation application may be made either—
  - (a) by a proprietor or trustee of the building, or
  - (b) by the relevant governing authority of any of the sharing churches.
- (5) For that purpose, in relation to a sharing church, “relevant governing authority” means the person or persons recognised by the members of the sharing church as competent for the purpose of making an application under section 43C in the circumstances to which this section applies.

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- (6) In a case where the cancellation application is made by a relevant governing authority in accordance with subsection (4)(b)—
- (a) the application must be accompanied by a certificate, given by persons making the application, that they are the relevant governing authority of one of the sharing churches; and
  - (b) the superintendent registrar must (in addition to forwarding the application in accordance with section 43C(3)) send a copy of that certificate to the Registrar General.
- (7) The Secretary of State may by statutory instrument make regulations containing such provision supplementing this section as the Secretary of State thinks appropriate.

#### **44C Other shared places of worship: registration and cancellation** **U.K.**

- (1) The Secretary of State may by statutory instrument make regulations about—
- (a) registration applications relating to other shared places of worship;
  - (b) cancellation applications relating to other shared places of worship;
  - (c) the sharing churches' use of other shared places of worship (in cases where those places are registered under section 43A) for the solemnization of marriages of same sex couples.
- (2) The provision that may be made under subsection (1)(a) or (b) includes provision about the procedures to be followed on registration applications or cancellation applications.
- (3) In this section “other shared place of worship” means a shared building—
- (a) which has been certified as required by law as a place of religious worship, but
  - (b) to which sections 44A and 44B do not apply because the building is neither—
    - (i) subject to a sharing agreement, nor
    - (ii) used as mentioned in section 6(4) of the 1969 Act.

#### **44D Sections 44A to 44C: supplementary provision** **U.K.**

- (1) In sections 44A to 44C (and this section)—
- “1969 Act” means the Sharing of Church Buildings Act 1969;
  - “cancellation application” means an application under section 43C for the cancellation of the registration of a building;
  - “registration application” means an application under section 43A for the registration of a building;
  - “sharing agreement” has the meaning given in section 1 of the 1969 Act;
  - “shared building” means a building that is—
    - (a) subject to a sharing agreement,
    - (b) used as mentioned in section 6(4) of the 1969 Act, or
    - (c) otherwise shared;
  - “shared building provisions” means sections 44A to 44C;
  - “sharing churches” means—
    - (a) in the case of a building subject to a sharing agreement, the churches that have made the agreement;
    - (b) in the case of a building used as mentioned in section 6(4) of the 1969 Act, the churches that so use it;

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- (c) in the case of any other shared building, the religious organisations (whether Christian or of another faith) that share it.
- (2) Regulations under any of the shared building provisions may provide for a registration application relating to a shared building to be made otherwise than by the proprietor or trustee of the building (whether or not the proprietor or trustee retains power to make such an application).
- (3) Regulations under any of the shared building provisions may make provision about any of these cases—
- (a) the case where a building registered under section 43A becomes a shared building;
  - (b) the case where a building registered under section 43A ceases to be a shared building;
  - (c) the case where a building is registered under section 43A and there is a change in the churches which are sharing churches;
- and the provision that may be made about such a case includes provision for the modification, suspension or cancellation of the registration under section 43A.
- (4) Regulations under any of the shared building provisions may make provision about the use of shared buildings for the solemnization of—
- (a) marriages of same sex couples according to the usages of the Society of Friends (commonly called Quakers), and
  - (b) marriages of same sex couples professing the Jewish religion according to the usages of the Jews.
- (5) The provision that may be made about the use of shared buildings for the solemnization of such marriages includes—
- (a) provision about the giving of consent by the relevant governing authority for the purposes of a registration application or cancellation application (including provision for identifying the relevant governing authority);
  - (b) provision corresponding to, or applying, any provision of section 43B (with or without modifications).
- (6) Regulations under any of the shared buildings provisions may amend any England and Wales legislation.
- (7) Subsections (2) to (6) do not limit the power under any of the shared building provisions to make regulations.
- (8) A statutory instrument containing regulations under any of the shared building provisions may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.]

*Marriages in register offices*

**45 Solemnization of marriage in register office. E+W**

- (1) Where a marriage is intended to be solemnized on the authority of [F266 a marriage schedule], the persons to be married may state in the [F267 notices] of marriage that they wish to be married in the office of the superintendent registrar or one of the superintendent registrars, as the case may be, to whom notice of marriage is given, and where any such [F268 notices have] been given and the [F269 marriage schedule has]

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been issued accordingly, the marriage may be solemnized in the said office, with open doors, in the presence of the superintendent registrar and a registrar of the registration district of that superintendent registrar and in the presence of two witnesses, and the persons to be married shall make the declarations and use the form of words set out in subsection (3) [<sup>F270</sup>or (3A)] of [<sup>F271</sup>section 44] in the case of marriages in registered buildings in the presence of a registrar.

- (2) No religious service shall be used at any marriage solemnized in the office of a superintendent registrar.

#### Textual Amendments

- F266** Words in s. 45(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 31\(a\)](#) (with Sch. 2)
- F267** Word in s. 45(1) substituted (1.1.2001) by [1999 c. 33, s. 169\(1\)](#), Sch. 14 paras. 3, [24\(b\)](#); S.I. [2000/2698](#), [art. 2](#)
- F268** Words in s. 45(1) substituted (1.1.2001) by [1999 c. 33, s. 169\(1\)](#), Sch. 14 paras. 3, [24\(c\)](#); S.I. [2000/2698](#), [art. 2](#)
- F269** Words in s. 45(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 31\(b\)](#) (with Sch. 2)
- F270** Words in s. 45(1) inserted (1.2.1997) by [1996 c. 34, s. 1\(2\)\(a\)](#); S.I. [1996/2506](#), [art. 2](#)
- F271** Words in s. 45 substituted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\)](#), art. 1(2)(3), [Sch. para. 3\(2\)](#)

#### [<sup>F272</sup>45A Solemnization of certain marriages. **U.K.**

- (1) This section applies to marriages solemnized, otherwise than according to the rites of the Church of England, in pursuance of section 26(1)(dd) [<sup>F273</sup>or 26B(6)] of this Act at the place where a person usually resides.
- (2) The marriage may be solemnized according to a relevant form, rite or ceremony in the presence of a registrar of the registration district in which the place where the marriage is solemnized is situated and of two witnesses and each of the persons contracting the marriage shall make the declaration and use the form of words set out in subsection (3) [<sup>F274</sup>or (3A)] of section 44 of this Act in the case of marriages in registered buildings in the presence of a registrar.
- (3) Where the marriage is not solemnized in pursuance of subsection (2) of this section it shall be solemnized in the presence of the superintendent registrar and a registrar of the registration district in which the place where the marriage is solemnized is situated and in the presence of two witnesses, and the persons to be married shall make the declarations and use the form of words set out in subsection (3) [<sup>F274</sup>or (3A)] of section 44 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 any marriage solemnized in the presence of a superintendent registrar.
- (5) In subsection (2) of this section a “relevant form, rite or ceremony” means a form, rite or ceremony of a body of persons who meet for religious worship in any registered building being a form, rite or ceremony in accordance with which members of that body are married in any such registered building.]

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

**F272** S. 45A inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 11](#)

**F273** Words in s. 45A inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 12](#); [S.I. 2014/93](#), art. 3(k)(i)

**F274** Words in s. 45A(2)(3) inserted (1.2.1997) by [1996 c. 34](#), s. 1(2)(a); [S.I. 1996/2506](#), art. 2

#### 46 Register office marriage followed by religious ceremony. **E+W**

- (1) If the parties to a [<sup>F275</sup>relevant marriage] desire to add the religious ceremony ordained or used by the church or persuasion of which they are members, they may present themselves, after giving notice of their intention so to do, to the clergyman or minister of the church or persuasion of which they are members, and the clergyman or minister, upon the production of a certificate of their marriage before the superintendent registrar and upon the payment of the customary fees (if any), may, if he sees fit, read or celebrate in the church or chapel of which he is the regular minister [<sup>F276</sup>, or (in the case of the conversion of a civil partnership at a place of residence) at that place of residence,] the marriage service of the church or persuasion to which he belongs or nominate some other minister to do so.

[<sup>F277</sup>(1A) In this section <sup>F278</sup>...—

[<sup>F279</sup>“place of residence”, in relation to the conversion of a civil partnership, means a place that a superintendent registrar attends for the purpose of the conversion because one of the parties to the civil partnership—

- (a) is housebound there,
- (b) is detained there as a patient in a hospital or in a prison or other place to which the Prison Act 1952 applies, or
- (c) is (being a person who is seriously ill and not expected to recover) present there;

“relevant marriage” means—]

- (a) the marriage of a man and a woman solemnized in the presence of a superintendent registrar,
- (b) the marriage of a same sex couple solemnized in the presence of a superintendent registrar, and
- (c) a marriage which arises from the conversion of a civil partnership under regulations under section 9 of the Marriage (Same Sex Couples) Act 2013.

(1B) This section does not authorise the marriage service of the Church of England to be read or celebrated in the case of a relevant marriage of a same sex couple.

(1C) This section does not authorise any other marriage service to be read or celebrated in the case of a relevant marriage of a same sex couple unless the relevant governing authority has given written consent to the reading or celebration of that service in the case of such marriages.

(1D) For that purpose—

[<sup>F280</sup>“relevant governing authority” means—

- (a) except in a case falling within paragraph (b) or (c), the person or persons recognised by the members of the relevant religious organisation as



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- competent for the purpose of giving consent for the purposes of this section;
- (b) in the case of a ceremony according to the usages of the Society of Friends, the recording clerk for the time being of the Society of Friends in London; and
- (c) in the case of a ceremony according to the usages of the Jews, the person or persons who would be the relevant governing authority (in accordance with section 26B(5)) if the ceremony were a marriage that was to be registered in accordance with [<sup>F281</sup>section 53D];]
- “relevant religious organisation” means the religious organisation whose marriage service is to be read or celebrated.]
- (2) Nothing in the reading or celebration of a marriage service under this section shall supersede or invalidate [<sup>F282</sup>the relevant marriage], and the reading or celebration shall not be entered as a marriage in [<sup>F283</sup>the marriage register][<sup>F284</sup>or in the register of conversions of civil partnerships into marriages kept by the Registrar General in accordance with section 9 of the Marriage (Same Sex Couples) Act 2013 and regulations made under that section.]
- (3) No person who is not entitled to solemnize marriages according to the rites of the Church of England shall by virtue of this section be entitled to read or celebrate the marriage service in any church or chapel of the Church of England.
- [<sup>F285</sup>(4) In this section a reference to a church or chapel includes a reference to—
- (a) a place of meeting for members of the Society of Friends;
- (b) a Jewish synagogue; and
- (c) a place of worship certified under the Places of Worship Registration Act 1855.
- (5) Subsection (4) does not limit—
- (a) the churches or persuasions to which this section applies; or
- (b) the interpretation of this section in its application to a particular church or persuasion.
- (6) In the case of a religious ceremony which follows the conversion of a civil partnership in a country or territory outside of the United Kingdom in accordance with provision made by regulations under section 9 of the Marriage (Same Sex Couples) Act 2013 in relation to—
- (a) a member of Her Majesty’s forces (within the meaning of the Armed Forces Act 2006) serving in the country or territory in which it is proposed they convert their civil partnership;
- (b) a relevant civilian (as defined in Part 3 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under that Part) who is employed in that country or territory; or
- (c) a child of a person falling within paragraph (a) or (b) and whose home is with that person in that country or territory (including a person who is or has been treated as the child of a person (“P”) in relation to a marriage or civil partnership to which P is or was a party);
- this section is to be read in accordance with subsection (7).
- (7) In a case to which subsection (6) applies—
- (a) subsection (1) is to be read as if—

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- (i) the reference to a clergyman or minister (including a reference to a clergyman or minister of a particular church or persuasion) includes a reference to a chaplain serving in any of Her Majesty's forces;
  - (ii) there is no reference to a superintendent registrar; and
  - (iii) the reference to the place of worship of which a person is a regular minister is a reference to the place where the conversion occurs (including any place of worship that is provided by the Secretary of State); and
- (b) subsection (1C) is to be read as if it —
- (i) requires the relevant governing authority's written consent to the reading or celebrating of the marriage service to be given to the Secretary of State; and
  - (ii) additionally, requires the clergyman, minister or chaplain who is to read or celebrate the service to have the consent of the relevant governing authority to do so.]

#### **Textual Amendments**

- F275** Words in s. 46(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 13\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F276** Words in s. 46(1) inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\), art. 1\(2\)\(3\), Sch. para. 3\(3\)\(a\)](#)
- F277** S. 46(1A)-(1D) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 13\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F278** Words in s. 46(1A) omitted (10.12.2014) by virtue of [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\), art. 1\(2\)\(3\), Sch. para. 3\(3\)\(b\)\(i\)](#)
- F279** Words in s. 46(1A) inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\), art. 1\(2\)\(3\), Sch. para. 3\(3\)\(b\)\(ii\)](#)
- F280** Words in s. 46(1D) substituted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\), art. 1\(2\)\(3\), Sch. para. 3\(3\)\(c\)](#) (with Sch. para. 3(4))
- F281** Words in s. 46(1D) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 32\(2\)](#) (with Sch. 2)
- F282** Words in s. 46(2) substituted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\), art. 1\(2\)\(3\), Sch. para. 3\(3\)\(d\)\(i\)](#)
- F283** Words in s. 46(2) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 32\(3\)](#) (with Sch. 2)
- F284** Words in s. 46(2) inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\), art. 1\(2\)\(3\), Sch. para. 3\(3\)\(d\)\(ii\)](#)
- F285** S. 46(4)-(7) inserted (10.12.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Provisions\) Order 2014 \(S.I. 2014/3168\), art. 1\(2\)\(3\), Sch. para. 3\(3\)\(e\)](#)

#### **Modifications etc. (not altering text)**

- C46** S. 46(2)(3) applied by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 11\(2\)](#)

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### <sup>F286</sup> *Marriages on approved premises*

#### Textual Amendments

**F286** Ss. 46A, 46B and cross-heading inserted (24.2.1995) by 1994 c. 34, ss. 1(2), 3(2); S.I. 1995/424, art. 2(1)(a)

#### <sup>F287</sup> 46A Approval of premises. **E+W**

- (1) The [<sup>F288</sup>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;
  - (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 [<sup>F289</sup>London borough council or the Common Council of the City of London].
- (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.

#### Textual Amendments

**F287** S. 46A inserted (24.2.1995) by 1994 c. 34, s. 1(2); S.I. 1995/424, art. 2(1)(a)

**F288** Words in s. 46A(1) substituted (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 1(2), Sch. 2 para. 5(2)(a) (with art. 4)

**F289** Words in s. 46A(3) substituted (18.7.1996) by 1996 c. iv, s. 3(2) (with s. 5)

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**Modifications etc. (not altering text)**

- C47** S. 46A: transfer of functions (1.4.1996) by [S.I. 1996/273, art. 3\(1\), Sch. 1 para. 7](#)  
S. 46A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of [S.I. 2000/2853, reg. 2\(1\), Sch. 1 para. B36](#)
- C48** S. 46A(1): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\), art. 1\(2\), Sch. 1 para. 5\(c\)](#) (with art. 4)

**<sup>F290</sup>46B Solemnization of marriage on approved premises. E+W**

- (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 [<sup>F291</sup>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) [<sup>F292</sup>or (3A)] of this Act in the case of marriages in registered buildings <sup>F293</sup> . . . .
- (4) No religious service shall be used at a marriage on approved premises in pursuance of section 26(1)(bb) of this Act.]

**Textual Amendments**

- F290** S. 46B inserted (in force for specified purposes on 24.2.1995 and 1.4.1995 respectively) by [1994 c. 34, s. 1\(2\); S.I. 1995/424, art. 2\(1\)\(a\)\(2\)\(b\)](#)
- F291** Words in s. 46B(2) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\), art. 1\(2\), Sch. 2 para. 5\(2\)\(b\)](#) (with art. 4)
- F292** Words in s. 46B(3) inserted (1.2.1997) by [1996 c. 34, s. 1\(2\)\(b\); S.I. 1996/2506, art. 2](#)
- F293** Words in s. 46B(3) omitted (1.2.1997) by virtue of [1996 c. 34, s. 1\(2\)\(b\); S.I. 1996/2506, art. 2](#)

*Marriages according to usages of Society of Friends*

**47 Marriages according to usages of Society of Friends. E+W**

- (1) No person who is not a member of the Society of Friends shall be married according to the usages of that Society unless he or she is authorised to be so married under or in pursuance of a general rule of the said Society in England.
- (2) A marriage solemnized according to the said usages shall not be valid unless either—
  - (a) [<sup>F294</sup>each person] giving notice of marriage declares, either verbally or, if so required, in writing, that each of the parties to the marriage is either a member of the Society of Friends or is in profession with or of the persuasion of that Society; or

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- (b) there is produced to the superintendent registrar, at the time when notice of marriage is given, a certificate purporting to be signed by [<sup>F295</sup>an] officer of the Society of Friends in England to the effect that any party to the marriage who is not a member of the Society of Friends or in profession with or of the persuasion of that Society, is authorised to be married according to the said usages under or in pursuance of a general rule of the said Society in England.
- (3) Any such certificate as aforesaid shall be for all purposes conclusive evidence that any person to whom it relates is authorised to be married according to the usages of the said Society, and [<sup>F296</sup>a certified copy of the entry of the marriage in the marriage register made under Part 4 of this Act], shall be conclusive evidence of the production of such a certificate.
- (4) A copy of any general rule of the Society of Friends purporting to be signed by the recording clerk for the time being of the said Society in London shall be admitted as evidence of the general rule in all proceedings touching the validity of any marriage solemnized according to the usages of the said Society.

**Textual Amendments**

- F294** Words in s. 47(2)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 25; S.I. 2000/2698, art. 2
- F295** Word in s. 47(2)(b) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), Sch. 1 para. 33(2) (with Sch. 2)
- F296** Words in s. 47(3) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), Sch. 1 para. 33(3) (with Sch. 2)

*Miscellaneous Provisions*

**48 Proof of certain matters not necessary to validity of marriages. E+W**

- (1) Where any marriage has been solemnized under the provisions of this Part of this Act, it shall not be necessary in support of the marriage to give any proof—
  - (a) that before the marriage either of the parties thereto resided, or resided for any period, in the registration district stated in the [<sup>F297</sup>notices] of marriage to be that of his or her place of residence;
  - <sup>F298</sup>(b) .....
  - (c) that the registered building in which the marriage was solemnized had been certified as required by law as a place of religious worship;
  - (d) that that building was the usual place of worship of either of the parties to the marriage; <sup>F299</sup> ...
  - <sup>F300</sup>(da) that, in the case of a marriage under section 26B(2), (4) or (6), the relevant governing authority had given consent as mentioned in section 26B(2)(b), (4) (b) or (6)(d);]
  - (e) that the facts stated in a declaration made under subsection (1) of section thirty-five of this Act were correct; <sup>F301</sup> [<sup>F302</sup> ...
  - (ea) that, in the case of a marriage under section 26A, the relevant governing authority had given consent as mentioned in section 26A(3);] <sup>F303</sup> or
  - (eb) that, in the case of a marriage to which Schedule 3A applied, any of the events listed in paragraph 2(2) to (6) of that Schedule occurred.]

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nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.

- (2) A marriage solemnized in accordance with the provisions of this Part of this Act in a registered building which has not been certified as required by law as a place of religious worship shall be as valid as if the building had been so certified.

#### Textual Amendments

- F297** Word in s. 48(1)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **26**; S.I. 2000/2698, **art. 2**
- F298** S. 48(1)(b) omitted (27.2.2023) by virtue of Marriage and Civil Partnership (Minimum Age) Act 2022 (c. 28), s. 7(1), **Sch. para. 1(7)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F299** Word in s. 48(1)(d) omitted (13.3.2014) by virtue of Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 14(a)**; S.I. 2014/93, art. 3(k)(i)
- F300** S. 48(1)(da) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 14(b)**; S.I. 2014/93, art. 3(k)(i)
- F301** Word in s. 48(1)(e) omitted (1.3.2015) by virtue of Immigration Act 2014 (c. 22), s. 75(3), **Sch. 4 para. 14(a)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)
- F302** S. 48(1)(ea) and word inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 14(c)**; S.I. 2014/93, art. 3(k)(i)
- F303** S. 48(1)(eb) and word inserted (1.3.2015) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 4 para. 14(b)** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)

#### Modifications etc. (not altering text)

- C49** S. 48 applied with modifications by Marriage (Registrar General's Licence) Act 1970 (c. 34), **s. 12**

## 49 Void marriages. **E+W**

If any persons knowingly and wilfully intermarry under the provisions of this Part of this Act—

- (a) without having given due notice of marriage to the superintendent registrar;
- <sup>F304</sup>(b) without a marriage schedule having been duly issued by the superintendent registrar of the registration district in which the marriage was solemnized;]
- <sup>F305</sup>(c) . . . . .
- (d) on the authority of [<sup>F306</sup>a marriage schedule which is] void by virtue of subsection (2) of section thirty-three of this Act;
- (e) in any place other than the church, chapel, registered building, office or other place specified in the [<sup>F307</sup>notices] of marriage and [<sup>F308</sup>(if so specified) in the marriage schedule];
- <sup>F309</sup>(ee) 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;]
- (f) in the case of a marriage in a registered building (not being a marriage in the presence of an authorised person), in the absence of a registrar of the registration district in which the registered building is situated; <sup>F310</sup> ...
- (g) in the case of a marriage in the office of a superintendent registrar, in the absence of the superintendent registrar or of a registrar of the registration district of that superintendent registrar; <sup>F310</sup><sup>F311</sup> ...

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- [<sup>F312</sup>(gg) 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]
- (h) in the case of a marriage to which section 45A of this Act applies, in the absence of any superintendent registrar or registrar whose presence at that marriage is required by that section;]
- the marriage shall be void.

#### Textual Amendments

- F304** S. 49(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 34\(2\)](#) (with [Sch. 2](#))
- F305** S. 49(c) repealed (1.1.2001) by 1999 c. 33, s. 169(1), [Sch. 14 paras. 3, 27\(b\)](#); S.I. 2000/2698, [art. 2](#)
- F306** Words in s. 49(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 34\(3\)](#) (with [Sch. 2](#))
- F307** Words in s. 49(e) substituted (1.1.2001) by 1999 c. 33, s. 169(1), [Sch. 14 paras. 3, 27\(d\)](#); S.I. 2000/2698, [art. 2](#)
- F308** Words in s. 49(e) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 34\(4\)](#) (with [Sch. 2](#))
- F309** S. 49(ee) inserted (1.4.1995) by 1994 c. 34, s. 1(3), [Sch. para. 3\(a\)](#); S.I. 1995/424, [art. 2\(2\)\(c\)](#)
- F310** Word in s. 49(f)(g) omitted (1.4.1995) by virtue of 1994 c. 34, s. 1(3), [Sch. para. 3\(b\)](#); S.I. 1995/424, [art. 2\(2\)\(c\)](#)
- F311** S. 49(h) and word “or” immediately preceding it inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 13](#)
- F312** S. 49(gg) inserted (1.4.1995) by 1994 c. 34, s. 1(3), [Sch. para. 3\(c\)](#); S.I. 1995/424, [art. 2\(2\)\(c\)](#)

#### Modifications etc. (not altering text)

- C50** S. 49 applied (with modifications) by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), [s. 13](#)

### [<sup>F313</sup> **49A Void marriages: additional provision about same sex couples** **E+W**

- (1) If a same sex couple knowingly and wilfully intermarries under the provisions of this Part of this Act in the absence of the required consent, the marriage shall be void.
- (2) In this section, in relation to a marriage of a same sex couple, “required consent” means consent under—
- (a) section 26A(3), in a case where section 26A applies to the marriage (but section 44A does not apply to it);
- (b) section 26A(3) and section 44A(6), in a case where section 26A and section 44A apply to the marriage;
- [<sup>F314</sup>(ba) section 26A(3) and under any regulations made under section 44C that require the consent to use of a building for the solemnization of marriages of same sex couples, in a case where section 26A and section 44C apply to the marriage;]
- (c) section 26B(2)(b), in a case where section 26B(1), (2) and (3) apply to the marriage;
- (d) section 26B(4)(b), in a case where section 26B(1), (4) and (5) apply to the marriage;
- (e) section 26B(6)(d), in a case where section 26B(1), (6) and (7) apply to the marriage.]

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

**F313** S. 49A inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 15; S.I. 2014/93, art. 3\(k\)\(i\)](#)

**F314** S. 49A(2)(ba) inserted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\), art. 1\(2\), Sch. 1 para. 5\(4\)](#)

### 50 Person to whom <sup>F315</sup>marriage schedule] to be delivered. **E+W**

<sup>F316</sup>(A1) This section applies where the parties to a marriage have been issued a marriage schedule under section 31(4).]

(1) <sup>F317</sup>The parties to the marriage must deliver the marriage schedule to the following person] :—

<sup>F318</sup>(a) .....

(b) if the marriage is to be solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is to be solemnized;

<sup>F319</sup>(c) .....

<sup>F320</sup>(cc) .....

(d) if the marriage is to be solemnized according to the usages of the Society of Friends, <sup>F321</sup>an] officer of that Society for the place where the marriage is to be solemnized;

(e) if the marriage is to be solemnized according to the usages of persons professing the Jewish religion, the officer of a synagogue by whom the marriage <sup>F322</sup>schedule is required to be signed in accordance with section 53C];

(f) if the marriage is to be solemnized according to the rites of the Church of England, the officiating clergyman.

<sup>F323</sup>(2) .....

<sup>F324</sup>(3) .....

#### Textual Amendments

**F315** Words in s. 50 heading substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 35\(2\)](#) (with Sch. 2)

**F316** S. 50(A1) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 35\(3\)](#) (with Sch. 2)

**F317** Words in s. 50(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 35\(4\)\(a\)](#) (with Sch. 2)

**F318** S. 50(1)(a) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 35\(4\)\(b\)](#) (with Sch. 2)

**F319** S. 50(1)(c) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 35\(4\)\(b\)](#) (with Sch. 2)

**F320** S. 50(1)(cc) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 35\(4\)\(b\)](#) (with Sch. 2)

**F321** Word in s. 50(1)(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(2\), Sch. 1 para. 35\(4\)\(c\)](#) (with Sch. 2)



*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- F322** Words in s. 50(1)(e) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 35(4)(d)** (with Sch. 2)
- F323** S. 50(2) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 28(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F324** S. 50(3) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 35(5)** (with Sch. 2)

## 51 <sup>F325</sup> Fees of superintendent registrars for attending marriages in approved premises] **E+W**

<sup>F326</sup><sup>F327</sup> (1) .....

<sup>F328</sup>(1A) In the case of persons married on approved premises in pursuance of section 26(1) (bb) of this Act—

<sup>F329</sup>(a) .....

(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.]

<sup>F330</sup>(2) .....

### Textual Amendments

- F325** S. 51 heading substituted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 13(a)**; S.I. 2016/603, reg. 3(w)
- F326** S. 51(1) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 13(b)**; S.I. 2016/603, reg. 3(w)
- F327** S. 51(1): s. 51 renumbered as s. 51(1) (E.W.) by [Marriage Act 1983 \(c. 32\)](#), SIF 49:1, s. 1(7), **Sch. 1 para. 15**
- F328** S. 51(1A) inserted (24.2.1995) by 1994 c. 34, s. 1(3), **Sch. para. 5**; S.I. 1995/424, **art. 2(1)(b)**
- F329** S. 51(1A)(a) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 13(c)**; S.I. 2016/603, reg. 3(w)
- F330** S. 51(2) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 13(d)**; S.I. 2016/603, reg. 3(w)

## 52 Provision for marriages in Welsh language. **E+W**

The Registrar General shall furnish to every registrar in Wales and in every place in which the Welsh language is commonly used a true and exact translation into the Welsh language of the <sup>F331</sup>declarations and forms of words] required to be used under section forty-four of this Act, and the said translation may be used in any place in which the Welsh language is commonly used in the same manner as is prescribed by the said section forty-four for the use of the <sup>F331</sup>declarations and forms of words] in the English language.

### Textual Amendments

- F331** Words in s. 52 substituted (1.2.1997) by 1996 c. 34, s. 1(3); S.I. 1996/2506, **art. 2**

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

## PART IV E+W

### REGISTRATION OF MARRIAGES

#### <sup>F332</sup> **53 Persons by whom marriages are to be registered.** E+W

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##### **Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

#### <sup>F333</sup> **53A Register of marriages** E+W

- (1) The Registrar General must maintain a register for the recording of information relating to marriages and the registration of marriages, which is to be known as the “marriage register”.
- (2) The marriage register must be accessible in electronic form.
- (3) Where a marriage is registered under section 53D(10)(a), the entry must be available to—
  - (a) the Registrar General, and
  - (b) the superintendent registrar in whose registration district the marriage was solemnized,
 immediately after the entry has been made.
- (4) Subject to subsection (5), information entered in the marriage register under any provision of this Act other than sections 29(1) or 53D(10)(a) must not be made available to the Registrar General.
- (5) Subsection (4) does not apply to information entered in the marriage register under section 27(4) where the superintendent registrar who entered the information has agreed that it may be made available.

##### **Textual Amendments**

**F333** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with Sch. 2)

#### **53B Signing of a marriage document** E+W

- (1) This section applies to a marriage solemnized—
  - (a) after the publication of banns,
  - (b) on the authority of a special licence, or
  - (c) on the authority of a common licence.

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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- (2) Before the marriage document is signed, the clergyman by whom the marriage is to be or has been solemnized may ask the parties to the marriage questions regarding the contents of the marriage document.
- (3) The parties to a marriage to which this section applies must sign the marriage document, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—
  - (a) each other,
  - (b) the clergyman by whom the marriage was solemnized, and
  - (c) two witnesses.
- (4) Immediately after the marriage document has been signed in accordance with subsection (3) it must also be signed in the presence of the parties to the marriage and each other by—
  - (a) the clergyman by whom the marriage was solemnized, and
  - (b) the two witnesses.

#### **Textual Amendments**

**F333** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with [Sch. 2](#))

### **53C Signing of a marriage schedule E+W**

- (1) This section applies to a marriage solemnized on the authority of a marriage schedule.
- (2) Before the marriage schedule is signed, the specified person may ask the parties to the marriage questions regarding the contents of the marriage schedule.
- (3) In the case of a marriage according to the usages of the Society of Friends or according to the usages of the Jews, before the specified person signs the marriage schedule, the specified person must be satisfied that the proceedings in relation to the marriage were conformable to the usages of the said Society or (as the case may be) to the usages of the Jews.
- (4) Subsections (2) and (3) apply whether or not the specified person was present at the marriage.
- (5) The parties to a marriage to which this section applies must sign the marriage schedule, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—
  - (a) each other,
  - (b) the specified person,
  - (c) (if different to the specified person) the person by or before whom the marriage was solemnized, and
  - (d) two witnesses.
- (6) Immediately after the marriage schedule has been signed in accordance with subsection (5), the specified person, the person by or before whom the marriage was solemnized (if different to the specified person) and the two witnesses must sign the marriage schedule in the presence of the parties to the marriage and each other.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (7) In the case of a marriage solemnized according to the usages of the Society of Friends or according to the usages of the Jews where the specified person is not present at the solemnization of the marriage—
- (a) the persons referred to in subsection (5)(a), (c) and (d) may sign the marriage schedule without being in the presence of the specified person;
  - (b) the specified person must sign the marriage schedule as soon as is convenient after the persons referred to in subsection (5)(a), (c) and (d) have signed the marriage schedule;
  - (c) the specified person may sign the marriage schedule without being in the presence of the persons referred to in subsection (5)(a), (c) and (d).
- (8) For the purposes of this Part, the specified person is—
- (a) in the case of a marriage solemnized according to the rites of the Church of England, the clergyman by whom the marriage is solemnized;
  - (b) in the case of a marriage solemnized according to the usages of the Society of Friends, an officer of that Society;
  - (c) in the case of a marriage solemnized according to the usages of the Jews—
    - (i) where the parties to the marriage are both members of the same synagogue, a secretary of that synagogue, or
    - (ii) where the parties to the marriage are members of different synagogues, a secretary of whichever of those synagogues the parties to the marriage nominate;
  - (d) in the case of a marriage solemnized in the presence of a registrar, that registrar;
  - (e) in the case of a marriage solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is solemnized.

#### Textual Amendments

**F333** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with Sch. 2)

#### Modifications etc. (not altering text)

**C51** S. 53C applied (with modifications) (4.5.2021) by 1970 c. 34, s. 14A (as inserted by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 56\(10\)](#) (with Sch. 2))

### 53D Registration of marriage **E+W**

- (1) Subsection (2) applies in the case of a marriage that is solemnized—
- (a) after the publication of banns,
  - (b) on the authority of a special licence, or
  - (c) on the authority of a common licence.
- (2) Once the marriage document for the marriage is signed in accordance with section 53B, the clergyman who solemnized the marriage must ensure that the marriage document is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document was completed.

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- (3) In the case of a marriage that is solemnized on the authority of a marriage schedule—
  - (a) where the marriage is attended by a registrar, that registrar must take custody of the marriage schedule once it is signed in accordance with section 53C;
  - (b) otherwise, once the marriage schedule is signed in accordance with section 53C, the specified person must ensure that it is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage schedule was completed.
- (4) The duty imposed by subsections (2) or (3)(b) to ensure the marriage document or (as the case may be) marriage schedule is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (5) Subsection (6) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document or marriage schedule was completed.
- (6) A registrar in the registration district in which the marriage was solemnized may issue a notice, in any form, and with any content, that may be prescribed, to the specified person requiring them to deliver the marriage document or (as the case may be) marriage schedule to a registrar, in that registration district, within 8 days beginning with the day on which the notice is issued.
- (7) Subsection (8) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered in accordance with a notice issued under subsection (6).
- (8) A registrar in the registration district in which the marriage was solemnized may issue a further notice, in any form, and with any content, that may be prescribed, to the specified person, requiring the personal attendance of the specified person at premises in the registration district in which the marriage was solemnized, for the purpose of—
  - (a) delivering the signed marriage document or (as the case may be) marriage schedule to the registrar, or
  - (b) if the specified person is not able to do so, explaining to the registrar why this is the case.
- (9) A specified person who is issued with a notice under subsection (8) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.
- (10) A registrar who has a signed marriage document or marriage schedule—
  - (a) must, as soon as reasonably practicable, register the marriage by entering the particulars in the marriage document or marriage schedule into the marriage register;
  - (b) may issue a certified copy of the entry in the marriage register.
- (11) Information regarding a signed marriage document or marriage schedule may be provided by a registrar for the registration district in which the marriage was solemnized to a specified person in that registration district for the purposes of establishing—
  - (a) whether the marriage document or marriage schedule is authentic, or

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- (b) whether every marriage document signed under section 53B and every marriage schedule signed under section 53C in that registration district has been registered under subsection (10).
- (12) Where a registrar has provided information to a specified person in accordance with subsection (11), that specified person may, for any of the purposes mentioned in that subsection, provide that registrar with information regarding any marriage document or marriage schedule signed or alleged to have been signed in the registration district concerned.

#### Textual Amendments

**F333** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with Sch. 2)

#### Modifications etc. (not altering text)

**C52** S. 53D applied (with modifications) (4.5.2021) by 1970 c. 34, s. 15 (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 56\(11\)](#) (with Sch. 2))

### 53E Registration of marriage where documentation lost or destroyed E+W

- (1) This section applies where the Registrar General is satisfied that—
- (a) a marriage has been solemnized, and
  - (b) the marriage document or (as the case may be) the marriage schedule in respect of the marriage has been lost or destroyed.
- (2) In the case of a marriage document, the Registrar General may direct a relevant church official, in writing, to—
- (a) reproduce the marriage document, and
  - (b) arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
    - (i) the relevant church official, and
    - (ii) the relevant original signatories.
- (3) The relevant church official to whom the direction is given under subsection (2) must—
- (a) ensure that the reproduction, signed in accordance with subsection (2)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
  - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (4) In the case of a marriage schedule, the Registrar General may direct the superintendent registrar for the registration district in which the marriage was solemnized, in writing, to—
- (a) reproduce the marriage schedule, and
  - (b) provide the reproduction to a relevant person and require them in writing to arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
    - (i) the relevant person, and

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- (ii) the relevant original signatories.
- (5) If the relevant person to whom the reproduction is provided under subsection (4)(b) is not a registrar, the relevant person must—
- (a) ensure that the reproduction, signed in accordance with subsection (4)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
  - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (6) The duty imposed by subsection (3)(a) or (5)(a) to ensure a reproduction is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (7) Subsection (8) applies if—
- (a) the Registrar General gives a direction under subsection (2) or (4), and
  - (b) the reproduction is not in the possession of a relevant registrar at the end of the period of 21 days beginning with the first day after the end of the signing period.
- (8) A relevant registrar may issue a notice, in any form, and with any content, that may be prescribed, to (as the case may be)—
- (a) the relevant church official to whom the direction was given, or
  - (b) the relevant person to whom the reproduction was provided,
- requiring the reproduction to be delivered to the registrar within 8 days beginning with the day on which the notice is issued.
- (9) Subsection (10) applies if the reproduction is not delivered in accordance with the notice issued under subsection (8).
- (10) A relevant registrar may issue a further notice, in any form, and with any content, that may be prescribed, to the relevant church official or (as the case may be) relevant person, requiring the personal attendance of the official or (as the case may be) relevant person at premises in the registration district in which the marriage was solemnized, for the purpose of—
- (a) delivering the reproduction, signed so far as is reasonably practicable by the original signatories, to the registrar, or
  - (b) if the official or (as the case may be) relevant person is not able to do so, explaining why this is the case.
- (11) A person who is issued with a notice under subsection (10) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.
- (12) Where a registrar is satisfied that, so far as is reasonably practicable, a marriage document or marriage schedule reproduced under this section has been signed by the persons mentioned in subsection (2)(b) or (as the case may be) (4)(b), the reproduction is to be treated as a signed marriage document or (as the case may be) marriage schedule for all purposes under this Act (and see, in particular, subsections (10) to (12) of section 53D).
- (13) In this section—
- “relevant church official”, in relation to a marriage document, means—
    - (a) the clergyman who solemnized the marriage, or

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- (b) if the Registrar General is satisfied that clergyman is not available to carry out the direction under subsection (2), a person appointed by the bishop of the diocese to carry out such directions;

“relevant original signatories” means—

- (a) in relation to a marriage document, the parties to the marriage and the witnesses, who signed the first marriage document in accordance with section 53B;
- (b) in relation to a marriage schedule, the parties to the marriage, the person by or before whom the marriage was solemnized if different to the specified person in relation to the marriage and the two witnesses, who signed the first marriage schedule in accordance with section 53C;

“relevant person”, in relation to a marriage schedule, means—

- (a) the specified person in relation to the marriage,
- (b) if the superintendent registrar to whom the direction is given under subsection (4) is satisfied that the specified person is not available to arrange for the reproduction to be signed by the original signatories—
- (i) in the case of a marriage solemnized according to the rites of the Church of England, a person appointed by the bishop of the diocese to carry out the functions of a relevant person under this section,
  - (ii) in the case of a marriage solemnized according to the usages of the Society of Friends, another officer of that Society in the registration district in which the marriage was solemnized,
  - (iii) in the case of a marriage solemnized according to the usages of the Jews where both parties to the marriage are members of the same synagogue, another secretary of that synagogue,
  - (iv) in the case of a marriage solemnized according to the usages of the Jews where the parties to the marriage are members of different synagogues, a secretary for either of those synagogues,
  - (v) in the case of a marriage solemnized in a registered building without the presence of a registrar, an authorised person in relation to that building or of some other registered building in the same registration district or a registrar of that district, or
- (c) if the superintendent registrar is satisfied that there is no person falling within paragraph (a) or (b) available to arrange for the reproduction to be signed by the original signatories, a registrar in the registration district in which the marriage was solemnized;

“relevant registrar” means a registrar in the registration district in which the marriage was solemnized;

“the signing period” means 28 days beginning with—

- (a) in the case of a marriage document, the day on which the Registrar General gives the direction under subsection (2);
- (b) in the case of a marriage schedule, the day on which the superintendent registrar provides the reproduction to a relevant person and requires them in writing to arrange for the reproduction to be signed under subsection (4)(b) (and if the superintendent registrar does those things on different days, the later of those two days).]



*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**Textual Amendments**

**F333** Ss. 53A-53E inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(4)(b)(5)(a), 7 (with Sch. 2)

**Modifications etc. (not altering text)**

**C53** S. 53E applied (with modifications) (4.5.2021) by 1970 c. 34, s. 15 (as amended by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 56(11)** (with Sch. 2))

**<sup>F332</sup>54 Provision of marriage register books by Registrar General. E+W**

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**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

**<sup>F332</sup>55 Manner of registration of marriages. E+W**

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**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

**Modifications etc. (not altering text)**

**C54** S. 55 extended by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), s. 15

**<sup>F332</sup>56 Power to ask for particulars of marriage. E+W**

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**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

**<sup>F332</sup>57 Quarterly returns to be made to superintendent registrar. E+W**

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

<sup>F332</sup>**58** **Quarterly returns to be made by superintendent registrar to Registrar General.** **E+W**

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**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

**Modifications etc. (not altering text)**

**C55** S. 58: transfer of functions (1.4.1996) by [S.I. 1996/273](#), art. 3(1), [Sch. 1 para. 7](#)

<sup>F332</sup>**59** **Custody of register books.** **E+W**

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**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

<sup>F332</sup>**60** **Filled register books.** **E+W**

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**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

<sup>F332</sup>**61** **Correction of errors in register book.** **E+W**

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

<sup>F332</sup>**62 Disposal of register books on church ceasing to be used for solemnization of marriages.** **E+W**

**Textual Amendments**

**F332** Ss. 53-62 omitted (4.5.2021 except for the omission of ss. 57, 58, 62(2)(a), 1.8.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), regs. 1(2)(10)(a), 6 (with Sch. 2)

**63 Searches in register books.** **E+W**

- (1) Every incumbent, <sup>F334</sup>... officer of the Society of Friends, secretary of a synagogue and registrar by whom a marriage register book is kept [<sup>F335</sup>may] allow searches to be made in any marriage register book in his keeping <sup>F336</sup>... <sup>F337</sup>...
- (2) The last foregoing subsection shall apply in the case of a registered building for which an authorised person has been appointed with the substitution for the reference to the incumbent of a reference to the person [<sup>F338</sup>responsible for keeping] a marriage register book in accordance with regulations made under section seventy-four of this Act.

**Textual Amendments**

- F334** Word in s. 63(1) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 36(2)(a)** (with Sch. 2)
- F335** Word in s. 63(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 36(2)(b)** (with Sch. 2)
- F336** Words in s. 63(1) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 36(2)(c)** (with Sch. 2)
- F337** Words in s. 63(1) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 15**; [S.I. 2016/603](#), reg. 3(w)
- F338** Words in s. 63(2) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 36(3)** (with Sch. 2)

**Modifications etc. (not altering text)**

**C56** S. 63 modified by [Parochial Registers and Records Measure 1978 \(No. 2\)](#), **ss. 20(3)**, 27(3)

<sup>F339</sup>**64 Searches of indexes kept by superintendent registrars.** **E+W**

- (1) Every superintendent registrar must—
  - (a) cause indexes of all entries in the marriage register made under section 53D(10)(a) in respect of their registration district to be made and kept in their office, and

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (b) keep in their office indexes of the marriage register books kept in their office.
- (2) A person is entitled—
  - (a) to search the indexes of the entries in the marriage register and the indexes of the marriage register books kept at the office of a superintendent registrar at all reasonable hours, and
  - (b) to obtain a certified copy under the hand of the superintendent registrar of an entry made in the marriage register under section 53D(10)(a) or of an entry made in a marriage register book.]

#### Textual Amendments

**F339** S. 64 substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 37](#) (with [Sch. 2](#))

### 65 Searches of indexes kept by Registrar General. **E+W**

- [<sup>F340</sup>(1) The Registrar General must—
- (a) cause indexes of all entries in the marriage register made under section 53D(10)(a) to be made and kept in the General Register Office, and
  - (b) keep in the General Register Office indexes of certified copies of marriage register books kept in the General Register Office.
- (2) A person is entitled—
- (a) to search the indexes of entries in the marriage register and indexes of certified copies of marriage register books at any time when the General Register Office is open for that purpose, and
  - (b) to obtain from the Registrar General a certified copy of an entry made in the marriage register under section 53D(10)(a) or a certified copy of an entry made in a certified copy of a marriage register book.]
- (3) The Registrar General shall cause all certified copies of entries given in the General Register Office to be sealed or stamped with the seal of that Office; and any certified copy of an entry purporting to be sealed or stamped with the said seal shall be received as evidence of the marriage to which it relates without any further or other proof of the entry, and no certified copy purporting to have been given in the said Office shall be of any force or effect unless it is sealed or stamped as aforesaid.

<sup>F341</sup>(4) .....

#### Textual Amendments

**F340** S. 65(1)(2) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 38](#) (with [Sch. 2](#))

**F341** S. 65(4) repealed by [Registration Service Act 1953 \(c. 37\)](#), [Sch. 2](#)

### [<sup>F342</sup>65A Searches and records of information: additional provision **E+W**

- (1) The Secretary of State may make regulations for the purpose of enabling the Registrar General—

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (a) to carry out, on request, a search to find out whether [<sup>F343</sup>the entries in the marriage register to which the Registrar General has access under section 53A(3) or] the Registrar General's certified copies contain a particular entry;
- (b) to provide, on request, a record of information contained in [<sup>F344</sup>such an entry], otherwise than in the form of a certified copy.

<sup>F345</sup>(2) .....

- (3) The regulations may make provision—
  - (a) as to how a request for a search or a record may be made;
  - (b) as to the forms in which a record may be provided.
- (4) The provision that may be made in the regulations includes provision for a record to be provided in a form that does not include all of the information contained in an entry.
- (5) Before making regulations under this section, the Secretary of State must consult the Registrar General.
- (6) Regulations under this section are to be made by statutory instrument.
- (7) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (8) This section does not affect the entitlement of any person to a certified copy of an entry [<sup>F346</sup>in the marriage register under section 53D(10)(a) or] in the Registrar General's certified copies.
- (9) In this section, “the Registrar General's certified copies” means the certified copies of entries in marriage register books <sup>F347</sup>... kept in the General Register Office.]

#### Textual Amendments

- F342** S. 65A inserted (26.5.2015) by [Deregulation Act 2015 \(c. 20\)](#), **ss. 99(1)**, 115(3)(k)
- F343** Words in s. 65A(1)(a) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), **Sch. 1 para. 39(2)** (with Sch. 2)
- F344** Words in s. 65A(1)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), **Sch. 1 para. 39(3)** (with Sch. 2)
- F345** S. 65A(2) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 18**; [S.I. 2016/603](#), [reg. 3\(w\)](#)
- F346** Words in s. 65A(8) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), **Sch. 1 para. 39(4)** (with Sch. 2)
- F347** Words in s. 65A(9) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), **Sch. 1 para. 39(5)** (with Sch. 2)

## 66 Sending documents by post. **E+W**

Any certificate, return or other document required by this Part of this Act to be delivered or sent to the Registrar General, a superintendent registrar or a registrar may be sent by post.

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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## 67 Interpretation of Part IV. **E+W**

In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“general search” means a search conducted during any number of successive hours not exceeding six, without the object of the search being specified;

[<sup>F348</sup>“incumbent” means the rector, vicar or curate in charge of a church or chapel in which marriages may be solemnized according to the rites of the Church of England;]

“particular search” means a search of the indexes covering a period not exceeding five years for a specified entry;

<sup>F349</sup>  
...

“secretary of a synagogue” means—

- (a) a person whom the President of the London Committee of Deputies of the British Jews certifies in writing to the Registrar General to be the secretary of a synagogue in England of persons professing the Jewish religion;
- (b) the person whom twenty householders professing the Jewish religion and being members of the West London Synagogue of British Jews certify in writing to the Registrar General to be the secretary of that Synagogue;
- (c) [<sup>F350</sup>the person whom twenty householders professing the Jewish religion and being members of the Liberal Jewish Synagogue, St. John’s Wood, certify in writing to the Registrar General to be the secretary of that Synagogue;
- (d) a person whom the secretary of either the West London Synagogue of British Jews or the Liberal Jewish Synagogue, St. John’s Wood, certifies in writing to be the secretary of some other synagogue of not less than twenty householders professing the Jewish religion, being a synagogue which is connected with the said West London Synagogue or with the said Liberal Jewish Synagogue, St. John’s Wood, as the case may be, and has been established for not less than one year;]

[<sup>F351</sup>“specified person” has the meaning assigned to it by section 53C(8);]  
<sup>F352</sup>  
...

### Textual Amendments

**F348** Words in s. 67 substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 40\(2\)](#) (with [Sch. 2](#))

**F349** Words in s. 67 omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 40\(3\)](#) (with [Sch. 2](#))

**F350** Paras. (c)(d) substituted for para. (c) by [Marriage \(Secretaries of Synagogues\) Act 1959 \(c. 13\)](#), [s. 1](#)

**F351** Words in s. 67 inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 40\(4\)](#) (with [Sch. 2](#))

**F352** Words in s. 67 omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), [Sch. 1 para. 40\(5\)](#) (with [Sch. 2](#))

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**PART V E+W**

**MARRIAGES IN NAVAL, MILITARY, AND AIR FORCE CHAPELS**

**Modifications etc. (not altering text)**

C57 Pt. V applied (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 1\(2\)\(b\), 21\(3\)](#); S.I. 2014/93, art. 3(a)

**68 Solemnization of marriages in naval, military, and air force chapels. E+W**

(1) The use of any chapel to which this Part of this Act applies for the publication therein of banns of marriages to which this Part of this Act applies, and for the solemnization therein, whether according to the rites of the Church of England or otherwise, of such marriages, may be authorised under and subject to the provisions of this Part of this Act.

[<sup>F353</sup>(1A) Nothing in this Part of this Act which applies to the marriage of same sex couples applies to marriage according to the rites of the Church of England.]

(2) This Part of this Act shall apply only to chapels which are certified by the Admiralty to be naval chapels and to chapels which are certified by a Secretary of State to be military or air force chapels, and shall apply only to marriages between parties of whom one at least is a qualified person, that is to say a person who, at the relevant date—

- (a) is serving in [<sup>F354</sup>any of the regular armed forces of the Crown; or]
- (b) has served in any force [<sup>F355</sup>included] in the last foregoing paragraph otherwise than with a commission granted or under an engagement entered into only for the purpose of a war or other national emergency; or
- (c) is, as a member of a reserve of officers, a reserve force, the [<sup>F356</sup>Army Reserve] or the Auxiliary Air Force, called out on actual or permanent service or embodied; or

<sup>F357</sup>(d) .....

(e) is a daughter [<sup>F358</sup>, son, step-daughter or step-son] of a person qualified under any of the foregoing paragraphs of this subsection.

(3) For the purposes of the last foregoing subsection, the expression “relevant date” means—

- (a) in a case where notice is given under section eight of this Act before publications of banns, the date of the notice;
- (b) in a case where banns are published without such notice, the date of the first publication of banns;
- (c) in a case where an oath is taken under section sixteen of this Act for the purpose of obtaining a common licence, the date of taking the oath;
- (d) in any other case, the date when notice of marriage is given to the superintendent registrar under section twenty-seven of this Act;

<sup>F359</sup> .....

<sup>F360</sup>(4) .....

(6) Nothing in this Part of this Act shall be taken to confer upon any person a right to be married in a chapel to which this Part of this Act applies.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

- F353** S. 68(1A) inserted (21.1.2014 for specified purposes, 3.6.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), **ss. 6(2)**, 21(3); S.I. 2014/93, arts. 2(a), 5(a)
- F354** Words substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 20, **Sch. 3 para. 8**
- F355** Word substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 20, **Sch. 3 para. 8**
- F356** Words in s. 68 substituted (1.10.2014) by [Defence Reform Act 2014 \(c. 20\)](#), **ss. 44(3)(b)(4)**, 50(1); S.I. 2014/2370, art. 4(a)
- F357** S. 68(2)(d) repealed (with saving) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), **Sch. 5 Pt. I**
- F358** Words in s. 68(2)(e) inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 31(a)**; S.I. 2001/3234, art. 2
- F359** Words in s. 68(3) repealed (1.10.2001) by 2001 c. 19, ss. 34, 38, Sch. 6 Pt. 6 para. 31(b), **Sch. 7 Pt. 7**; S.I. 2001/3234, art. 2
- F360** S. 68(4)(5) repealed (with saving) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), **Sch. 5 Pt. I**

#### Modifications etc. (not altering text)

- C58** S. 68(2) extended by [S.I. 1965/1536](#)

### 69 **Licensing of chapels for marriages according to rites of Church of England.** **E** **+W**

- (1) With respect to marriages according to the rites of the Church of England, the bishop of the diocese in which any chapel to which this Part of this Act applies is situated may, on the application of the Admiralty, in the case of a naval chapel, or of a Secretary of State, in the case of any other chapel, by licence authorise the publication of banns of marriages to which this Part of this Act applies, and the solemnization of such marriages, in the chapel, and while any such licence in respect of the chapel is in force—
- (a) any such banns or marriages which could lawfully be published or solemnized in the parish church of the parish in which the chapel is situated may be published or solemnized in the chapel; and
  - (b) the foregoing provisions of this Act relating to marriages according to the rites of the Church of England (excluding the provisions specified in Part I of the Fourth Schedule to this Act) shall apply in relation to the chapel, and in relation to the publication of banns therein, and in relation to marriages solemnized or intended to be solemnized therein according to those rites, as if the chapel were a parish church:

Provided that the provisions of this Act specified in Part II of the said Schedule shall apply subject to the modifications specified in that Part.

- (2) Where a licence has been issued in respect of a chapel under this section, the bishop of the diocese in which the chapel is situated may at any time, and shall on the application of the Admiralty or a Secretary of State, revoke the licence.
- (3) Upon the issue or revocation of a licence under this section, the registrar of the diocese shall register that fact and give notice thereof in writing to the Admiralty or a Secretary of State, as the case may be, who shall cause a copy of the notice to be published in the London Gazette and in some newspaper circulating in the diocese and to be sent to the Registrar General.



*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (4) The Admiralty or any person authorised by them, in the case of a naval chapel licensed under this section, and a Secretary of State or any person authorised by him, in the case of any other chapel so licensed, shall appoint one or more clergymen for the purpose of [<sup>F361</sup>solemnizing marriages] in the chapel according to the rites of the Church of England, and no marriage shall be solemnized in the chapel according to those rites except in the presence of a clergyman so appointed.
- (5) The provisions of this Act, and of any regulations made under section seventy-four of this Act, relating to the [<sup>F362</sup>solemnization] of marriages by [<sup>F363</sup>persons authorised under section 43] shall apply in relation to marriages solemnized according to the rites of the Church of England in a chapel licensed under this section as they apply in relation to marriages solemnized in a registered building without the presence of a registrar, subject to the following modifications:—
- (a) for any reference in those provisions to an authorised person there shall be substituted a reference to a clergyman appointed under this section, and
  - (b) for any reference in those provisions to the trustees or governing body of a registered building there shall be substituted a reference to the Admiralty or any person authorised by them, in the case of a naval chapel, and a reference to a Secretary of State or any person authorised by him, in the case of any other chapel.

#### Textual Amendments

- F361** Words in s. 69(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 41\(2\)](#) (with Sch. 2)
- F362** Word in s. 69(5) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 41\(3\)](#) (with Sch. 2)
- F363** Words in s. 69(5) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 17](#); [S.I. 2014/93](#), art. 3(k)(i)

## 70 Registration of chapels for marriages otherwise than according to rites of Church of England. **E+W**

- (1) With respect to marriages otherwise than according to the rites of the Church of England, the Registrar General shall, on the application of the Admiralty, in the case of a naval chapel, or of a Secretary of State, in the case of any other chapel, register any chapel to which this Part of this Act applies for the solemnization therein of marriages to which this Part of this Act applies, and while any chapel is so registered—
- (a) any such marriages which could lawfully be solemnized in a [<sup>F364</sup>building registered under section 41] situated in the same registration district as the chapel, may be solemnized in the chapel; and
  - (b) the foregoing provisions of this Act relating to marriages otherwise than according to the rites of the Church of England and to the registration of such marriages (excluding the provisions specified in Part III of the Fourth Schedule to this Act) shall apply in relation to the chapel, and in relation to marriages solemnized or intended to be solemnized therein otherwise than according to those rites, as if the chapel were a [<sup>F365</sup>building registered under section 41]:

Provided that the provisions of this Act specified in Part IV of the said Schedule shall apply subject to the modifications specified in that Part.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (2) The Registrar General shall, on the application of the Admiralty or a Secretary of State, as the case may be, cancel the registration of any chapel registered by him under this section.
- (3) Immediately after registering, or cancelling the registration of, any chapel under this section, the Registrar General shall cause notice of that fact to be published in the London Gazette and in some newspaper circulating in the registration district in which the chapel is situated and to be given to the superintendent registrar of that district, who shall record the registration or cancellation in such manner as may be prescribed by the Registrar General.

[<sup>F366</sup>(4) This section does not apply to the marriage of same sex couples.]

#### **Textual Amendments**

- F364** Words in s. 70(1)(a) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 18; S.I. 2014/93, art. 3\(k\)\(i\)](#)
- F365** Words in s. 70(1)(b) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 18; S.I. 2014/93, art. 3\(k\)\(i\)](#)
- F366** S. 70(4) inserted (21.1.2014 for specified purposes, 3.6.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 6\(3\), 21\(3\); S.I. 2014/93, arts. 2\(a\), 5\(a\)](#)

#### **Modifications etc. (not altering text)**

- C59** Functions of Admiralty now exercisable by a Secretary of State: [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), s. 1\(2\)](#)

### [<sup>F367</sup>**70A Registration of chapels for marriages of same sex couples otherwise than according to rites of Church of England** **E+W**]

- (1) The Secretary of State may apply to the Registrar General for a chapel to which this Part applies to be registered for the solemnization of marriages of same sex couples.
- (2) Where an application is made under this section, subsections (1) to (3) of section 70 apply to the application as if it had been made under section 70.
- (3) Where a chapel is registered on an application under this section, subsections (1) to (3) of section 70 apply in relation to the chapel as if it had been registered on an application under section 70.
- (4) Any application for the cancellation of a registration is to be made by the Secretary of State.
- (5) The Secretary of State may by statutory instrument make regulations about—
  - (a) the registration of chapels under this section, and
  - (b) the cancellation of registrations.
- (6) The regulations may, in particular, make provision—
  - (a) as to the procedures to be followed by the Secretary of State in making an application for registration or an application for cancellation of a registration;
  - (b) as to the procedures to be followed by the Registrar General on an application for registration or an application for cancellation of a registration;
  - (c) as to consents required before an application for registration may be made (including such provision amending section 2 of the Marriage (Same Sex

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

Couples) Act 2013 as the Secretary of State considers appropriate to secure that the giving of such a consent is an opt-in activity under that section).

- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (8) In this section a reference to the cancellation of a registration is a reference to the cancellation, under section 70(2) (as applied by this section), of a registration under this section.]

**Textual Amendments**

**F367** S. 70A inserted (21.1.2014 for specified purposes, 3.6.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), **ss. 6(4), 21(3)**; S.I. 2014/93, arts. 2(a), 5(a)

**71 Evidence of marriages under Part V. E+W**

Where a marriage has been solemnized under this Part of this Act, it shall not be necessary, in support of the marriage, to give any proof—

- (a) that the chapel in which the marriage was solemnized was certified or licensed or registered in accordance with this Part of this Act; or
- (b) that either of the parties was a qualified person within the meaning of this Part of this Act; or
- (c) in the case of a marriage according to the rites of the Church of England, that the marriage was solemnized in the presence of a clergyman duly appointed under this Part of this Act for the purpose of registering marriages;

and no evidence shall be given to prove the contrary in any proceedings touching the validity of any such marriage.

**PART VI E+W**

GENERAL

**[<sup>F368</sup>71A Fees E+W**

- (1) The Secretary of State may by regulations provide for fees to be payable to such persons as may be prescribed in respect of—
  - (a) the giving of notice of a marriage to a superintendent registrar;
  - (b) an application for the reduction of the waiting period in relation to a notice of marriage (see section 31(5A));
  - (c) the registration for the solemnization of marriages of a building certified as required by law as a place of religious worship, or the cancellation of such a registration;
  - (d) the authorisation of a person to be present at the solemnization of marriages in such a building;
  - (e) the presence of a superintendent registrar or registrar at a marriage (except in a case falling within section 51(1A));

<sup>F369</sup>(f) .....

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- (g) the carrying out of a search of—
    - (i) any marriage register book,
    - (ii) any index kept in relation to [<sup>F370</sup>the marriage register or] such a book,  
F371
    - ...
    - (iii) certified copies of entries in such a book [<sup>F372</sup>, or
    - (iv) entries in the marriage register]
  - (h) the provision of a certified copy, or other record of information, relating to an entry in [<sup>F373</sup>the marriage register or] a marriage register book;
  - (i) the issue of the Registrar General's licence under section 7 of the Marriage (Registrar General's Licence) Act 1970;
  - [<sup>F374</sup>(ia) a correction to the marriage register or a marriage register book;]
  - (j) such other marriage services as may be prescribed.
- (2) Regulations under this section may—
- (a) specify the amount of any fee payable under the regulations, or
  - (b) set out how such a fee is to be determined.
- (3) Subsection (4) applies where the regulations provide for a fee to be payable to a superintendent registrar or registrar.
- (4) The regulations may provide for such part of the fee as may be specified by or determined in accordance with the regulations to be payable by the superintendent registrar or registrar to the Registrar General in prescribed circumstances.
- (5) The regulations may provide for the reimbursement, reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.
- (6) Regulations under this section must be made by statutory instrument.
- (7) Regulations under this section may—
- (a) provide for exemptions from any of the provisions of the regulations;
  - (b) contain such consequential, incidental, supplemental and transitional provision as the Secretary of State considers appropriate.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
- “marriage services” means services in connection with marriages which are provided by or on behalf of the Registrar General, a superintendent registrar or registrar;
  - “prescribed” means prescribed in regulations made under this section.]

#### Textual Amendments

**F368** S. 71A inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), [Sch. 15 para. 1](#); [S.I. 2016/603](#), reg. 3(w)

**F369** S. 71A(1)(f) omitted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), [Sch. 1 para. 42\(2\)](#) (with [Sch. 2](#))

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- F370** Words in s. 71A(1)(g)(ii) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(3)(a)** (with Sch. 2)
- F371** Word in s. 71A(1)(g)(ii) omitted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(3)(b)** (with Sch. 2)
- F372** S. 71A(1)(g)(iv) and word inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(4)** (with Sch. 2)
- F373** Words in s. 71A(1)(h) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(5)** (with Sch. 2)
- F374** S. 71A(1)(ia) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(6)** (with Sch. 2)

## 72 **Supplementary provisions as to marriages in usual places of worship.** **E+W**

- (1) For the purposes of the following provisions of this Act, that is to say, subsection (4) of section six, paragraph (b) of subsection (1) of section fifteen and subsection (3) of section thirty-five, no parish church or authorised chapel shall be deemed to be the usual place of worship of any person unless he is enrolled on the church electoral roll of the area in which that church or chapel is situated, and where any person is enrolled on the church electoral roll of an area in which he does not reside that enrolment shall be sufficient evidence that his usual place of worship is a parish church or authorised chapel in that area.
- (2) Persons intending to be married shall have the like but no greater right of having their banns published and marriage solemnized by virtue of the said provisions in a parish church or authorised chapel which is the usual place of worship of one or both of them as they have of having their banns published and marriage solemnized in the parish church or public chapel of the parish or chapelry in which they or one of them resides.
- (3) Where any marriage has been solemnized by virtue of the said provisions it shall not be necessary in support of the marriage to give any proof of the actual enrolment of the parties or of one of them on the church electoral roll of the area in which the parish church or authorised chapel in which the marriage was solemnized was situated, nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.
- (4) In this section the expression “church electoral roll” means a church electoral roll provision for which is made in [<sup>F375</sup>the Church Representation Rules].

### Textual Amendments

- F375** Words in s. 72(4) substituted (E.) (1.1.2020) by [Church Representation and Ministers Measure 2019 \(No. 1\)](#), s. 1(3), **Sch. 2 para. 7**; S.I. 2019/1460, art. 2

### Modifications etc. (not altering text)

- C60** S. 72(4) amended by [Marriage \(Wales and Monmouthshire\) Act 1962 \(c. 32\)](#), s. 1(2)

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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### 73 Lists of licensed chapels and registered buildings. **E+W**

- (1) The registrar of every diocese shall, within fifteen days after the first day of January in every year, make out and send by post<sup>[F376]</sup>, or in an approved electronic form,] to the Registrar General at his office a list of all chapels within that diocese in which marriages may be solemnized according to the rites of the Church of England (being chapels which belong to the Church of England or have been licensed under Part V of this Act), and shall distinguish in that list which chapels have a parish, chapelry or other recognised ecclesiastical division annexed to them, which are chapels licensed under section twenty of this Act and which are chapels licensed under the said Part V, and, in the case of chapels licensed under the said section twenty, shall state in the list the district for which each chapel is licensed according to the description thereof in the licence.
- (2) The Registrar General shall in every year make out and cause to be printed a list of all chapels included in any list sent to him under the last foregoing subsection and of all registered buildings and shall state in that list the county and registration district within which each chapel or registered building is situated and the names and places of residence of the superintendent registrars, registrars and deputy registrars of each district<sup>[F377]</sup>; and the duty imposed by this subsection to make out a list may be discharged by making out a list in an approved electronic form.]
- (3) A copy of every list made by the Registrar General under the last foregoing subsection shall be sent to every registrar and superintendent registrar<sup>[F378]</sup>; and the duty imposed by this subsection may be discharged by sending a copy in an approved electronic form].

#### Textual Amendments

- F376** Words in s. 73(1) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(1)**
- F377** Words in s. 73(2) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(2)**
- F378** Words in s. 73(3) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(3)**

### 74 <sup>[F379]</sup>Regulations and approval of electronic forms etc. **E+W**

- <sup>[F380]</sup>(1) The Registrar General, with the approval of <sup>[F381]</sup>the Secretary of State], may by statutory instrument make regulations—
- (a) prescribing the duties of . . . <sup>F382</sup> authorised persons under this Act;
  - (b) prescribing any thing which by this Act <sup>[F383]</sup>(other than section 71A) is required to be prescribed <sup>[F384]</sup>;
  - (c) making provision in relation to—
    - (i) corrections to or the re-issue of a marriage schedule or marriage document before the marriage is solemnized;
    - (ii) the keeping of a signed marriage schedule or signed marriage document after the particulars set out in it have been entered in the marriage register;
    - (iii) corrections to entries entered under this Act in the marriage register or a marriage register book;

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (iv) the keeping of marriage register books in which the particulars of a marriage have been entered under this Act;
- (v) the keeping in a church or chapel of records of marriages solemnized according to the rites of the Church of England in the church or chapel]

[<sup>F385</sup>(1A) For the purposes of subsection (1)(c) “provision in relation to” the keeping of a book, document or other record includes, in particular, provision about—

- (a) who is to be responsible for keeping the book, document or other record and how it is to be stored;
- (b) the circumstances in which the book, document or other record must or may be annotated;
- (c) the circumstances in which the book, document or other record must or may be sent to the Registrar General or a superintendent registrar.]

[<sup>F386</sup>(2) The Registrar General may approve forms of electronic communications or electronic storage for the purposes of a provision of this Act; and a reference in this Act to an approved electronic form is to a form approved under this subsection for the purposes of that provision.]

[<sup>F387</sup>(3) Any order or regulations made under this Act may make different provision for different cases.]

#### Textual Amendments

- F379** S. 74 title substituted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**
- F380** S. 74 renumbered as s. 74(1) (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**
- F381** Words in s. 74 substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 5(1)(d)** (with art. 4)
- F382** Words repealed by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 2**
- F383** Words in s. 74(1)(b) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 19**; [S.I. 2016/603](#), reg. 3(w)
- F384** S. 74(1)(c) and semi-colon inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(4)(e), **Sch. 1 para. 43(2)** (with [Sch. 2](#))
- F385** S. 74(1A) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(4)(e), **Sch. 1 para. 43(3)** (with [Sch. 2](#))
- F386** S. 74(2) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**
- F387** S. 74(3) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 15** (with [Sch. 9 para. 66](#)); [S.I. 2014/2771](#), art. 3(e); [S.I. 2015/371](#), art. 2(1)(f)

#### Modifications etc. (not altering text)

- C61** Functions of Minister of Health now exercisable by Secretary of State: [S.I. 1968/1699](#)
- C62** S. 74: transfer of functions (1.4.1996) by [S.I. 1996/273](#), art. 3(1), **Sch. 1 para. 7**
- C63** S. 74: transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 5(e)** (with art. 4)

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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## 75 Offences relating to solemnization of marriages. **E+W**

(1) Any person who knowingly and wilfully—

- <sup>F388</sup>(a) . . . . .
- (b) solemnizes a marriage according to the rites of the Church of England without banns of matrimony having been duly published (not being a marriage solemnized on the authority of a special licence, a common licence or [<sup>F389</sup>a marriage schedule]);
- (c) solemnizes a marriage according to the said rites (not being a marriage by special licence [<sup>F390</sup>or a marriage in pursuance of section 26(1)(dd) of this Act]) in any place other than a church or other building in which banns may be published;
- (d) solemnizes a marriage according to the said rites falsely pretending to be in Holy Orders;

shall be guilty of felony and shall be liable to imprisonment for a term not exceeding fourteen years.

(2) Any person who knowingly and wilfully—

- (a) solemnizes a marriage (not being a marriage by special licence, a marriage according to the usages of the Society of Friends or a marriage between two persons professing the Jewish religion according to the usages of the Jews) in any place other than—
- (i) a church or other building in which marriages may be solemnized according to the rites of the Church of England, or
- (ii) the registered building [<sup>F391</sup>office [<sup>F392</sup>, approved premises] or person's residence specified as the place where the marriage was to be solemnized] in the [<sup>F393</sup>notices of marriage and [<sup>F394</sup>(if so specified) in the marriage schedule]] required under Part III of this Act;
- <sup>F395</sup>(aa) solemnizes a marriage purporting to be in pursuance of section 26(1)(bb) of this Act on premises that are not approved premises;]
- (b) solemnizes a marriage in any such registered building as aforesaid (not being a marriage in the presence of an authorised person) in the absence of a registrar of the district in which the registered building is situated;
- <sup>F396</sup>(bb) solemnizes a marriage in pursuance of section 26(1)(dd) [<sup>F397</sup>or 26B(6)] of this Act, otherwise than according to the rites of the Church of England, in the absence of a registrar of the registration district in which the place where the marriage is solemnized is situated;]
- (c) solemnizes a marriage in the office of a superintendent registrar in the absence of a registrar of the district in which the office is situated;
- <sup>F398</sup>(cc) 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;]
- (d) solemnizes a marriage on the authority of [<sup>F399</sup>a marriage schedule when none of the conditions in section 31(3) is met]; or
- (e) solemnizes a marriage on the authority of [<sup>F400</sup>a marriage schedule] after the expiration of [<sup>F401</sup>the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act];

shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.

<sup>F402</sup>(2A) . . . . .



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- (3) A superintendent registrar who knowingly and wilfully—
- [<sup>F403</sup>(a) issues a marriage schedule when none of the conditions in section 31(3) is met;]
  - (b) issues [<sup>F404</sup>a marriage schedule] after the expiration of [<sup>F405</sup>the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act]; [<sup>F406</sup>or]
  - <sup>F407</sup>(c) .....
  - (d) solemnizes or permits to be solemnized in his office [<sup>F408</sup>or, in the case of a marriage in pursuance of [<sup>F409</sup>section 26(1)(bb) or (dd)] [<sup>F410</sup>or 26B(6)] of this Act, in any other place] any marriage which is void by virtue of any of the provisions of Part III of this Act;
- shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.
- (4) No prosecution under this section shall be commenced after the expiration of three years from the commission of the offence.
- (5) Any reference in subsection (2) of this section to a registered building shall be construed as including a reference to any chapel registered under section seventy [<sup>F411</sup>or 70A] of this Act.

#### Textual Amendments

- F388** S. 75(1)(a) repealed (1.10.2012) by Protection of Freedoms Act 2012 (c. 9), ss. 114(1)(b), 120, **Sch. 10 Pt. 11** (with s. 97); S.I. 2012/2234, art. 3(m)
- F389** Words in s. 75(1)(b) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(2)** (with Sch. 2)
- F390** Words inserted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(a)**
- F391** Words substituted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(b)**
- F392** Words in s. 75(2)(a)(ii) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(a)**; S.I. 1995/424, **art. 2(2)(c)**
- F393** Words in s. 75(2)(a)(ii) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **30(1)(3)(a)**; S.I. 2000/2698, **art. 2**
- F394** Words in s. 75(2)(a)(ii) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(3)(a)** (with Sch. 2)
- F395** S. 75(2)(aa) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(b)**; S.I. 1995/424, **art. 2(2)(c)**
- F396** S. 75(2)(bb) inserted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(c)**
- F397** Words in s. 75(2)(bb) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 19(2)**; S.I. 2014/93, art. 3(k)(i)
- F398** S. 75(2)(cc) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(c)**; S.I. 1995/424, **art. 2(2)(c)**
- F399** Words in s. 75(2)(d) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(3)(b)** (with Sch. 2)
- F400** Words in s. 75(2)(e) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(3)(c)** (with Sch. 2)
- F401** Words in s. 75(2)(e) substituted (1.10.1997) by S.I. 1997/986, **art. 2(4)**
- F402** S. 75(2A) omitted (4.5.2021) by virtue of The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(4)** (with Sch. 2)
- F403** S. 75(3)(a) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2)(8)(d), **Sch. 1 para. 44(5)(a)** (with Sch. 2)

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- F404** Words in s. 75(3)(b) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(d), **Sch. 1 para. 44(5)(b)** (with Sch. 2)
- F405** Words in s. 75(3)(b) substituted (1.10.1997) by [S.I. 1997/986](#), **art. 2(4)**
- F406** Word in s. 75(3)(b) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 1(8)(a)** (with s. 8); [S.I. 2023/88](#), reg. 2 (with regs. 3-17)
- F407** S. 75(3)(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 1(8)(b)** (with s. 8); [S.I. 2023/88](#), reg. 2 (with regs. 3-17)
- F408** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 20(d)**
- F409** Words in s. 75(3)(d) substituted (1.4.1995) by [1994 c. 34](#), s. 1(3), **Sch. para. 7(d)**[S.I. 1995/424](#), **art. 2(2)(c)**
- F410** Words in s. 75(3)(d) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 19(3)**; [S.I. 2014/93](#), art. 3(k)(i)
- F411** Words in s. 75(5) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 19(4)**; [S.I. 2014/93](#), art. 3(k)(i)

**Modifications etc. (not altering text)**

- C64** S. 75(2)(a) excluded by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), **s. 16(4)**

**76 Offences relating to registration of marriages. E+W**

(1) Any person who refuses or without reasonable cause omits to register any marriage which he is required by this Act to register, and any person having the custody of a marriage register book or a certified copy of a marriage register book or part thereof who carelessly loses or injures the said book or copy or carelessly allows the said book or copy to be injured while in his keeping, shall be liable on summary conviction to a fine not exceeding [<sup>F412</sup>level 3 on the standard scale].

<sup>F413</sup>(2) .....

(3) Any registrar who knowingly and wilfully registers any marriage which is void by virtue of any of the provisions of Part III of this Act shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.

(4) The balance of any sum paid or recovered on account of a fine imposed under subsection (1) <sup>F414</sup>... of this section after making any such payments in respect of court or police fees as are mentioned in paragraphs (a), (b) and (c) of subsection (1) of section five of the <sup>M7</sup>Criminal Justice Administration Act, 1914, shall be paid—

(a) <sup>F415</sup>... into the Exchequer; <sup>F416</sup>...

<sup>F416</sup>(b) .....

(5) Subject as may be prescribed, a superintendent registrar may prosecute any person guilty of an offence under [<sup>F417</sup>subsection (1)] committed within his district, and any costs incurred by the superintendent registrar in prosecuting such a person, being costs which are not otherwise provided for, shall be defrayed out of moneys provided by Parliament.

(6) No prosecution under subsection (3) of this section shall be commenced after the expiration of three years from the commission of the offence.

**Textual Amendments**

- F412** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), **ss. 38, 46**

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- F413** S. 76(2) omitted (1.8.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(10)(b), **Sch. 1 para. 45(2)** (with Sch. 2)
- F414** Words in s. 76(4) omitted (1.8.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(10)(b), **Sch. 1 para. 45(3)(a)** (with Sch. 2)
- F415** Words in s. 76(4)(a) omitted (1.8.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(10)(b), **Sch. 1 para. 45(3)(b)** (with Sch. 2)
- F416** S. 76(4)(b) and word omitted (1.8.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(10)(b), **Sch. 1 para. 45(3)(c)** (with Sch. 2)
- F417** Words in s. 76(5) substituted (1.8.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(10)(b), **Sch. 1 para. 45(4)** (with Sch. 2)

#### Marginal Citations

**M7** 1914 c. 58.

### [<sup>F418</sup>76A Offence of failing to attend premises in compliance with a section 53D(8) or section 53E(10) notice **E+W**

- (1) A person who, without reasonable cause, fails to attend premises in compliance with a notice issued under section 53D(8) or section 53E(10) commits an offence.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.]

#### Textual Amendments

**F418** S. 76A inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 46** (with Sch. 2)

### 77 Offences by authorised persons. **E+W**

Any authorised person who refuses or fails to comply with the provisions of this Act or of any regulations made under section seventy-four thereof shall be guilty of an offence against this Act, and, unless the offence is one for which a specific penalty is provided under the foregoing provisions of this Part of this Act, shall be liable, on summary conviction, to a fine not exceeding ten pounds or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding fifty pounds, and shall upon conviction cease to be an authorised person.

### 78 Interpretation. **E+W**

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
  - [<sup>F419</sup>“approved electronic form” has the meaning given by section 74(2);]
  - [<sup>F420</sup>“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;]
  - “authorised chapel” means—
    - (a) in relation to a chapelry, a chapel of the chapelry in which banns of matrimony could lawfully be published immediately before the passing of the <sup>M8</sup>Marriage Act, 1823, or in which banns may be published and marriages may be solemnized by virtue of section two of the <sup>M9</sup>Marriages

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Confirmation Act, 1825, or of an authorisation given under section three of the Marriage Act, 1823;

- (b) in relation to an extra-parochial place, a church or chapel of that place in which banns may be published and marriages may be solemnized by virtue of section two of the Marriages Confirmation Act, 1825, or of an authorisation given under section three of the Marriage Act, 1823, or section twenty-one of this Act;
- (c) in relation to a district specified in a licence granted under section twenty of this Act, the chapel in which banns may be published and marriages may be solemnized by virtue of that licence;

[<sup>F421</sup>“authorised person” means—

- (a) in relation to a building registered under section 41, a person whose name and address have been certified in accordance with section 43;
- (b) in relation to a building registered under section 43A, a person whose name and address have been certified in accordance with section 43B;]

“brother” includes a brother of the half blood;

[<sup>F422</sup> “child of the family”, in relation to any person, means a child who has lived in the same household as that person and been treated by that person as a child of his family]

“clergyman” means a clerk in Holy Orders of the Church of England;

“common licence” has the meaning assigned to it by section five of this Act;

“ecclesiastical district,” in relation to a district other than a parish, means a district specified in a licence granted under section twenty of this Act, a chapelry or an extra-parochial place;

[<sup>F423</sup>“England and Wales legislation” has the same meaning as in the Marriage (Same Sex Couples) Act 2013; ]

[<sup>F424</sup> “ marriage document ” has the meaning assigned to it by section 21A(3);]

[<sup>F425</sup> “child” [<sup>F426</sup>, except where used to express a relationship,] means a person under the age of eighteen;];

[<sup>F427</sup>“marriage notice book” means a book furnished to a superintendent registrar by the Registrar General before 4th May 2021 for the purposes of entering, before that date, the particulars given in every notice of marriage;]

[<sup>F428</sup>“marriage schedule” has the meaning assigned to it by section 31(2);

“marriage register” has the meaning assigned to it by section 53A(1);

“marriage register book” means a marriage register book used for the purposes of registering marriages that were solemnized before 4th May 2021 in England or Wales;

“officer of the Society of Friends” means a person whom the recording clerk of the Society of Friends in London certifies in writing under their hand to the Registrar General to be an officer in England and Wales of that Society;]

“parish” means an ecclesiastical parish and includes a district constituted under the Church Building Acts, 1818 to 1884, notwithstanding that the district has not become a new parish by virtue of section fourteen of the <sup>M10</sup>New Parishes Act, 1856, or section five of the <sup>M11</sup>New Parishes Measure, 1943, being a district to which Acts of Parliament relating to the publication of banns of matrimony and the solemnization of marriages were applied by the said Church Building Acts as if the district had been an ancient parish, and the expression “parish church” shall be construed accordingly;

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“prescribed” [<sup>F429</sup>(other than in section 71A)] means prescribed by regulations made under section seventy-four of this Act ;

“registered building” means a building registered under [<sup>F430</sup>section 41 or section 43A] of this Act;

“registrar” means a registrar of marriages;

“Registrar General” means the Registrar General of Births, Deaths and Marriages in England;

“registration district” means the district of a superintendent registrar;

[<sup>F431</sup>“relevant national” means—

(a) a British citizen,

(aa) [<sup>F432</sup>an Irish citizen, or

(ab) a person who is not an Irish citizen and who—

(i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020 , or

(ii) is an applicant for the purposes of regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;]

(b) <sup>F433</sup> ...

(c) <sup>F433</sup> ...]

“sister” includes a sister of the half blood;

“special licence” has the meaning assigned to it by section five of this Act;

“superintendent registrar” means a superintendent registrar of births, deaths and marriages;

“trustees or governing body,” in relation to Roman Catholic registered buildings, includes a bishop or vicar general of the diocese.

<sup>F434</sup>(1A) .....

(2) Any reference in this Act to the Church of England shall, unless the context otherwise requires, be construed as including a reference to the Church in Wales.

[<sup>F435</sup>(3) For the purposes of this Act a person is house-bound if—

(a) [<sup>F436</sup>each notice] of his or her marriage given in accordance with section 27 of this Act is accompanied by a medical statement (within the meaning of section 27A(7) of this Act) made, not more than fourteen days before the date on which that notice was given, in relation to that person; and

(b) he or she is not a detained person.

(4) For the purposes of this Act 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 <sup>M12</sup>1983 (short term detentions), as a patient in a hospital; or

(b) in a prison or other place to which the Prison Act <sup>M13</sup>1952 applies,

and in paragraph (a) above “patient” and “hospital” have the same meanings as in Part II of the Mental Health Act 1983.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (5) For the purposes of this Act a person who is house-bound or is a detained person shall be taken, if he or she would not otherwise be, to be resident and usually resident at the place where he or she is for the time being.]
- [<sup>F437</sup>(6) If, for the purpose of any provision of this Act, a relevant governing authority has given written consent to marriages of same sex couples, the validity of that consent is not affected only because there is a change in the person or persons constituting that relevant governing authority.]

#### Textual Amendments

- F419** Words in s. 78(1) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **14**
- F420** S. 78(1): definition of “approved premises” inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 8**; S.I. 1995/424, **art. 2(2)(c)**
- F421** Words in s. 78(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 20(2)(a)**; S.I. 2014/93, art. 3(k)(i)
- F422** Definition inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(4)(6), **Sch. 1 para. 7**
- F423** Words in s. 78(1) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 20(2)(b)**; S.I. 2014/93, art. 3(k)(i)
- F424** Words in s. 78(1) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(4)(f), **Sch. 1 para. 47(2)** (with Sch. 2)
- F425** Definition substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1), 34(2)(5), **Sch. 2 para. 10(a)**
- F426** Words in s. 78(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 16**; S.I. 2005/3175, art. 2(2)
- F427** Words in s. 78(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 47(3)** (with Sch. 2)
- F428** Words in s. 78(1) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(4)(f)(5)(d)(6)(b), **Sch. 1 para. 47(4)** (with Sch. 2)
- F429** Words in s. 78(1) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 20**; S.I. 2016/603, reg. 3(w)
- F430** Words in s. 78(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 20(2)(c)**; S.I. 2014/93, art. 3(k)(i)
- F431** Words in s. 78(1) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 17** (with Sch. 9 para. 66); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)
- F432** Words in s. 78(1) inserted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **3(2)(a)** (with Sch. 5 para. 5)
- F433** Words in s. 78(1) omitted (1.7.2021) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020 \(Consequential, Saving, Transitional and Transitory Provisions\) \(EU Exit\) Regulations 2020 \(S.I. 2020/1309\)](#), regs. 1(2)(c), **3(2)(b)** (with Sch. 5 para. 5)
- F434** S. 78(1A) (inserted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1), 34(2)(5), **Sch. 2 para. 10(b)**) repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, Sch. 15 (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)**
- F435** S. 78(3)–(5) inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 21**
- F436** Words in s. 78(3)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **31**; S.I. 2000/2698, **art. 2**

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**F437** S. 78(6) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 20\(3\)](#); S.I. 2014/93, art. 3(k)(i)

#### Marginal Citations

- M8** 1823 c. 76.  
**M9** 1825 c. 92.  
**M10** 1856 c. 104.  
**M11** 1943 No. 1.  
**M12** 1983 c. 20 (85).  
**M13** 1952 c. 52 (39:1).

## 79 Repeals and savings. **E+W**

- (1) The Acts specified in Part I of the Fifth Schedule to this Act, and the Measures of the Church Assembly specified in Part II of that Schedule, are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (2) Any banns published, licence or certificate issued, notice, consent, authorisation or direction given, Order in Council, rules, order, declaration, return, appointment or entry made, registration effected, caveat entered or other thing done under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force, and have effect as if published, issued, given, made, effected, entered or done under the corresponding provision of this Act.
- (3) Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- (4) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.
- (5) Nothing in this Act shall affect any law or custom relating to the marriage of members of the Royal Family.
- (6) Nothing in this Act shall affect the right of the Archbishop of Canterbury or any other person by virtue of the <sup>M14</sup>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.
- (7) Nothing in this Act shall affect the validity of any marriage solemnized before the commencement of this Act.
- (8) Nothing in this Act shall affect any authority given under section three of the <sup>M15</sup>Marriage Act, 1823, before the repeal thereof for the publication of banns and the solemnization of marriages in any chapel, or affect the operation of section four of that Act in relation to that chapel.
- (9) Nothing in this Act shall affect any right, title, estate, interest, will, claim, payment, commutation, composition, discharge, settlement or other thing, or the devolution or distribution of any property which, by virtue of section two of the <sup>M16</sup>Deceased Wife's Sister's Marriage Act, 1907, was not affected by the Marriage (Prohibited Degrees of Relationship) Acts, 1907 to 1931.
- (10) Nothing in this Act shall enable any proceedings to be taken in an ecclesiastical court which could not have been taken if this Act had not been passed.

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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- (11) Nothing in this Act shall require any caution or security to be given which would not have required to be given if this Act had not been passed.
- (12) Nothing in this Act shall affect any power to extend a Measure of the Church Assembly to the Channel Islands or affect any such Measure which has been so extended.
- (13) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section thirty-eight of the <sup>M17</sup> Interpretation Act, 1889 (which relates to the effect of repeals).

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**Marginal Citations**

- M14** 1533 c. 21.  
**M15** 1823 c. 76.  
**M16** 1907 c. 47.  
**M17** 1889 c. 63.

**80 Short title, extent and commencement. E+W**

- (1) This Act may be cited as the Marriage Act, 1949.
- (2) Save as is otherwise expressly provided, this Act shall not extend to Scotland or to Northern Ireland.
- (3) The provisions of this Act specified in the Sixth Schedule to this Act shall not extend to Wales or Monmouthshire.
- (4) This Act shall come into force on the first day of January, nineteen hundred and fifty.



*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

## SCHEDULES

### [<sup>F438</sup>SCHEDULE 1 E+W

#### KINDRED AND AFFINITY

##### Textual Amendments

**F438** Sch. 1 substituted (5.12.2005 for the purposes of Sch. 1 Pts. 1, 2 only) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(b), [Sch. 27 para. 17](#); S.I. 2005/3175, art. 2(2)(5)

##### Modifications etc. (not altering text)

**C65** Sch. 1 modified (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010](#) (S.I. 2010/985), regs. 1(1), 5, [Sch. 4](#)

**C66** Sch. 1 modified (21.12.2018) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2018](#) (S.I. 2018/1412), reg. 1(2), [Sch. 4 para. 1](#)

### PART 1 E+W

#### PROHIBITED DEGREES: KINDRED

1 (1) The list referred to in section 1(1) is—

- Adoptive child
- Adoptive parent
- Child
- Former adoptive child
- Former adoptive parent
- Grandparent
- Grandchild
- Parent
- Parent's sibling
- Sibling
- Sibling's child

(2) In the list “sibling” means a brother, sister, half-brother or half-sister.

### PART 2 E+W

#### DEGREES OF AFFINITY REFERRED TO IN SECTION 1(2) AND (3)

2 The list referred to in section 1(2) is as follows—

- Child of former civil partner
- Child of former spouse
- Former civil partner of grandparent

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- Former civil partner of parent
- Former spouse of grandparent
- Former spouse of parent
- Grandchild of former civil partner
- Grandchild of former spouse]

**F439** PART III **E+W**

**Textual Amendments**

**F439** Sch. 1 Pt. 3 repealed (1.3.2007) by [The Marriage Act 1949 \(Remedial\) Order 2007 \(S.I. 2007/438\)](#), arts. 1(1), **3(a)(iii)** (with s. 1(2))

**F439**<sup>3</sup> .....

**F440** SECOND SCHEDULE **E+W**

Section 3.

**Textual Amendments**

**F440** Sch. 2 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, **Sch.15** (with saving in [Sch. 14 para. 37](#), and with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, **art. 3(2)**

.....

**F441** THIRD SCHEDULE **E+W**

Section 68.

**Textual Amendments**

**F441** Sch. 3 repealed (with saving) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), **Sch. 5 Pt. 1**

.....

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

## [<sup>F442</sup>SCHEDULE 3A **E+W**

### MODIFICATIONS IF PROPOSED MARRIAGE REFERRED UNDER SECTION 28H

#### Textual Amendments

**F442** Sch. 3A inserted (1.3.2015) by Immigration Act 2014 (c. 22), s. 75(3), **Sch. 4 para. 9** (with Sch. 9 para. 66); S.I. 2015/371, art. 2(1)(f)

#### Introduction

- 1 (1) These are the modifications subject to which this Act has effect if the superintendent registrar refers a proposed marriage to the Secretary of State.
- (2) In this Schedule—
  - “2014 Act” means the Immigration Act 2014;
  - “referred marriage” means the proposed marriage referred to the Secretary of State.

*No [<sup>F443</sup>marriage schedule] to be issued until decision about investigation etc*

#### Textual Amendments

**F443** Words in Sch. 3A para. 2 cross-heading substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 48(2)** (with Sch. 2)

- 2 (1) The duty under section 31(2) to issue a [<sup>F444</sup>marriage schedule] in respect of the referred marriage does not apply unless and until one of the following events occurs.
- (2) Event 1 occurs if—
  - (a) the Secretary of State gives the superintendent registrar [<sup>F445</sup>or (as the case may be) superintendent registrars] the section 48 notice, and
  - (b) that notice is of a decision not to investigate whether the referred marriage is a sham.
- (3) Event 2 occurs if—
  - (a) the relevant statutory period ends, and
  - (b) the Secretary of State has not given the superintendent registrar [<sup>F446</sup>or (as the case may be) superintendent registrars] the section 48 notice.
- (4) Event 3 occurs if—
  - (a) the Secretary of State gives the superintendent registrar [<sup>F447</sup>or (as the case may be) superintendent registrars] the section 48 notice,
  - (b) that notice is of a decision to investigate whether the referred marriage is a sham,
  - (c) the Secretary of State gives the superintendent registrar [<sup>F448</sup>or (as the case may be) superintendent registrars] the section 50 notice, and
  - (d) that notice is of a decision that both of the parties to the referred marriage have complied with the investigation.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (5) Event 4 occurs if—
- (a) the 70 day period ends, and
  - (b) the Secretary of State has not given the superintendent registrar [<sup>F449</sup>or (as the case may be) superintendent registrars] the section 50 notice.
- (6) Event 5 occurs if the Secretary of State gives the superintendent registrar [<sup>F450</sup>or (as the case may be) superintendent registrars] notice that the duty under section 31(2) is applicable.
- (7) The Secretary of State may give a notice for that purpose only if—
- (a) the Secretary of State has given the superintendent registrar [<sup>F451</sup>or (as the case may be) superintendent registrars] the section 48 notice,
  - (b) that notice is of a decision to investigate whether the referred marriage is a sham,
  - (c) the Secretary of State has given the superintendent registrar [<sup>F452</sup>or (as the case may be) superintendent registrars] the section 50 notice, and
  - (d) that notice is of a decision that one or both of the parties to the referred marriage have not complied with the investigation.
- (8) This paragraph applies in addition to any other requirements applicable to the issue of the [<sup>F453</sup>marriage schedule].
- (9) This paragraph is subject to paragraph 4.
- (10) In this paragraph—
- “70 day period” has the same meaning as in section 50 of the 2014 Act;
  - “relevant statutory period” has the same meaning as in section 48 of the 2014 Act;
  - “section 48 notice” means notice under section 48(7) of the 2014 Act;
  - “section 50 notice” means notice under section 50(7) of the 2014 Act.

#### Textual Amendments

- F444** Words in Sch. 3A para. 2(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(a)** (with Sch. 2)
- F445** Words in Sch. 3A para. 2(2)(a) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(b)** (with Sch. 2)
- F446** Words in Sch. 3A para. 2(3)(b) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(b)** (with Sch. 2)
- F447** Words in Sch. 3A para. 2(4)(a) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(b)** (with Sch. 2)
- F448** Words in Sch. 3A para. 2(4)(c) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(b)** (with Sch. 2)
- F449** Words in Sch. 3A para. 2(5)(b) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(b)** (with Sch. 2)
- F450** Words in Sch. 3A para. 2(6) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(b)** (with Sch. 2)
- F451** Words in Sch. 3A para. 2(7)(a) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(b)** (with Sch. 2)
- F452** Words in Sch. 3A para. 2(7)(c) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(b)** (with Sch. 2)

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**F453** Words in Sch. 3A para. 2(8) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(3)(a)** (with Sch. 2)

*Marriage to be investigated: extension of waiting period to 70 days*

3 (1) The modifications in this paragraph have effect if the Secretary of State gives the superintendent registrar notice under section 48(7) of the 2014 Act of a decision to investigate whether the referred marriage is a sham.

<sup>F454</sup>(2) .....

(3) Section 31(4A)(a): the reference to the period of 28 days has effect as a reference to the relevant 70 day period.

(4) Section 31(5A) <sup>F455</sup>...: the reference to the 28 day period has effect as a reference to the relevant 70 day period.

(5) Section 31(5B) does not apply.

<sup>F456</sup>(6) .....

(7) In this paragraph “relevant 70 day period” means the period—

- (a) beginning the day after notice of the proposed marriage is [<sup>F457</sup>recorded in the marriage register] in accordance with Part 3 of the Marriage Act 1949, <sup>F458</sup>... and
- (b) ending at the end of the period of 70 days beginning with that day.

**Textual Amendments**

**F454** Sch. 3A para. 3(2) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(4)(a)** (with Sch. 2)

**F455** Words in Sch. 3A para. 3(4) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(4)(b)** (with Sch. 2)

**F456** Sch. 3A para. 3(6) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(4)(c)** (with Sch. 2)

**F457** Words in Sch. 3A para. 3(7)(a) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(4)(d)(i)** (with Sch. 2)

**F458** Words in Sch. 3A para. 3(7)(a) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 48(4)(d)(ii)** (with Sch. 2)

*Effect of reducing statutory period*

4 (1) This paragraph applies if—

- (a) the Secretary of State gives notice under section 31(5EB) of the grant of an application made under section 31(5A) (reduction of statutory period) in relation to the referred marriage, and
- (b) that notice is given at a time when the duty under section 31(2) to issue a [<sup>F459</sup>marriage schedule] in respect of the referred marriage has not arisen in accordance with paragraph 2.

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (2) The duty under subsection 31(2) to issue a [<sup>F460</sup>marriage schedule] in respect of the referred marriage arises on the giving of the notice, subject to any other requirements applicable to the issue of the [<sup>F460</sup>marriage schedule] being met.
- (3) But the requirements of paragraph 2 are not applicable in such a case.
- (4) The Secretary of State is not prevented from deciding to conduct, conducting, or continuing, an investigation if a [<sup>F461</sup>marriage schedule] in respect of the referred marriage is issued as mentioned in sub-paragraph (2).
- (5) But in such a case, nothing in the 2014 Act requires the Secretary of State to decide whether to conduct, to conduct, or to continue, an investigation.
- (6) In this paragraph “investigation” means an investigation, conducted following a decision by the Secretary of State under section 48 of the 2014 Act, whether a proposed marriage is a sham.]

#### Textual Amendments

- F459** Words in Sch. 3A para. 4(1)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 48\(5\)](#) (with [Sch. 2](#))
- F460** Words in Sch. 3A para. 4(2) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 48\(5\)](#) (with [Sch. 2](#))
- F461** Words in Sch. 3A para. 4(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 48\(5\)](#) (with [Sch. 2](#))

## FOURTH SCHEDULE E+W

Sections 69, 70.

### PROVISIONS OF ACT WHICH ARE EXCLUDED OR MODIFIED IN THEIR APPLICATION TO NAVAL, MILITARY AND AIR FORCE CHAPELS

#### PART I E+W

#### EXCLUSION OF PROVISIONS RELATING TO MARRIAGES ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND

Subsection (4) of section six.

Paragraph (b) of subsection (1) of section fifteen.

The proviso to section seventeen.

Section eighteen.

Section twenty.

Subsection (3) of section thirty-five.

The proviso to subsection (1) of section forty-four.

**F462**  
...

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

**F462** Words in Sch. 4 Pt. 1 omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 49\(2\)](#) (with Sch. 2)

## PART II **E+W**

### MODIFICATION OF PROVISIONS RELATING TO MARRIAGES ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND

Subsection (1) of section six shall apply as if the chapel were the parish church of the parish in which the chapel is situated.

Subsection (3) of section seven shall apply as if for the reference to the parochial church council there were substituted, in relation to a naval chapel, a reference to the Admiralty and, in relation to any other chapel, a reference to a Secretary of State.

Section eight shall apply as if it required the notice in writing mentioned therein to include a statement that one at least of the persons to be married is a qualified person within the meaning of Part V of this Act, and to specify the person so qualified and the nature of his qualification.

Paragraph (a) of subsection (1) of section fifteen shall apply as if the chapel were the parish church of the parish in which the chapel is situated.

Subsection (1) of section sixteen shall apply as if it required the oath, which is to be taken thereunder, to include a statement that one at least of the persons to be married is a qualified person within the meaning of Part V of this Act and to specify the person so qualified and the nature of his qualification.

Subsection (3) of section twenty-seven shall apply as if it required the notice of marriage to include a statement that one at least of the persons to be married is a qualified person within the meaning of Part V of this Act and to specify the person so qualified and the nature of his qualification.

Section fifty shall apply as if for the reference to the officiating clergyman there were substituted a reference to the clergyman appointed under section sixty-nine of this Act <sup>F463</sup> ..., in whose presence the marriage is solemnized.

#### Textual Amendments

**F463** Words in Sch. 4 Pt. 2 omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 49\(3\)](#) (with Sch. 2)

## PART III **E+W**

### EXCLUSION OF PROVISIONS RELATING TO MARRIAGES OTHERWISE THAN ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND

The proviso to section seventeen.

**F464** . . .

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**Textual Amendments**

**F464** Words in Sch. 4 Pt. 3 repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 32, **Sch. 16**; S.I. 2000/2698, **art. 2**

Section forty-one.

Section forty-two.

[<sup>F465</sup>The proviso to subsection (1) of section forty-three.]

**Textual Amendments**

**F465** Words in Sch. 4 Pt. 3 inserted by **Marriage Acts Amendment Act 1958 (c. 29), s. 1(2)**

[<sup>F466</sup>Sections 43A and 43C. ]

**Textual Amendments**

**F466** Words in Sch. 4 Pt. 3 inserted (3.6.2014) by **Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 21(2)**; S.I. 2014/93, **art. 5(d)**

The proviso to subsection (1) of section forty-four.

## PART IV E+W

### MODIFICATION OF PROVISIONS RELATING TO MARRIAGES OTHERWISE THAN ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND

Subsection (3) of section twenty-seven shall apply as if it required the notice of marriage to include a statement that one at least of the persons to be married is a qualified person within the meaning of Part V of this Act and to specify the person so qualified and the nature of his qualification.

Sections forty-three, [<sup>F467</sup>43B,][<sup>F468</sup>and 44] shall apply as if for any reference to the trustees or governing body of a building there were substituted a reference to the Admiralty or any person authorised by them, in the case of a naval chapel, and a reference to a Secretary of State or any person authorised by him, in the case of any other chapel.

**Textual Amendments**

**F467** Word in Sch. 4 Pt. 4 inserted (3.6.2014) by **Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 21(3)**; S.I. 2014/93, **art. 5(d)**

**F468** Words in Sch. 4 Pt. 4 substituted (4.5.2021) by **The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), Sch. 1 para. 49(4)** (with Sch. 2)



*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

FIFTH SCHEDULE **E+W**

Section 79.

ENACTMENTS REPEALED

**PART I** **E+W**

*Acts of Parliament repealed*

Session and Chapter	Short Title	Extent of Repeal
.... F469	.... F469	.... F469
62 & 63 Vict. c.27.	The Marriages Validity Act, 1899.	The whole Act so far as it relates to marriages solemnized in England.
.... F469	.... F469	.... F469
8 Edw. 7, c.26.	The Naval Marriages Act, 1908.	The whole Act so far as it relates to marriages solemnized in England.
.... F469	.... F469	.... F469
2 & 3 Geo. 6, c.33.	The Marriage Act, 1939	Section one, so far as it relates to marriages solemnized in England
.... F469	.... F469	.... F469

**Textual Amendments**

**F469** Entries repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1**

**PART II**..... <sup>F470</sup> **E+W**

**Textual Amendments**

**F470** Entries repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1**

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

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SIXTH SCHEDULE E+W

Section 80.

PROVISIONS OF ACT WHICH DO NOT EXTEND TO WALES

... F471

**Textual Amendments**

**F471** Words repealed by [Marriages \(Wales and Monmouthshire\) Act 1962 \(c. 32\), s. 1\(1\)](#)

Section ten.

... F471

Section nineteen.

Subsection (7) of section twenty.

... F472

**Textual Amendments**

**F472** Entry repealed as provided by [Marriage \(Wales\) Act 1986 \(c. 7, SIF 49:1\), s. 1](#)

... F471

**Changes to legislation:**

There are currently no known outstanding effects for the Marriage Act 1949.