



Marriage Act 1949

1949 CHAPTER 76

PART I

RESTRICTIONS ON MARRIAGE

1 Marriages within prohibited degrees

- (1) A marriage solemnized between a man and any of the persons mentioned in the first column of Part I of the First Schedule to this Act, or between a woman and any of the persons mentioned in the second column of the said Part I, shall be void.
- (2) A marriage solemnized between a man and any of the persons mentioned in the first column of Part II of the said First Schedule, or between a woman and any of the persons mentioned in the second column of the said Part II, shall not be void or voidable by reason only of affinity.
- (3) A marriage which by virtue of the last foregoing subsection is not void or voidable if solemnized after the decease of any person shall be void if solemnized during the lifetime of that person.

2 Marriages of persons under sixteen

A marriage solemnized between persons either of whom is under the age of sixteen shall be void.

3 Marriages of persons under twenty-one

- (1) Where the marriage of an infant, not being a widower or widow, is intended to be solemnized on the authority of a certificate issued by a superintendent registrar under Part III of this Act, whether by licence or without licence, the consent of the person or persons specified in the Second Schedule to this Act shall be required:

Provided that—

- (a) if the superintendent registrar is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or

Status: This is the original version (as it was originally enacted).

inaccessibility or by reason of his being under any disability, the necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required; and if the consent of no other person is required, the Registrar General may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained;

- (b) if any person whose consent is required refuses his consent, the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent is refused.
- (2) The last foregoing subsection shall apply to marriages intended to be solemnized on the authority of a common licence, with the substitution of references to the ecclesiastical authority by whom the licence was granted for references to the superintendent registrar, and with the substitution of a reference to the Master of the Faculties for the reference to the Registrar General.
 - (3) Where the marriage of an infant, not being a widower or widow, is intended to be solemnized after the publication of banns of matrimony then, if any person whose consent to the marriage would have been required under this section in the case of a marriage intended to be solemnized otherwise than after the publication of the banns, openly and publicly declares or causes to be declared, in the church or chapel in which the banns are published, at the time of the publication, his dissent from the intended marriage, the publication of banns shall be void.
 - (4) A clergyman shall not be liable to ecclesiastical censure for solemnizing the marriage of an infant after the publication of banns without the consent of the parents or guardians of the infant unless he had notice of the dissent of any person who is entitled to give notice of dissent under the last foregoing subsection.
 - (5) For the purposes of this section, " the court " means the High Court, the county court of the district in which any respondent resides, or a court of summary jurisdiction, and rules of court may be made for enabling applications under this section—
 - (a) if made to the High Court, to be heard in chambers;
 - (b) if made to the county court, to be heard and determined by the registrar subject to appeal to the judge;
 - (c) if made to a court of summary jurisdiction, to be heard and determined otherwise than in open court,
 and shall provide that, where an application is made in consequence of a refusal to give consent, notice of the application shall be served on the person who has refused consent.
 - (6) Nothing in this section shall dispense with the necessity of obtaining the consent of the High Court to the marriage of a ward of court.

4 Hours for solemnization of marriages

A marriage may be solemnized at any time between the hours of eight in the forenoon and six in the afternoon.