



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART III

MARRIAGE UNDER SUPERINTENDENT REGISTRAR'S CERTIFICATE

Issue of certificates

26 Marriages which may be solemnized on authority of superintendent registrar's certificate.

- (1) Subject to the provisions of this Part of this Act, the following marriages may be solemnized on the authority of a certificate of a superintendent registrar—
- (a) a marriage in a registered building according to such form and ceremony as the persons to be married see fit to adopt;
 - (b) a marriage in the office of a superintendent registrar;
 - (c) a marriage according to the usages of the Society of Friends (commonly called Quakers);
 - (d) a marriage between two persons professing the Jewish religion according to the usages of the Jews;
 - [^{F1}(dd) the marriage (other than a marriage in pursuance of paragraph (c) or (d) above) of a person who is house-bound or is a detained person at the place where he or she usually resides;]
 - (e) a marriage according to the rites of the Church of England [^{F2}in any church or chapel in which banns of matrimony may be published.]
- (2) A marriage on the authority of a certificate of a superintendent registrar may be either by a licence issued by the superintendent registrar or without a licence:

Provided that a superintendent registrar shall not issue a licence [^{F3}for a marriage intended to be solemnized at a person's residence in pursuance of subsection (1)(dd) of this section or] for a marriage in any church or chapel in which marriages may be solemnized according to the rites of the Church of England, or in any church or chapel

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belonging to the Church of England or licensed for the celebration of divine worship according to the rites and ceremonies of the Church of England.

Textual Amendments

- F1** S. 26(1)(dd) inserted(E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 4\(a\)](#)
F2 Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 4\(a\)](#)
F3 Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 4\(b\)](#)

Modifications etc. (not altering text)

- C1** S. 26(2) excluded by [Sharing of Church Buildings Act 1969 \(c. 38\)](#), s. 6(3)

27 Notice of marriage.

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar without licence, 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 either 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 either of those persons to the superintendent registrar of each registration district in which one of them has resided for that period.
- (2) Where a marriage is intended to be solemnized as aforesaid by licence, then, whether the persons to be married reside in the same or in different registration districts, notice of marriage in the prescribed form shall be given by either of those persons to the superintendent registrar of the registration district in which one of them has resided for the period of fifteen days immediately before the giving of the notice, and it shall not be required that notice of marriage shall be given to more than one superintendent registrar.
- (3) A notice of marriage shall state the name and surname, marital status, occupation and place of residence of each of the persons to be married and [^{F4}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 solemnization of the marriage and, in any other case,] the church or other building in which the marriage is to be solemnized and—
- (a) in the case of a marriage intended to be solemnized without licence, 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;
 - (b) in the case of a marriage intended to be solemnized by licence, shall state the period, not being less than fifteen days, during which one of the persons to be married has resided in the district in which notice of marriage is given:

Provided that if either of the persons to be married has resided in the place stated in the notice for more than one month, the notice may state that he or she has resided there for more than one month.

- (4) The superintendent registrar shall file all notices of marriage and keep them with the records of his office, and shall [^{F5}subject to section 27A of this Act] also forthwith

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enter the particulars given in every such notice, together with the date of the notice and the name of the person by whom the notice was given, in a book (in this Act referred to as “the marriage notice book”) furnished to him for that purpose by the Registrar General, and the marriage notice book shall be open for inspection free of charge at all reasonable hours.

- (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.
- (6) The superintendent registrar shall be entitled to a fee of [^{F6}£13.00][^{F6}£15.00] for every entry made in the marriage notice book under this section.
- [^{F7}(7) The superintendent registrar shall be entitled to receive from any person intending to be married in pursuance of section 26(1)(dd) of this Act upon whom he attends at a place other than his office in order to be given notice of marriage under this section the sum of [^{F8}£27.00][^{F9}£29.00].]

Textual Amendments

- F4** Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 5\(a\)](#)
- F5** Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 5\(b\)](#)
- F6** “£13.00” substituted by virtue of [S.I. 1990/65, art. 2, Sch.](#) and for “£13.00” (as so substituted) there is substituted (1.4.1991) “£15.00” by [S.I. 1990/2515, art. 2, Sch.](#)
- F7** [S. 27\(7\)](#) inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 5\(c\)](#)
- F8** Words substituted by virtue of [S.I. 1990/65 art. 2, Sch.](#)
- F9** “£29.00” substituted (1.4.1991) for “£27.00” by virtue of [S.I. 1990/2515, art.2, Sch.](#)

Modifications etc. (not altering text)

- C2** [S. 27\(4\)](#) applied by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 2\(2\)](#)

[^{F10}27A Additional information required in certain cases.

- (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) 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, the notice of marriage required by section 27 of this Act shall be accompanied by a medical statement relating 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, the 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) The 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

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prescribed particulars, in the prescribed form, of the person by or before whom the marriage is intended to be solemnized.

- (5) The superintendent registrar shall not enter the particulars given in the notice of the marriage in the marriage notice book until he has received the statement and the particulars required by subsections (2) or (3) and (4) of this section.
- (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 marriage notice book 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 either of them.
- (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 ^{M1}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 ^{M2}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 ^{M3}1952 applies, the governor or other officer for the time being in charge of that prison or other place.]

Textual Amendments

F10 S. 27A inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), Sch. 1 para. 6

Marginal Citations

M1 1978 c. 30 (115:1).
M2 1983 c. 20 (85).
M3 1952 c. 52 (39:1).

[^{F11}27B Provisions relating to section 1(3) marriages.

- (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 a certificate of a superintendent registrar.
- (2) The superintendent registrar shall not enter notice of the marriage in the marriage notice book 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

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- (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 marriage notice book 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.
- (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, the superintendent registrar shall not issue a certificate or licence unless a declaration is obtained from the High Court 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 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 such a declaration is obtained the superintendent registrar may enter notice of the marriage in the marriage notice book and may issue a certificate, or certificate and licence, 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 certificate or licence for the marriage is entered under that section on a ground other than the relationship of the persons to be married.]

Textual Amendments

- F11** 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](#)

[^{F12}27C Provisions relating to section 1(5) marriages.

In the case of a marriage mentioned in subsection (4) of section 1 of this Act which by virtue of subsection (5) of that section is valid only if at the time of the marriage both the parties to the marriage have attained the age of twenty-one and the death has taken place of two other persons related to those parties in the manner mentioned in the said subsection (5), the superintendent registrar shall not enter notice of the marriage in the marriage notice book unless satisfied by the production of evidence—

- (a) that both the parties to the marriage have attained the age of twenty-one, and
(b) that both those other persons are dead.]

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Textual Amendments

F12 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](#)

28 Declaration to accompany notice of marriage.

- (1) No certificate or licence for marriage 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;
 - (b) in the case of a marriage intended to be solemnized without licence, that the persons to be married have for the period of seven 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, or, in the case of a marriage intended to be solemnized by licence, that one of the persons to be married has for the period of fifteen days immediately before the giving of the notice had his or her usual place of residence within the registration district in which notice is given;
 - (c) where one of the persons to be married is ^{F13}an infant] ^{F13}a child] and is not a widower or widow, that the consent of the person or persons whose consent to the marriage is required under section three of this Act has been obtained, that the necessity of obtaining any such consent has been dispensed with under that section, that the court has consented to the marriage under that section, or that there is no person whose consent to the marriage is so required.
- (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

F13 Words “a child” substituted (E.W.) for words “an infant” by [Family Law Reform Act 1987 \(c. 42 SIF 49:7\)](#), ss. 33(1), 34(2)(5), [Sch. 2 para. 9](#)

Modifications etc. (not altering text)

- C3** [S. 28](#) except para. 1(b) applied with modification by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), [s. 2\(3\)](#)
- C4** [S. 28\(1\)](#) applied with modification by [Marriage \(Scotland\) Act 1956 \(c. 70\)](#), [s. 1\(2\)\(c\)](#)

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VALID FROM 01/01/2001

[^{F14}28A Power to require evidence.

- (1) A superintendent registrar to whom a notice of marriage is given under section 27, or any other person attesting a declaration accompanying such a notice, may require the person giving the notice to provide him with specified evidence—
 - (a) relating to that person; or
 - (b) if the superintendent registrar considers that the circumstances are exceptional, relating to each of the persons to be married.
- (2) Such a requirement may be imposed at any time—
 - (a) on or after the giving of the notice of marriage; but
 - (b) before the superintendent registrar issues his certificate under section 31.
- (3) “Specified evidence”, in relation to a person, means such evidence of that person’s—
 - (a) name and surname,
 - (b) age,
 - (c) marital status, and
 - (d) nationality,as may be specified in guidance issued by the Registrar General.]

Textual Amendments

F14 S. 28A and sidenote inserted (1.1.2001) by 1999 c. 33, s. 162(1); S.I. 2000/2698, art. 2

29 Caveat against issue of certificate or licence.

- (1) Any person . . . ^{F15} may enter a caveat with the superintendent registrar against the issue of a certificate or licence for the marriage of any person named therein.
- (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 certificate or licence shall be issued until the superintendent registrar has examined into the matter of the caveat and is satisfied that it ought not to obstruct the issue of the certificate or licence, or until the caveat has been withdrawn by the person who entered it; and if the superintendent registrar is doubtful whether to issue a certificate or licence he may refer the matter of the caveat to the Registrar General.
- (3) Where a superintendent registrar refuses, by reason of any such caveat as aforesaid, to issue a certificate or licence, the person applying therefor may appeal to the Registrar General who shall either confirm the refusal or direct that a certificate or licence shall be issued.
- (4) Any person who enters a caveat against the issue of a certificate or licence on grounds which the Registrar General declares to be frivolous and to be such that they ought not to obstruct the issue of the certificate or licence, 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.

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- (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 certificate or licence.

Textual Amendments

F15 Words repealed by [S.I. 1968/1242](#)

Modifications etc. (not altering text)

C5 [S. 29](#) applied with modification by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 5](#)

30 Forbidding of issue of certificate.

Any person whose consent to a marriage intended to be solemnized on the authority of a certificate of a superintendent registrar is required under section three of this Act may forbid the issue of such a certificate by writing, at any time before the issue of the certificate, the word “forbidden” opposite to the entry of the notice of marriage in the marriage notice book, and by subscribing thereto his name and place of residence and the capacity, in relation to either of the persons to be married, in which he forbids the issue of the certificate; and where the issue of a certificate has been so forbidden, the notice of marriage and all proceedings thereon shall be void:

Provided that where, by virtue of paragraph (b) of the proviso to subsection (1) of the said section three, the court has consented to a marriage and the consent of the court has the same effect as if it had been given by a person whose consent has been refused, that person shall not be entitled to forbid the issue of a certificate for that marriage under this section, and the notice of marriage and the proceedings thereon shall not be void by virtue of this section.

31 Marriage under certificate without licence.

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar without licence, the superintendent registrar to whom notice of marriage has been given shall suspend or affix in some conspicuous place in his office, for twenty-one successive days next after the day on which the notice was entered in the marriage book, the notice of marriage, or an exact copy signed by him of the particulars thereof as entered in the marriage notice book.
- (2) At the expiration of the said period of twenty-one days the superintendent registrar, on the request of the person by whom the notice of marriage was given, shall issue a certificate in the prescribed form unless—
 - (a) any lawful impediment to the issue of the certificate has been shown to the satisfaction of the superintendent registrar; or
 - (b) the issue of the certificate has been forbidden under the last foregoing section by any person authorised in that behalf.
- (3) Every such certificate shall set out the particulars contained in the notice of marriage and the day on which the notice was entered in the marriage notice book and shall contain a statement that the issue of the certificate has not been forbidden as aforesaid.

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- (4) No marriage shall be solemnized on the production of a certificate of a superintendent registrar without licence until after the expiration of the said period of twenty-one days.
- (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 certificate under this section, give to one of the persons to be married printed instructions in the prescribed form for the due solemnization of the marriage.
- (6) ^{F16}

Textual Amendments

F16 S. 31(6) repealed by S.I. 1968/1242

VALID FROM 01/01/2001

[^{F17}31A Appeal on refusal under section 31(2)(a).

- (1) If, relying on section 31(2)(a), a superintendent registrar refuses to issue a certificate, the person applying for it may appeal to the Registrar General.
- (2) On such an appeal, the Registrar General must—
 - (a) confirm the refusal; or
 - (b) direct that a certificate be issued.
- (3) If—
 - (a) relying on section 31(2)(a), a superintendent registrar refuses to issue a certificate 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 certificate,the person making the representation is liable for the costs of the proceedings before the Registrar General and for damages recoverable by the applicant for the certificate.
- (4) For the purpose of enabling a person to recover any such costs and damages, 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 certificate.]

Textual Amendments

F17 S. 31A and sidenote inserted (1.1.2001) by 1999 c. 33, s. 163(2); S.I. 2000/2698, art. 2

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32 Marriage under certificate by licence.

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar by licence, the person by whom notice of marriage is given shall state in the notice that the marriage is intended to be solemnized by licence, and the notice shall not be suspended in the office of the superintendent registrar.
- (2) Where a notice of marriage containing such a statement as aforesaid has been received by a superintendent registrar, then, after the expiration of one whole day next after the day on which the notice was entered in the marriage notice book, the superintendent registrar, on the request of the person by whom the notice was given, shall issue a certificate and a licence in the prescribed form unless—
 - (a) any lawful impediment to the issue of the certificate has been shown to the satisfaction of the superintendent registrar; or
 - (b) the issue of the certificate has been forbidden under section thirty of this Act by any person authorised in that behalf.
- (3) Every such certificate shall set out the particulars contained in the notice of marriage and the day on which the notice was entered in the marriage notice book, and shall contain a statement that the issue of the certificate has not been forbidden as aforesaid.
- (4) 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 certificate and licence under this section, give to one of the persons to be married printed instructions in the prescribed form for the due solemnization of the marriage.
- (5) A superintendent registrar shall be entitled to receive for every certificate issued by him under this section a fee of [^{F18}one shilling and sixpence] and for every licence so issued the sum of [^{F19}£38.00][^{F19}£42.00] over and above the amount paid for the stamps necessary on the issue of the licence.
- (6) ^{F20}

Textual Amendments

F18 Words in s. 32(5) substituted by Registration Service Act 1953 (c. 37), Sch. 1, para. 7

F19 “£38.00” substituted by virtue of S.I. 1990/65, art. 2, Sch. and for “£38.00” (as so substituted) there is substituted (1.4.1991) “£42.00” by S.I. 1990/2515, art. 2, Sch.

F20 S. 32(6) repealed by Statute Law (Repeals) Act 1975 (c. 10), Sch. Pt. VI

Modifications etc. (not altering text)

C6 S. 32(5): By S.I. 1968/1242, art. 4(2), it is provided that the fee payable for the issue of a certificate for marriage under s. 32(5) shall cease to be payable.

33 Period of validity of certificate and licence.

- (1) A marriage may be solemnized on the authority of a certificate of a superintendent registrar, whether by licence or without licence, at any time within three months from the day on which the notice of marriage was entered in the marriage notice book.

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- (2) If the marriage is not solemnized within the said period of three months, the notice of marriage and the certificate, and any licence which may have been granted thereon, shall be void, and no person shall solemnize the marriage on the authority thereof.

34 Marriages normally to be solemnized in registration district in which one of parties resides.

Subject to the provisions of the next following section, a superintendent registrar shall not issue a certificate for the solemnization of a marriage [^{F21}in a building which is not][^{F21}elsewhere than] within a registration district in which one of the persons to be married has resided, in the case of a marriage without licence, for the period of seven days immediately before the giving of the notice of marriage or, in the case of a marriage by licence, for the period of fifteen days immediately before the giving of that notice.

Textual Amendments

F21 Words “elsewhere than” substituted (E.W.) for “in a building which is not” by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 7](#)

35 Marriages in registration district in which neither party resides.

- (1) A superintendent registrar may issue a certificate, or if the marriage is to be by licence, a certificate and a licence, 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—

- [^{F22}(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.]
- (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 certificate or certificate and licence is issued, the marriage may be solemnized in the registered building stated in the notice.

- [^{F23}(2) A superintendent registrar may issue a certificate or, if the marriage is to be by licence, a certificate and a licence, 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.]

- (3) A superintendent registrar may issue a certificate 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.

Status: Point in time view as at 01/02/1991. This version of this cross heading contains provisions that are not valid for this point in time.

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

- (4) A superintendent registrar may issue a certificate or, if the marriage is to be by licence, a certificate and a licence, 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 a certificate of a superintendent registrar issued under subsection (2) or subsection (3) of this section, the notice of marriage given to the superintendent registrar and the certificate issued by the superintendent registrar shall state, in addition to 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.

Textual Amendments

F22 S. 35(1)(a) substituted by [Marriage Act 1949 \(Amendment\) Act 1954 \(c. 47\), s. 2](#)

F23 S. 35(2) substituted by [Marriage Act 1949 \(Amendment\) Act 1954 \(c. 47\), s. 1](#)

36 **Superintendent registrar to issue licences only for marriages to be solemnized in his registration district.**

Subject to the provisions of the last foregoing section, a superintendent registrar shall not issue a licence for the solemnization of a marriage—

- (a) in a registered building which is not within his registration district;
- (b) in the office of any other superintendent registrar.

37 **One party resident in Scotland.**

- (1) Where a marriage is intended to be solemnized in England on the authority of a certificate of a superintendent registrar without licence between parties of whom one is residing in Scotland and the other is residing in England, the following provisions shall have effect—

- [^{F24}(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 with the provisions of sections twenty-seven [^{F25}27A] and twenty-eight 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 certificates for marriage shall apply accordingly;
- [^{F26}(c) a certificate issued under section 7(2) of the Marriage (Scotland) Act 1977 to a party shall, for the purpose of that party's intended marriage, have the like force and effect in all respects as a certificate for marriage issued by a superintendent registrar under this Part of this Act;]
- (d) for the purposes of section thirty-three of this Act the notice given in Scotland shall be deemed to have been entered in a marriage notice book by a superintendent registrar in England on the day on which it was given.

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(2) F27

Textual Amendments

- F24** 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)
- F25** Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 8**
- F26** S. 37(1)(c) substituted by [Marriage \(Scotland\) Act 1977 \(c. 15, SIF 49:2\)](#), s. 28(1), **Sch. 2 para. 4(b)** (subject to a saving in s. 27(3) in relation to marriages before 1.1.1978)
- F27** 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)

38 One party resident in Northern Ireland.

(1) Where a marriage is intended to be solemnized in England on the authority of a certificate of a superintendent registrar without licence between parties of whom one is residing in Northern Ireland and the other is residing in England, the party residing in Northern Ireland may give notice of marriage in the form used for that purpose in Northern Ireland or to the like effect to the registrar of the district in Northern Ireland in which he or she has resided for not less than seven days immediately before the giving of the notice.

(2) Any such notice as aforesaid shall state the name and surname, marital status, occupation, age and place of residence of each of the persons to be married and the period, not being less than seven days, during which each of them has resided in that place and the [^{F28}church or other building in which][^{F28}place where] the marriage is to be solemnized:

Provided that if either of the persons to be married has resided in the place stated in the notice for more than one month, the notice may state that he or she has resided there for more than one month.

(3) Any such notice as aforesaid shall be dealt with, and a certificate for marriage issued by the registrar, in the manner prescribed by the ^{M4}Marriages (Ireland) Act, 1844, as amended by the ^{M5}Marriages (Ireland) Act, 1846, and the ^{M6}Marriage Law (Ireland) Amendment Act, 1863:

Provided that the registrar shall not issue a certificate until the expiration of twenty-one days from the day on which the notice was entered in the marriage notice book required to be kept under the said Marriages (Ireland) Act, 1844.

(4) The production to the person by whom the marriage is to be solemnized of a certificate issued under the last foregoing subsection shall be as valid for authorising that person to solemnize the marriage as the production of a certificate for marriage of a superintendent registrar of a registration district in England would be in the case of a person residing in that district.

Textual Amendments

- F28** Words “place where” substituted (E.W.) for words “church or other building in which” by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 9**

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Marginal Citations

- M4** 1844 c. 81.
M5 1846 c. 72.
M6 1863 c. 27.

39 Issue of certificates on board His Majesty’s ships.

- (1) Where a marriage is intended to be solemnized in England on the authority of a certificate of a superintendent registrar without licence 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 and shall have the like force and effect as a certificate issued by a superintendent registrar under this Part of this Act, and all provisions of this Act (including penal provisions [^{F29}but [^{F30}excluding sections 27A and 27B]]) relating to notices and declarations for obtaining certificates from superintendent registrars and to such certificates shall apply in the case of certificates issued under this section, subject to such adaptations therein as may be made by His Majesty by Order in Council.
- (3) Where a marriage is intended to be solemnized in England as aforesaid and a certificate has been issued to one of the parties under this section, the superintendent registrar of the registration district in which the other party is residing may accept notice of marriage given by that party, subject to and in accordance with the provisions of sections twenty-seven [^{F31}27A] and twenty-eight of this Act, 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 certificates for marriage shall apply accordingly.

Textual Amendments

- F29** Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 10\(a\)](#)
F30 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\(a\)](#)
F31 Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 10\(b\)](#)

Modifications etc. (not altering text)

- C7** Words “excluding section 27A” substituted (E.W.) for words “excluding sections 27A and 27B” as provided by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(6), [Sch. 1 para. 6\(b\)](#)

40 Forms of certificates to be furnished by Registrar General.

- (1) The Registrar General shall furnish to every superintendent registrar a sufficient number of forms of certificates for marriage.

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- (2) In order to distinguish the certificates to be issued for marriages by licence from the certificates to be issued for marriages without licence, a watermark in the form of the word “licence”, in Roman letters, shall be laid and manufactured in the substance of the paper on which the certificates to be issued for marriage by licence are written or printed, and every certificate to be issued for marriage by licence shall be printed with red ink and every certificate to be issued for marriage without licence shall be printed with black ink, and such other distinctive marks between the two kinds of certificates as the Registrar General may from time to time think fit shall be used.

Status:

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Changes to legislation:

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