



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 [^{F1}two certificates] 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;
 - [^{F2}(bb) a marriage on approved premises;]
 - (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;
 - [^{F3}(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 [^{F4}in any church or chapel in which bans of matrimony may be published.]

^{F5}(2)

Textual Amendments

F1 Words in s. 26(1) substituted (1.1.2001) by 1999 c. 33, s. 161(3); S.I. 2000/2698, art. 2

F2 S. 26(1)(bb) inserted (1.4.1995) by 1994 c. 34, s. 1(1); S.I. 1995/424, art. 2(2)(a)

Status: Point in time view as at 01/01/2001.

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)

F3	S. 26(1)(dd) inserted(E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), Sch. 1 para. 4(a)
F4	Words inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), Sch. 1 para. 4(a)
F5	S. 26(2) repealed (1.1.2001) by 1999 c. 33, ss. 160(1), 169(3), Sch. 16; S.I. 2000/2698, art. 2

27 Notice of marriage.

- (1) Where a marriage is intended to be solemnized on the authority of [^{F6}certificates] of a superintendent registrar ^{F7}. . . , 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 [^{F8}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 [^{F9}each] of those persons to the superintendent registrar of [the registration district in which he or she has resided] for that period.

^{F10}(2)

- (3) A notice of marriage shall state the name and surname, marital status, occupation [^{F11}, place of residence and nationality] of each of the persons to be married and [^{F12}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,][^{F13}the church or other building or premises in or on which] the marriage is to be solemnized and—

- (a) ^{F14}. . . 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;

^{F15}(b)

- (4) The superintendent registrar shall file all notices of marriage and keep them with the records of his office, and shall [^{F16}subject to section 27A of this Act] also forthwith 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 [^{F17}£30.00] for every entry made in the marriage notice book under this section.

- ^{F18}(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 [^{F19}£40.00].]

Status: Point in time view as at 01/01/2001.

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)

Textual Amendments

- F6** Word in s. 27(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 8; S.I. 2000/2698, [art. 2](#)
- F7** 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](#)
- F8** Word in s. 27(1)(a) substituted (1.1.2001) by 1999 c. 33, [s. 161\(1\)\(a\)](#); S.I. 2000/2698, [art. 2](#)
- F9** Words in s. 27(1)(b) substituted (1.1.2001) by 1999 c. 33, [s. 161\(1\)\(b\)](#); S.I. 2000/2698, [art. 2](#)
- F10** 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](#)
- F11** Words in s. 27(3) substituted (1.1.2001) by 1999 c. 33, [s. 161\(2\)](#); S.I. 2000/2698, [art. 2](#)
- F12** Words inserted (E.W.) by [Marriage Act 1983](#) (c. 32, SIF 49:1), s. 1(7), [Sch. 1 para. 5\(a\)](#)
- F13** 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\(2\)\(a\)](#)
- F14** 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](#)
- F15** 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](#)
- F16** Words inserted (E.W.) by [Marriage Act 1983](#) (c. 32, SIF 49:1), s. 1(7), [Sch. 1 para. 5\(b\)](#)
- F17** Fee in s. 27(6) substituted (1.1.2001) by S.I. 1999/3311, [art. 2](#), [Sch.](#) (as amended (1.1.2001) by S.I. 2000/3165, [art. 2\(b\)](#)) (which said S.I. 1999/3311 and S.I. 2000/3165 were revoked (1.4.2003) by S.I. 2002/3076, [art. 3](#)) and that same fee payable (1.4.2003) by virtue of S.I. 2002/3076, [art. 2](#), [Sch.](#)
- F18** S. 27(7) inserted (E.W.) by [Marriage Act 1983](#) (c. 32, SIF 49:1), s. 1(7), [Sch. 1 para. 5\(c\)](#)
- F19** Fee in s. 27(7) payable (1.4.2000) by virtue of S.I. 1999/3311, [art. 2](#), [Sch.](#) (which S.I. was revoked (1.4.2003) by S.I. 2002/3076, [art. 3](#)) and that same fee payable (1.4.2003) by virtue of S.I. 2002/3076, [art. 2](#), [Sch.](#)

Modifications etc. (not altering text)

- C1** S. 27(4) applied by [Marriage \(Registrar General's Licence\) Act 1970](#) (c. 34), [s. 2\(2\)](#)

[^{F20}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, [^{F21}each 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, [^{F21}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) [^{F22}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.

Status: Point in time view as at 01/01/2001.

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)

- (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 [^{F23}each] 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

- F20** S. 27A inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 6**
- F21** 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**
- F22** 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**
- F23** 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**

Marginal Citations

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

[^{F24}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 [^{F25}certificates] of a superintendent registrar.

Status: Point in time view as at 01/01/2001.

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)

- (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
 - (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 ^{F26} . . . 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 ^{F27} . . . 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 ^{F26} . . . for the marriage is entered under that section on a ground other than the relationship of the persons to be married.]

Textual Amendments

- F24** 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](#)
- F25** Word in s. 27B(1) substituted (1.1.2001) by [1999 c. 33, s. 169\(1\)](#), [Sch. 14 paras. 3, 10\(a\)](#); [S.I. 2000/2698, art. 2](#)
- F26** 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](#)
- F27** 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](#)

[^{F28} 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

Status: Point in time view as at 01/01/2001.

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)

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.]

Textual Amendments

F28 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 ^{F29}. . . 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;
 - [^{F30}(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;]
 - (c) where one of the persons to be married is [^{F31}an infant][^{F31}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

F29 Words in s. 28(1) repealed (1.1.2001) by [1999 c. 33, s. 169\(1\)\(3\), Sch. 14 paras. 3, 11, Sch. 16](#); [S.I. 2000/2698, art. 2](#)

F30 [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](#)

F31 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)

C2 [S. 28](#) (except [s. 28\(1\)\(b\)](#)) applied (with modifications) by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 2\(3\)](#)

Status: Point in time view as at 01/01/2001.

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)

C3 S. 28(1) applied (with modifications) by [Marriage \(Scotland\) Act 1956 \(c. 70\), s. 1\(2\)\(c\)](#)

[^{F32}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

F32 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 . . . ^{F33} may enter a caveat with the superintendent registrar against the issue of a certificate ^{F34} . . . 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 ^{F34} . . . 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 ^{F34} . . ., 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 ^{F34} . . . 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 ^{F34} . . ., the person applying therefor may appeal to the Registrar General who shall either confirm the refusal or direct that a certificate ^{F34} . . . shall be issued.
- (4) Any person who enters a caveat against the issue of a certificate ^{F34} . . . 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 ^{F34} . . ., 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.

Status: Point in time view as at 01/01/2001.

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)

- (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 ^{F34} . . .

Textual Amendments

F33 Words repealed by S.I. 1968/1242

F34 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**

Modifications etc. (not altering text)

C4 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 ^{F35} . . . 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.

Textual Amendments

F35 Words in s. 30 repealed (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **13**; S.I. 2000/2698, **art. 2**

31 Marriage under certificate without licence.

- (1) Where a marriage is intended to be solemnized on the authority of [^{F36}certificates] of a superintendent registrar ^{F37} . . ., the superintendent registrar to whom notice of marriage has been given shall suspend or affix in some conspicuous place in his office, for [^{F38}15] 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 [^{F39}15] 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—
- ^{F40}(a) the superintendent registrar is not satisfied that there is no lawful impediment to the issue of the certificate; or]

Status: Point in time view as at 01/01/2001.

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)

- (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.
- (4) No marriage shall be solemnized on the production of [^{F36}certificates] of a superintendent registrar ^{F41}. . . until after the expiration of the [^{F42}waiting period in relation to each notice of marriage].
- [^{F43}(4A) “The waiting period”, in relation to a notice of marriage, means—
- (a) the period of 15 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 entered in the marriage notice book.]
- (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 [^{F44}the person by whom notice of marriage was given] printed instructions in the prescribed form for the due solemnization of the marriage.
- [^{F45}(5A) If, on an application made to the Registrar General, he is satisfied that there are compelling reasons for reducing the 15 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 15 day period” means the period of 15 days mentioned in subsections (1) and (2).
- (5C) If the Registrar General reduces the 15 day period in a particular case, the reference to 15 days in section 75(3)(a) is to be treated, in relation to that case, as a reference to the reduced period.
- (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);
 - (c) may make different provision in relation to different cases;
 - (d) require the approval of the Chancellor of the Exchequer.
- (5F) The Chancellor of the Exchequer may by order provide for a fee, of such an amount as may be specified in the order, to be payable on an application under subsection (5A).
- (5G) The order may make different provision in relation to different cases.

Status: Point in time view as at 01/01/2001.

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)

(5H) The power to make regulations under subsection (5D) or an order under subsection (5F) is exercisable by statutory instrument.

(5I) Any statutory instrument made under subsection (5F) shall be subject to annulment in pursuance of a resolution of either House of Parliament.]

(6) ^{F46}

Textual Amendments

- F36** Word in s. 31(1)(4) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **14(a)**; S.I. 2000/2698, **art. 2**
- F37** Words in s. 31(1) repealed (1.1.2001) by 1999 c. 33, ss. 160(4)(a), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F38** Word in s. 31(1) substituted (1.1.2001) by 1999 c. 33, ss. 160(4)(a), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F39** Word in s. 31(2) substituted (1.1.2001) by 1999 c. 33, **ss. 160(4)(b)**, 169(3); S.I. 2000/2698, **art. 2**
- F40** S. 31(2)(a) substituted (1.1.2001) by 1999 c. 33, **s. 163(1)**; S.I. 2000/2698, **art. 2**
- F41** Words in s. 31(4) repealed (1.1.2001) by 1999 c. 33, ss. 160(4)(c), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F42** Words in s. 31(4) substituted (1.1.2001) by 1999 c. 33, **ss. 160(4)(c)**, 169(3); S.I. 2000/2698, **art. 2**
- F43** S. 31(4A) inserted (1.1.2001) by 1999 c. 33, **s. 160(5)**; S.I. 2000/2698, **art. 2**
- F44** 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**
- F45** S. 31(5A)-(5I) inserted (1.1.2001) by 1999 c. 33, **s. 160(6)**; S.I. 2000/2698, **art. 2**
- F46** S. 31(6) repealed by S.I. 1968/1242

Modifications etc. (not altering text)

- C5** S. 31(5F): by virtue of S.I. 1999/3311, **art. 2**, Sch. (as amended by S.I. 2000/3165, **art. 2(c)**) (which said S.I. 1999/3311 and S.I. 2000/3165 were revoked (1.4.2003) by S.I. 2002/3076, **art. 3**) £28.00 is the fee payable (1.1.2001) for an application under s. 31(5A) and that same fee payable (1.4.2003) by virtue of S.I. 2002/3076, **art. 2**, **Sch.**

[^{F47} 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.

Status: Point in time view as at 01/01/2001.

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) 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

F47 S. 31A and sidenote inserted (1.1.2001) by 1999 c. 33, s. 163(2); S.I. 2000/2698, art. 2

F48³²

Textual Amendments

F48 S. 32 repealed (1.1.2001) by 1999 c. 33, ss. 160(3), 169(3), Sch. 16; S.I. 2000/2698, art. 2

[^{F49}33 Period of validity of certificate.

- (1) A marriage may be solemnized on the authority of certificates of a superintendent registrar 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 certificates are void; and
 - (b) no person may solemnize the marriage on the authority of those certificates.
- (3) The applicable period, in relation to a marriage, is the period beginning with the day on which the notice of marriage was entered in the marriage notice book 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.
- (4) If the notices of marriage given by each person to be married are not given on the same date, the applicable period is to be calculated by reference to the earlier of the two dates.]

Textual Amendments

F49 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

[^{F50}34 Marriages normally to be solemnized in registration district in which one party resides.

Subject to section 35, a superintendent registrar may not issue a certificate 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.]

Status: Point in time view as at 01/01/2001.

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)

Textual Amendments

F50 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

35 Marriages in registration district in which neither party resides.

(1) A superintendent registrar may issue a certificate ^{F51}. . . 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—

- [^{F52}(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 [^{F53}is issued in respect of each of the persons to be married], the marriage may be solemnized in the registered building stated in the notice.

[^{F54}(2) A superintendent registrar may issue a certificate ^{F55}. . . 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.]

[^{F56}(2A) A superintendent registrar may issue a certificate ^{F57}. . . for the solemnization of a marriage in the office of another superintendent registrar, notwithstanding that the office is not within a registration district in which either of the persons to be married resides.]

[^{F58}(2B) A superintendent registrar may issue a certificate ^{F57}. . . 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 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.

(4) A superintendent registrar may issue a certificate ^{F55}. . . 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 [^{F59}certificates]of a superintendent registrar issued under subsection (2) or subsection (3) of this

Status: Point in time view as at 01/01/2001.

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)

section, [^{F60}each notice] of marriage given to the superintendent registrar and [^{F61}each 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

- F51** 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**
- F52** S. 35(1)(a) substituted by Marriage Act 1949 (Amendment) Act 1954 (c. 47), **s. 2**
- F53** 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**
- F54** S. 35(2) substituted by Marriage Act 1949 (Amendment) Act 1954 (c. 47), **s. 1**
- F55** 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**
- F56** S. 35(2A) inserted (1.1.1995) by 1994 c. 34, **s. 2(1)**; S.I. 1994/3116, **art. 2(a)**
- F57** 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**
- F58** S. 35(2B) inserted (1.4.1995) by 1994 c. 34, **s. 2(1)**; S.I. 1995/424, **art. 2(2)**
- F59** Words in s. 35(5) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **17(1)(5)(a)**; S.I. 2000/2698, **art. 2**
- F60** 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**
- F61** Words in s. 35(5) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **17(1)(5)(c)**; S.I. 2000/2698, **art. 2**

^{F62}36

Textual Amendments

- F62** 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.

- (1) Where a marriage is intended to be solemnized in England on the authority of [^{F63}certificates] of a superintendent registrar ^{F64}. . . between parties of whom one is residing in Scotland and the other is residing in England, the following provisions shall have effect—
 - [^{F65}(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 [^{F66}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;

Status: Point in time view as at 01/01/2001.

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)

- [^{F67}(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.

(2) ^{F68}

Textual Amendments

- F63** Word in s. 37(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **19(a)**; S.I. 2000/2698, **art. 2**
- F64** 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**
- F65** 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)
- F66** Words inserted (E.W.) by **Marriage Act 1983 (c. 32, SIF 49:1)**, s. 1(7), **Sch. 1 para. 8**
- F67** 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)
- F68** 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 [^{F69}certificates] of a superintendent registrar ^{F70}. . . 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 [^{F71}, place of residence and nationality] 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 [^{F72}church or other building in which][^{F72}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 [^{F73}15] 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.

Status: Point in time view as at 01/01/2001.

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) 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

- F69** Word in s. 38(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **20(1)(2)(a)**; S.I. 2000/2698, **art. 2**
- F70** Words in s. 38(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 20(1)(2)(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F71** Words in s. 38(2) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **20(3)**; S.I. 2000/2698, **art. 2**
- F72** 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**
- F73** Words in s. 38(3) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **20(4)**; S.I. 2000/2698, **art. 2**

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 [^{F74}certificates] of a superintendent registrar ^{F75}. . . 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 [^{F76}but [^{F77}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 [^{F78}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

Status: Point in time view as at 01/01/2001.

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)

of this Act relating to notices of marriage and the issue of certificates for marriage shall apply accordingly.

Textual Amendments

- F74** Word in s. 39(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **21(a)**; S.I. 2000/2698, **art. 2**
- F75** 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**
- F76** Words inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 10(a)**
- F77** 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)**
- F78** 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)

- C6** 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.

^{F79}(2)

Textual Amendments

- F79** S. 40(2) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 22, **Sch. 16**; S.I. 2000/2698, **art. 2**

Status:

Point in time view as at 01/01/2001.

Changes to legislation:

There are currently no known outstanding effects for the Marriage Act 1949, Cross Heading:
Issue of certificates.