



Marriage Act 1949

1949 CHAPTER 76

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;
 - (e) a marriage according to the rites of the Church of England.
- (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 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 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.

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 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 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 one shilling for every entry made in the marriage notice book under this section.

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 an infant 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.

29 Caveat against grant of certificate or licence

- (1) Any person on payment of a fee of five shillings 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.

Status: This is the original version (as it was originally enacted).

- (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.

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; of
 - (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 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) A superintendent registrar shall be entitled to receive a fee of one shilling for every certificate issued by him under this section.

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 one shilling, and for every licence so issued the sum of one pound and ten shillings over and above the amount paid for the stamps necessary on the issue of the licence.
- (6) A superintendent registrar shall not issue a licence under this section until he has given security by his bond in the sum of one hundred pounds to the Registrar General for the due and faithful execution of his office.

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.
- (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.

Status: This is the original version (as it was originally enacted).

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 in a building which is not 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.

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—

- (a) the religious appellation of the body of christians to which he or she professes to belong and the form, rite or ceremony which the persons to be married desire to adopt in solemnizing their marriage;
- (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.

(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, so long as the building is not more than two miles beyond the limits of the registration district, or one of the registration districts, in which notice of marriage has been given.

(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 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.

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—

- (a) the party residing in Scotland may, subject to and in accordance with the provisions of section seven of the Marriage Notice (Scotland) Act, 1878, give notice of the intended marriage as if the parties were residing in different parishes or districts in Scotland and as if the marriage were intended to be contracted or celebrated in Scotland, and the provisions of that Act relating to notices of intended marriages and the granting of certificates of due publication thereof shall apply accordingly;
- (b) the party residing in England may, subject to and in accordance with the provisions of sections twenty-seven 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;
- (c) a certificate of due publication of a notice of the intended marriage granted in Scotland by virtue of paragraph (a) of this subsection shall, for the purpose of the 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) Where a marriage is intended to be solemnized as aforesaid between parties of whom one is residing in Scotland and the other is residing in England and a certificate of proclamation of banns in Scotland has been issued under the hand of the minister or session clerk of the parish in which the proclamation was made—

- (a) the superintendent registrar of the registration district in which the party residing in England is residing may accept notice of marriage given by that party, subject to and in accordance with the provisions of sections twenty-seven 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;

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

- (b) the production of the certificate of proclamation of banns to the person by whom the marriage is to be solemnized 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.

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 church or other building in which 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 Marriages (Ireland) Act, 1844, as amended by the Marriages (Ireland) Act, 1846, and the 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.

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) 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 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.

40 Forms of certificates to be issued by Registrar General

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