

1952 No. 1869

The Marriage (Authorised Persons) Regulations, 1952

Made - - - - 21st October, 1952

Coming into Operation 1st December, 1952

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The Registrar General, in exercise of the powers conferred on him by section 74 of the Marriage Act, 1949(b), and of all other powers enabling him in that behalf, with the approval of the Minister of Health, hereby makes the following regulations :—

PART I

General

Citation and Commencement

1.—(1) These regulations may be cited as the Marriage (Authorised Persons) Regulations, 1952.

(2) These regulations shall come into operation on the first day of December, 1952.

(a) S.R. & O. 1947/2875; Rev. XIII, p. 220; 1947 I, p. 1267. (b) 12, 13 & 14 Geo. 6. c. 76.

Interpretation

2.—(1) In these regulations, unless the context otherwise requires :—

“the Act” means the Marriage Act, 1949 ;

“authorised person” means a person certified under section 43 of the Act by the trustees or governing body of a registered building as having been authorised to act as such ;

“registered building” means a building registered under Part III of the Act ;

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

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

“trustees or governing body”, in relation to Roman Catholic registered buildings, includes a bishop or vicar general of the diocese, and in relation to chapels registered for marriages under section 70 of the Act means the Admiralty or any person authorised by them, in the case of a naval chapel registered under that section, and a Secretary of State or any person authorised by him, in the case of any other chapel so registered.

(2) The Interpretation Act, 1889(a), applies to the interpretation of these regulations as it applies to the interpretation of an Act of Parliament.

Revocation of existing instruments

3. The rules and regulations made under the Marriage Act, 1898(b), on the 22nd February, 1899(c), on the 8th October, 1909(d), and on the 19th February, 1918, are hereby revoked, without prejudice to any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

PART II*Appointment and duties of authorised persons**Time and manner of certification of authorised person*

4.—(1) The time within which the trustees or governing body of a registered building shall, in pursuance of subsection (1) of section 43 of the Act, certify the name and address of a person authorised by them to be present at the solemnisation of marriages in that building shall be a period of one day from the date on which they authorise him as aforesaid.

(2) The name and address of any such person shall be certified in the form set forth in the schedule to these regulations, or in a form substantially to the like effect.

Notice to Registrar General where person ceases to be authorised

5. Where an authorised person for a registered building ceases to be authorised to be present at the solemnisation of marriages in the building the trustees or governing body of the building shall thereupon inform the Registrar General of the fact and state whether they intend to certify, in the place of that person, some other person to act as authorised person ; and where, when the vacancy occurs, there is no other authorised person for the registered building the trustees or governing body shall further inform the Registrar General what provision is being made for the solemnisation and registration of marriages in the building and, if necessary, for the preparation and delivery of the certified copies required under section 57 of the Act, while there is no authorised person.

(a) 52 & 53 Vict. c. 63.

(b) 61 & 62 Vict. c. 58.

(c) S.R. & O. 1899/78; Rev. XIII, p. 202; 1899, p. 913.

(d) S.R. & O. 1909/1332; Rev. X II, p. 168; 1909, p. 527.

Restriction on registration by authorised person

6. An authorised person shall not register any marriage to which he is a party or witness.

Entries and certified copies to be made in durable ink

7. An authorised person shall make every entry in a register book, and every certified copy of an entry in a register book given under section 57 or section 63 of the Act, in ink of durable quality.

PART III

*Registered buildings and register books**Custody of register books and forms*

8.—(1) The marriage register books provided for use in a registered building shall be kept in the custody of the authorised person for that building: Provided that where there are two or more authorised persons for a registered building the register books shall be kept in the custody of such one of the authorised persons as shall be notified to the Registrar General by the trustees or governing body of the registered building.

(2) The marriage register books and forms for certified copies shall, when not actually in use, be kept locked up in a strong fire-resisting receptacle in the registered building or in some other place approved by the Registrar General.

(3) The keys of the receptacle shall be kept in his own possession by the authorised person having the custody of the register books:

Provided that—

- (a) if that person ceases to be authorised to be present at the solemnisation of marriages in the building or is unable to carry out his duties, the keys shall be kept by another authorised person for the registered building, or, if there is no such other authorised person, by the trustees or governing body;
- (b) where a registered building ceases to be used for the solemnisation of marriages without the presence of a registrar, the trustees or governing body shall take possession of the keys until the register books and forms have been sent to the Registrar General in pursuance of paragraph (5) of this regulation.
- (4) Where an authorised person ceases to be authorised to be present at the solemnisation of marriages in the registered building and there is no other authorised person for the building, the marriage register books shall be kept in the custody of the trustees or governing body until another authorised person is appointed for the building.

(5) If—

- (a) the registration for the solemnisation of marriages of a building for which there is an authorised person is cancelled, or
- (b) the trustees or governing body of such a building decide that marriages shall no longer be solemnised in the building without the presence of a registrar, or
- (c) the Registrar General in his discretion attaches to the continued registration of such a building a condition that no marriage shall be solemnised therein without the presence of a registrar.

the register books relating to the building shall be sent by the trustees or governing body to the Registrar General in order that they may be formally closed and deposited in such custody as the Registrar General may deem appropriate in the circumstances.

PART IV

*Production and disposal of certificates, etc., and registration of marriages
Production, scrutiny and disposal of certificates, etc.*

9.—(1) Before permitting the solemnisation of a marriage in his presence to begin an authorised person shall require the production of every document on the authority of which the marriage is to be solemnised and shall by scrutiny of the documents satisfy himself that the marriage may lawfully be solemnised in his presence on the authority thereof.

(2) The authorised person shall make a note, upon every certificate or certificate and licence delivered to him as an authority for a marriage, of the number of the entry in the marriage register books in which the marriage has been registered, and shall preserve every such certificate or certificate and licence, in the fire-resisting receptacle required to be provided for the registered building, until the end of the quarter in which the marriage is solemnised and registered, when it shall be delivered to the superintendent registrar with the corresponding certified copy of the marriage entry for transmission to the Registrar General.

Inscribing of new register books

10. Before making an entry in new duplicate register books, the authorised person shall enter on the title page of each such book, in the spaces provided for the purpose, the number of the register book, the name or description under which the building is registered, the registration district in which the building is situated and the administrative county, county borough, or metropolitan borough in which the district is situated.

Cancelling of blank spaces

11.—(1) If a place of entry has been passed over between two consecutive entries, or a place of entry has been spoiled in either of the duplicate register books, the authorised person shall cancel the place of entry with lines in ink and shall similarly cancel the corresponding blank place in the other duplicate register book in order that the numbers of the subsequent entries in the two register books shall agree, and shall write in the margin of each cancelled place a note explaining the cause of its not having been used and add his initials.

(2) If an entry of a marriage appears at a differently numbered space in one duplicate register book from that at which it appears in the other, the authorised person shall insert connecting notes of reference in the margin of each entry.

Persons in whose presence the marriage is to be registered

12. Immediately after the solemnisation of a marriage under section 44 of the Act, in the presence of an authorised person, the authorised person shall, in some part of the registered building where it was solemnised and in the presence of the parties to the marriage and two witnesses to the marriage, register the marriage in the form hereinafter prescribed in each of the duplicate register books provided for use in the building.

Heading

13.—(1) In the heading to the form of entry of marriage in the marriage register books the authorised person shall enter in the places respectively provided for the purpose the year, the name of the registered building in which the marriage was solemnised and the name of the registration district and of the administrative county, county borough or metropolitan borough, as the case may be, in which the registered building is situated.

(2) The entry of the name of the registered building shall be made in the terms in which the building is described in the Registrar General's official list of certified places of meeting for religious worship; and if there is in the district another registered building bearing the same name and belonging to the same religious body or denomination, the entry shall state the address of the registered building as entered in that list.

When married

14. In column 1 (When married) the authorised person shall enter the date of the marriage, expressing the day of the month and the month in words and the year in figures.

Name and surname

15. In column 2 (Name and surname) the authorised person shall enter the name or names and surname of the man, followed by the name or names and surname of the woman.

Age

16. In column 3 (Age) the authorised person shall enter the age of the man in completed years followed by the age of the woman in completed years:

Provided that if the authorised person is unable to ascertain the exact age of either party, he shall enter an age which accords with such information in that respect as he is able to obtain, or, failing any such information, the words "of full age" or the word "minor", as the case may be.

Condition

17. In column 4 (Condition) the authorised person shall enter the marital condition of the man followed by the marital condition of the woman, in the following manner:—

(a) in the case of a party who has not previously been married, he shall enter the word "Bachelor" or "Spinster", as the case may be, and in the case of a party whose previous marriage was terminated by the death of the previous wife or husband, the word "Widower" or "Widow", as the case may be;

(b) in the case of a party whose previous marriage was terminated by divorce, he shall enter the words "Previous marriage dissolved";

(c) in the case of a marriage between two parties who have previously been through a form of marriage with each other, not being a marriage which is known to have been null and void, and of whom neither has since married a third person—

(i) if the previous marriage was terminated by divorce, he shall enter the words "Previously married at on the Marriage dissolved on the", together with the particulars of the place and date of the previous marriage and the date of its dissolution; or

(ii) if the second ceremony was performed for the avoidance of doubt as to the validity of a previous ceremony, he shall enter the words "Previously went through a form of marriage at on the", together with the particulars of the place and date of the previous ceremony;

and no further entry shall be made in column 4.

Rank or Profession

18. In column 5 (Rank or profession) the authorised person shall enter, in accordance with any general instructions given by the Registrar General, the rank or profession of the man, followed by the like particulars in respect of the woman.

Residence

19.—(1) In column 6 (Residence at the time of marriage) the authorised person shall enter the full address of the residence of the man at the time of the marriage, followed by the like particulars of the woman.

(2) If either of the parties has removed into another district since the notice of marriage was given, the authorised person shall enter the words "Late of but now residing at", together with the full address of both residences.

Father's name and surname

20. In column 7 (Father's name and surname) the authorised person shall enter the name or names and surname of the father of the man, followed by the like particulars of the father of the woman; and if either father is deceased, he shall enter the word "deceased" after the surname.

Rank or profession of father

21. In column 8 (Rank or profession of father) the authorised person shall enter, in accordance with any general instructions given by the Registrar General, the rank or profession of the father of the man, followed by the like particulars of the father of the woman.

Attestation

22. In the form of attestation the authorised person shall enter in the places respectively provided for the purpose the description of the registered building, the title of the body or denomination according to the rites and ceremonies of which the marriage has been solemnised, and the word "certificate" or "licence" as the case may be.

Signing of the Register

23.—(1) After entering the above-mentioned particulars the authorised person shall call upon the parties married to verify the particulars in the entries and, if satisfied that they are correctly entered, to sign the register books in the places provided for the purpose; and after the parties have signed the register books the authorised person shall call upon the witnesses to sign the register books in the places provided for the purpose. A party or witness who is unable to write his name may sign the register books by making a mark.

(2) Where a party or witness signs by mark or in characters other than those employed in the English language, the authorised person shall write thereafter the words "the mark (or signature) of", followed by the full name or names and surname of the person whose mark or signature it is.

(3) The authorised person shall then examine the entries in both register books, and if it appears that any error has been made in any part thereof, he shall, in the presence of the parties and witnesses, make the necessary correction in the manner and form prescribed in part V of these regulations.

(4) The authorised person shall then complete the entry by signing the register books in the place provided for the purpose and appending to his signature his official description.

Time when entry deemed completed

24. An entry shall for the purposes of these regulations be deemed to have been completed when the authorised person by whom it is made has signed the entry and appended to his signature his official description.

PART V

*Correction of errors**Errors discovered before completion of entry*

25. Where under paragraph (3) of regulation 23 of these regulations an authorised person is required to correct an error in any entry of marriage, he shall make the correction in the following manner:—

- (a) if a word has been omitted, or a single letter has been omitted from a word which but for the omission is correct, the word or letter omitted shall be written above the place of omission and a caret written to indicate the precise place of omission, or in the case of a word omitted, if space is available to write the word in the place from which it has been omitted, it shall be written therein and underlined;
- (b) if a superfluous letter, or two or more consecutive superfluous letters, have been included in a word which but for the inclusion is correct, any such superfluous letter shall be struck out;
- (c) if a single incorrect letter has been written in a word which is otherwise correct, the incorrect letter shall be struck out and the correct letter written above it;
- (d) in any other case a word which is incorrect shall be struck out by a line drawn through it, so, however, that the word remains legible, and the correct word shall be written above it;
- (e) all errors corrected as aforesaid shall be numbered consecutively by the authorised person from the beginning of the book, starting with "one", and on making any such correction the authorised person shall write the number of the error in figures against the correction in the body of the entry and shall repeat the same number in words in the margin of the entry and add his initials;
- (f) if the particulars required to be entered in any two columns have been inadvertently transposed, the authorised person shall, without any other correction, write in the margin of the entry a note of the error in the following form: "The particulars in columns..... and..... inadvertently transposed", and add his initials thereto;
- (g) if the particulars required to be entered in respect of the two parties to a marriage or the fathers of such parties have been inadvertently transposed, the authorised person shall, without any other correction, write in the margin of the entry a note to that effect, specifying the particulars to which the note relates, and add his initials thereto;

Provided that, if it appears that an error has been made in the signature of one of the parties or witnesses to a marriage, the party or witness and not the authorised person shall make the correction and the authorised person shall number the error and make an entry in the margin as hereinbefore provided.

Errors discovered after completion of entry

26. Where it appears or is represented to the authorised person having the custody of a marriage register book that an error has been made in any completed entry in the register book, he shall before making any correction

send a report to the Registrar General with reference to the alleged error giving such information as the Registrar General may by any general instructions require, together with a copy of the entry in which the error is alleged to have been made ; and the authorised person shall comply with any particular instruction which the Registrar General may give for the purpose of verifying the facts of the case and of ascertaining the parties or witnesses who will be available to witness a correction of the entry.

SCHEDULE

AUTHORISED PERSON

MARRIAGE ACT, 1949. SECTION 43.

Certificate of Trustees or Governing Body.

We, the undersigned, being [trustees / members of the governing body] of the building registered for the solemnisation of marriages as.....

[The building should be described here by its full title, as on the certificate of its registration for marriages.

No. situated at..... in the Registration District of..... which was so registered on or about..... on behalf of the denomination known as.....

..... DO, in pursuance of section 43 of the Marriage Act, 1949, hereby CERTIFY to the Registrar General and the Superintendent Registrar that, on the day of.....

19....., the [trustees / governing body] of the building authorised—

[Full name]..... [Full postal address]..... [Profession or occupation].....

to be present at the solemnisation of marriages in the said registered building.

Signed on behalf of the [trustees / governing body] of the building, this day of..... 19.....

SIGNATURES State here whether "trustee" or "member of governing body."

[The signatories must be trustees or members of the governing body of the building.]

.....

Given under my hand this 21st day of October, nineteen hundred and fifty-two.

George North, Registrar General.

I approve.

Iain Macleod, Minister of Health.

21st October, 1952.

EXPLANATORY NOTE

(This note does not form part of the Regulations, but is intended to explain their general purport.)

These Regulations, which replace those made under the Marriage Act, 1898, prescribe (a) the mode of certifying the appointment of persons authorised in pursuance of the Marriage Act, 1949, to register marriages, solemnised in a building registered for marriages, without the presence of a civil registrar, and also (b) the duties of such persons under that Act. These duties chiefly comprise the responsibility for ensuring that the required statutory preliminaries to each such marriage have been complied with before it is solemnised, the manner of registering such marriages, the correction of errors in the registers, and the safe custody of the registers.