
STATUTORY INSTRUMENTS

2005 No. 155

**REGISTRATION OF BIRTHS, DEATHS,
MARRIAGES, ETC., ENGLAND AND WALES**

The Registration of Marriages (Amendment) Regulations 2005

Made - - - - *31st January 2005*

Coming into force - - *1st February 2005*

The Registrar General, in exercise of the powers conferred upon him by sections 27(1) and 74(b) of the Marriage Act 1949(1), as extended by section 26(3) of the Welsh Language Act 1993(2) and of all other powers enabling him in that behalf, with the approval of the Chancellor of the Exchequer(3), hereby makes the following Regulations:

Citation and commencement

1. These regulations may be cited as the Registration of Marriages (Amendment) Regulations 2005 and shall come into force on 1st February 2005.

Amendment of the Registration of Marriages Regulations 1986

2.—(1) The Registration of Marriages Regulations 1986(4) are amended as follows.

(2) In regulation 2(1) (interpretation), after the definition “occupation” insert—

““subject to immigration control” has the same meaning as in section 19(4) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004(5).”.

(3) In regulation 3—

(a) for the words “The form of notice of marriage to be given” substitute—

“(1) The form of notice of marriage to be given by a party who is not subject to immigration control”;

(1) 1949 c. 76. Section 27 was amended by the Marriage Act 1983 (c. 32), section 1(7) and Schedule 1 paragraph 5, by the Marriage Act 1994 (c. 34), section 1(3) and the Schedule paragraph 2, by the Immigration and Asylum Act 1999 (c. 33), sections 160(2), 161(1) and (2), 169(1) and (3), Schedule 14 paragraph 8 and Schedule 16 and by S.I. 1997/2939, S.I. 1999/3311 and S.I. 2002/3076.

(2) 1993 c. 38.

(3) The approval of the Chancellor of the Exchequer is required by section 74 of the Marriage Act 1949 as amended by the Registration Service Act 1949 (c. 37), section 23(2) and Schedule 2 and by the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273), article 5(1) and Schedule 2 paragraph 11.

(4) S.I. 1986/1442 as amended by S.I. 1995/744, S.I. 1997/2204 and S.I. 2000/3164.

(5) 2004 c. 19.

- (b) after sub-paragraph (c) insert—
 - “(2) The form of notice of marriage to be given by a party who is subject to immigration control shall be—
 - (a) where both parties are aged eighteen or over, form 1B, or
 - (b) where either party is, or both parties are, aged under eighteen, form 1C.”.
- (4) In Schedule 1 (prescribed forms)—
 - (a) for the list headed “Contents”, substitute the list headed “Contents” in Schedule 1 to these regulations;
 - (b) in form 1, for “Regulation 3(a)(i)” substitute “Regulation 3(1)(a)(i)”;
 - (c) in form 1A, for “Regulation 3(a)(i)” substitute “Regulation 3(1)(a)(ii)”;
 - (d) after form 1A, insert forms 1B and 1C in Schedule 2 to these regulations.

Amendment of Registration of Marriages (Welsh Language) Regulations 1999

3.—(1) The Registration of Marriages (Welsh Language) Regulations 1999(6) are amended as follows.

- (2) In regulation 2 (forms of notice of marriage and of endorsement on notice)—
 - (a) for “regulation 3(a)” substitute “regulation 3”; and
 - (b) for both the occurrences of “1 or 1A” substitute “1, 1A, 1B or 1C”.
- (3) In Schedule 1 (prescribed forms)—
 - (a) for the list headed “Prescribed forms” substitute the list headed “Prescribed forms” in Schedule 3 to these regulations; and
 - (b) after form 1A insert forms 1B and 1C in Schedule 4 to these regulations.

Transitional Provision

4. Regulations 2 and 3 shall not apply in respect of any marriage, notice of which has been entered in the marriage notice book before 1st February 2005.

Given under my hand on

28th January 2005

Leonard Cook
Registrar General

I approve

Signed by authority of the Chancellor of the Exchequer

31st January 2005

Stephen C. Timms

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

“CONTENTS

| <i>Form</i> | <i>Relevant regulation</i> | <i>Description</i> | <i>Statutory Purpose</i> |
|-------------|----------------------------|---|---|
| 1 | 3(1)(a)(i) | Notice of marriage given by a party who is not subject to immigration control and where both parties are aged 18 or over | Marriage Act 1949, section 27(1) |
| 1A | 3(1)(a)(ii) | Notice of marriage given by a party who is not subject to immigration control and where either party is, or both parties are, aged under 18 | Marriage Act 1949, section 27(1) |
| 1B | 3(2)(a) | Notice of marriage given by a party who is subject to immigration control and where both parties are aged 18 or over | Marriage Act 1949, section 27(1) |
| 1C | 3(2)(b) | Notice of marriage given by a party who is subject to immigration control and where either party is, or both parties are, aged under 18 | Marriage Act 1949, section 27(1) |
| 3 | 3(1)(c) | Notice of marriage by Registrar General’s licence | Marriage (Registrar General’s Licence) Act 1970, section 2(1) |
| 4 | 4 | Endorsement on notice of marriage | Marriage Act 1949, section 35(1) |
| 5 | 5(a) | Statement of registered medical practitioner | Marriage Act 1949, section 27A(2) and (7) |
| 6 | 5(b) | Statement by responsible authority | Marriage Act 1949, section 27A(3) |
| 7 | 5(c) | Particulars of person by or before whom marriage intended to be solemnized | Marriage Act 1949, section 27A(4) |
| 8 | 6 | Declaration of marriages of certain persons related by affinity | Marriage Act 1949, section 27B(2)(b) |

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| Form | Relevant regulation | Description | Statutory Purpose |
|------|---------------------|---|--|
| 8A | 6A | Application to reduce the 15 day waiting period | Marriage Act 1949, section 31(5D) |
| 9 | 7(1) | Certificate for marriage | Marriage Act 1949, section 31(2) |
| 11 | 7(3) | Registrar General’s licence for marriage | Marriage (Registrar General’s Licence) Act 1970, section 7 |
| 12 | 8 | Form of instructions | Marriage Act 1949, sections 31(5) and 32(4) |
| 13 | 10(1) | Form of marriage entry | Marriage Act 1949, section 55(1) |
| 14 | 18(a) | Quarterly return of marriages | Marriage Act 1949, section 57(2) |
| 15 | 18(b) | Certificate of no registration | Marriage Act 1949, section 57(2)''' |

SCHEDULE 2

Form 1B
Notice of Marriage

Regulation 3(2)(a)
Marriage Act 1949 s. 27(1)

PARTICULARS RELATING TO PERSONS TO BE MARRIED

| Name and Surname (1) | Age (2) Years | Marital Status (3) | Occupation (4) | Place of residence (5) | Period of residence (6) | Church or other building, or residence, in which the marriage is to be solemnized (7) | Nationality and District of residence (8) |
|-------------------------|---------------------|-----------------------|-------------------|---------------------------|----------------------------|--|--|
| | Years | | | | | | |

To the Superintendent Registrar of the district of
(which is a district specified for the purpose of section 19 paragraph 2 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004).

I, the above-named (name and surname)
give you notice that I and the other person named above intend to be married on the authority of certificates within *three months/twelve months from the date of entry of this notice and I declare as follows:

- I believe that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage.
- I and the other person named above have for the period of seven days immediately before giving this notice had our usual places of residence within the districts named in Column 8 above.
- In respect of myself, I am eighteen years of age or over.
- In respect of the said(name and surname) *he/ she is eighteen years or over.
- In respect of myself, I am a person who
either *A has an entry clearance granted expressly for the purpose of enabling me to marry in the United Kingdom;
or *B has the written permission of the Secretary of State to marry in the United Kingdom;
or *C falls within a class specified in regulations made by the Secretary of State for the purpose of section 19 paragraph 3 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.
- I further declare that to the best of my knowledge and belief the declarations which I have made and the particulars relating to the persons to be married are true. I understand that if any of the declarations are false I MAY BE LIABLE TO PROSECUTION UNDER THE PERJURY ACT 1911.
- I also understand that if, in fact, there is an impediment of kindred or alliance or other lawful hindrance to the intended marriage the marriage may be invalid or void and the contracting of the marriage may render one or both of the parties GUILTY OF A CRIME AND LIABLE TO THE PENALTIES OF BIGAMY OR SUCH OTHER CRIME AS MAY HAVE BEEN COMMITTED.

Signed..... Date.....
In the presence of Signature of registration officer { Official designation
Registration district of
Place of residence

* Delete whichever does not apply

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Form 1C
Notice of Marriage
PARTICULARS RELATING TO PERSONS TO BE MARRIED

Regulation 3(2)(b)
Marriage Act 1949 s. 27(1)

| Name and Surname (1) | Age (2) Years | Marital Status (3) | Occupation (4) | Place of residence (5) | Period of residence (6) | Church or other building, or residence, in which the marriage is to be solemnized (7) | Nationality and District of residence (8) |
|-------------------------|---------------------|-----------------------|-------------------|---------------------------|----------------------------|--|--|
| | Years | | | | | | |
| | Years | | | | | | |

To the Superintendent Registrar of the district of.....
(which is a district specified for the purpose of section 19 paragraph 2 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004).

I, the above-named (name and surname)
give you notice that I and the other person named above intend to be married on the authority of certificates within *three months/twelve months from the date of entry of this notice and I declare as follows:

1. I believe that there is no impediment of kindred or alliance or other lawful hindrance to the said marriage.

2. I and the other person named above have for the period of seven days immediately before the giving of this notice had our usual places of residence within the districts named in Column 8 above.

3. In respect of myself I am

either *A. eighteen years of age or over.

or *B. under the age of eighteen years and-

(i) I will reach the age of eighteen years on (date).

or (ii) I am a *widower/widow.

or (iii) the consent of (name(s)) whose consent is required by law has been obtained;

and/or the necessity of obtaining the consent of (name(s)) has been dispensed with as provided by law;

and/or the (name of Court) Court has consented to the marriage.

or (iv) there is no person whose consent to the marriage is required by law.

4. In respect of the said (name and surname)

either *A. *he/she is eighteen years of age or over.

or *B. *he/she is under the age of eighteen years and-

(i) *he/she will reach the age of eighteen years on (date).

or (ii) *he/she is a *widower/widow.

or (iii) the consent of (name(s)) whose consent is required by law has been obtained;

and/or the necessity of obtaining the consent of (name(s)) has been dispensed with as provided by law;

and/or the (name of Court) Court has consented to the marriage.

or (iv) there is no person whose consent to the marriage is required by law.

5. In respect of myself, I am a person who

either *A. has an entry clearance granted expressly for the purpose of enabling me to marry in the United Kingdom;

or *B. has the written permission of the Secretary of State to marry in the United Kingdom;

or *C. falls within a class specified in regulations made by the Secretary of State for the purpose of section 19 paragraph 3 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004.

6. I further declare that to the best of my knowledge and belief the declarations which I have made above and the particulars relating to the persons to be married are true. I understand that if any of the declarations are false I MAY BE LIABLE TO PROSECUTION UNDER THE PERJURY ACT 1911.

7. I also understand that if, in fact, there is an impediment of kindred or alliance or other lawful hindrance to the intended marriage the marriage may be invalid or void and the contracting of the marriage may render one or both of the parties GUILTY OF A CRIME AND LIABLE TO THE PENALTIES OF BIGAMY OR SUCH OTHER CRIME AS MAY HAVE BEEN COMMITTED.

Signed Date

In the presence of Signature of registration officer { Official designation
Registration district of
Place of residence

*Delete whichever does not apply

SCHEDULE 3

PRESCRIBED FORMS

“CONTENTS

| Form | Relevant regulation | Description | Statutory Purpose |
|------|---------------------|---|----------------------------------|
| 1 | 2 | Notice of marriage given by a party who is not subject to immigration control and where both parties are aged 18 or over | Marriage Act 1949, section 27(1) |
| 1A | 2 | Notice of marriage given by a party who is not subject to immigration control and where either party is, or both parties are, aged under 18 | Marriage Act 1949, section 27(1) |
| 1B | 2 | Notice of marriage given by a party who is subject to | Marriage Act 1949, section 27(1) |

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| <i>Form</i> | <i>Relevant regulation</i> | <i>Description</i> | <i>Statutory Purpose</i> |
|-------------|----------------------------|---|---|
| | | immigration control and where both parties are aged 18 or over | |
| 1C | 2 | Notice of marriage given by a party who is subject to immigration control and where either party is, or both parties are, aged under 18 | Marriage Act 1949, section 27(1) |
| 3 | 2 | Endorsement on notice of marriage | Marriage Act 1949, section 35(1) |
| 4 | 3 | Particulars of person by or before whom marriage intended to be solemnized | Marriage Act 1949, section 27A(4) |
| 5 | 4 | Declaration of marriages of certain persons related by affinity | Marriage Act 1949, section 27B(2)(b) |
| 6 | 5 | Certificate for marriage | Marriage Act 1949, section 31(2) |
| 8 | 5 | Form of instructions | Marriage Act 1949, sections 31(5) and 32(4) |
| 8A | 4A | Application to reduce the 15 day waiting period | Marriage Act 1949, section 31(5D) |
| 9 | 6 | Form of marriage entry | Marriage Act 1949, section 55(1)"" |

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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registration of Marriages Regulations 1986 and the Registration of Marriages (Welsh Language) Regulations 1999 to reflect the modifications made to the Marriage Act 1949 by section 20(1) and (2) of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004. In particular, they provide that the existing forms 1 and 1A for marriage are for use by persons who are not subject to immigration control and insert new forms 1B and 1C for use by persons who are subject to immigration control.

NODYN ESBONIADOL

(Nid yw'r nodyn hwn yn ran o'r Rheoliadau)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cofrestru Priodasau 1986 a Rheoliadau Cofrestru Priodasau (Iaith Gymraeg) 1999 i ddangos y newidiadau a wnaethpwyd i Ddeddf Priodi 1949 gan adran 20(1) a (2) o Ddeddf Noddfa a Mewnfudo (Dull o Drin Hawlwyr, ayyb) 2004. Yn arbennig, maent yn darparu bod y ffurflenni 1 a 1A sy'n bodoli ar gyfer priodi i'w defnyddio gan bersonau nad ydynt o dan reolaeth mewnfudo ac yn rhoi ffurflenni newydd 1B a 1C i'w defnyddio gan bersonau sydd o dan reolaeth mewnfudo.