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";

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 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)"; and
 - (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

SCHEDULE 1 "CONTENTS

Form	Relevant regulation	Description	Statutory Purpose
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)

Status: This is the original version (as it was originally made).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

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

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

Notice of Marriage

PARTICULARS RELATING TO PERSONS TO BE MARRIED

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

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).

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 1 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
- 3 In respect of myself, I am eighteen years of age 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.
- 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 reader 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 ofSignature of registration officer	{	Official designation Registration district of Place of residence

^{*} Delete whichever does not apply

Status: This is the original version (as it was originally made).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

Form IC Regulation 3(2)(b) Marriage Act 1949 x 27(1)							
					otice of Marriage		**************************************
Name and Surname	Age	Marital Status	Occupation	ARTICULARS RELAT Place of residence	Period of residence	Church or other building, or residence, in which the marriage is to be solemnized	e Nationality and District of residence
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	Years						
	Years						
To the Superintendent Regis (which is a district specified						etc.) Act 2004).	
						fname and sur wheelve months from the date of entry of this notice a	
1. I believe that there is no in	mpediment o	f kindred or alliance or	other lawful hindra	mee to the said marriag	ħ.		
2. I and the other person name	ned above ha	ve for the period of ser	en days immediate	ly before the giving of t	his notice had our usu	al places of residence within the districts named in Co	oluma 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- or "B. under the age of eighteen years and- (i) I will reach the age of eighteen years on							
In respect of the said either *A. *he/she is eight	teen weers of			(name	and surname)		
or *B. *he/she is unde	r the age of e	ighteen years and-					
		th the age of eighteen y dower/widow.	ears on		(date).		
or (iii) the	consent of .					ame(s)) whose consent is required by law has been ob	stained;
						ame(s)) has been dispensed with as provided by law; ame of Court) Court has consented to the marriage.	
		on whose consent to th				owe of Court Court has consented to the marriage.	
S. In respect of myself, I am a person who either "A has an entry clearunce 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; falls within a class specified in regulations made by the Secretary of State for the purpose of section 19 paragraph 3 of the Asylam and Immigration (Treatment of Claimants, etc.) Act 2004.							
6. I further declare that to the BE LIABLE TO PROSECU				ich I have made above a	nd the particulars relai	ting to the persons to be married are true. I understand	that if any of the declarations are false I MAY
7.1 also understand that if, is the parties GUILTY OF A C	n fact, there i	s an impediment of kir LIABLE TO THE PE	dred or alliance or NALTIES OF BIG	other lawful hindrance AMY OR SUCH OTHE	to the intended marring	ge the marriage may be invalid or void and the contra HAVE BEEN COMMITTED.	cting of the marriage may render one or both of
Signed				Date	***************************************		
In the presence of *Delete whichever does not a		Signa	ture of registration	officer Regis	tration district of		

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)

Form	Relevant regulation	Description	Statutory Purpose
		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)""

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

SCHEDULE 4

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		Disco. No.M							
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the ive	above named. rou notice that I and the other person n the date of entry of this notice and I deci	amed above inte are as fullows:	. (Name one and to be married on the authori	surname) ty of certificates within *three m	onths/twelve months	Yr wyf fl a enw yn eich hysbysi cofnodi'r hysbys	ir uchod s fy mod i a'r person s siad hwn a gwnsf y dat	(enw ora rall a emvir uchod yn bwriadu priodi trwy awdurdod tysty ganiadau canlynoli:	rkyfenr) rsgriftu o fewn *tri mis/deuddeg mis o ddyd
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ž.	T and the other person named above ha residence within the districts named in	we for the period Column 8 above	of seven days immediately before	re the giving of this notice had ou	er usual places of	Pm presi fod o fer	wylfa arferol i a phress wn y dosbarthau a enw	ryffa arferol y penson arall a enwyd uchod fod am gyfnod o yd yng Ngholofn 8 uchod.	swith niwmed yn union cyn rhoi'r hysbysiad i
	In respect of myself, I am eighteen yea	irs of age or over				 Ynglýn 	i mi fy hon, yr wyf yn	ddeunaw oed neu'n hŷn na hynny.	
١.	In respect of the said "he/she is eighteen years of age or ove	r,		nd surname)		 Ynglýn : *Mae ef 	å. Thi yn ddesnew oed na	gia hjin ng hyany. (emv a	chylene)
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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.