

2013 No. 2875

MARRIAGE

The Foreign Marriage (Amendment) Order 2013

Made - - - - *6th November 2013*

Laid before Parliament *13th November 2013*

Coming into force - - *1st January 2014*

At the Court at Buckingham Palace, the 6th day of November 2013

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by section 18 of the Foreign Marriage Act 1892(a), is pleased, by and with the advice of Her Privy Council, to make the following Order.

Citation, interpretation and commencement

- 1.—(1) This Order may be cited as the Foreign Marriage (Amendment) Order 2013.
- (2) In this Order a “foreign marriage” means a marriage solemnised in a foreign country.
- (3) This Order comes into force on 1st January 2014.

Amendment of the Foreign Marriage Order 1970

2. The Foreign Marriage Order 1970(b) is amended as follows.
3. In Article 3(1)(d) for “country in which each party is domiciled” substitute “part of the United Kingdom which has been jointly elected by the parties”.
4. Article 7 is omitted.

Saving provision

5.—(1) Any person shall be entitled to obtain, from the Registrar General for England and Wales, from the Registrar General of Births, Deaths and Marriages for Scotland, or from the Registrar General for Northern Ireland, a certified copy of any of the documents specified in paragraph (3) on payment of a fee in respect of the provision of the copy and any necessary search for the document.

(a) 1892 c. 23. Section 18 was amended by section 6 of the Foreign Marriage Act 1947 (c. 33) and section 1(3) of the Foreign Marriage (Amendment) Act 1988 (c. 44).

(b) S.I. 1970/1539 as amended by S.I. 1990/598.

(2) The fee payable under paragraph (1) is the same fee as is for the time being charged by the relevant Registrar General for the provision of a certified copy of, and any necessary search for, an entry in the records of marriages in their custody.

(3) The documents referred to in paragraph (1) are—

- (a) a certificate of a foreign marriage;
- (b) any translation of such a certificate;
- (c) any certificate produced by a British consular officer regarding the accuracy of the translation;

that was transmitted to the Registrar General before the coming into force of this Order.

(4) A certified copy provided by a Registrar General under paragraph (1) of any entry in the register is sufficient evidence of the formation of a foreign marriage.

Richard Tilbrook
Clerk of the Privy Council

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Foreign Marriage Order 1970 to remove the test of domicile in respect of the parties to a consular marriage with the result that the parties to such a marriage will elect under which jurisdiction (England and Wales, Scotland or Northern Ireland) they wish to be married, rather than this being determined by where they are domiciled.

This Order also removes the requirement for British consular officers to transmit certificates of foreign marriages to the Registrar General in England and Wales, Scotland or Northern Ireland. Consular officers remain under an obligation to transmit certificates of consular marriages to the Registrar General.

Article 5 ensures that any person whose certificate was transmitted before this service is removed may still obtain a certified copy of that certificate from the appropriate Registrar General upon payment of a fee.

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