



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IX

REGISTRAR'S CERTIFICATES: PROCEDURE

160 Abolition of certificate by licence

- (1) In the Marriage Act 1949, in section 26, omit subsection (2) (marriage under superintendent registrar's certificate to be by licence issued by the registrar or without licence).
- (2) In section 27 of the 1949 Act—
 - (a) in subsection (1), omit "without licence";
 - (b) omit subsection (2);
 - (c) in subsection (3), in paragraph (a), omit "in the case of a marriage intended to be solemnized without licence,";
 - (d) in subsection (3), omit paragraph (b).
- (3) Section 32 of the 1949 Act (marriage under certificate by licence) shall cease to have effect.
- (4) In section 31 of the 1949 Act (marriage under certificate without licence requiring 21 days' notice)—
 - (a) in subsection (1), omit "without licence" and for "twenty-one" substitute "15";
 - (b) in subsection (2), for "twenty-one" substitute "15";
 - (c) in subsection (4), omit "without licence" and for "said period of twenty-one days" substitute "waiting period in relation to each notice of marriage".
- (5) In section 31 of the 1949 Act, after subsection (4) insert—

"(4A) "The waiting period", in relation to a notice of marriage, means—

 - (a) the period of 15 days, or

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(b) such shorter period as may be determined by the Registrar General under subsection (5A) or by a superintendent registrar under any provision of regulations made under subsection (5D), after the day on which the notice of marriage was entered in the marriage notice book.”

(6) In section 31 of the 1949 Act, insert at the end—

“(5A) If, on an application made to the Registrar General, he is satisfied that there are compelling reasons for reducing the 15 day period because of the exceptional circumstances of the case, he may reduce that period to such shorter period as he considers appropriate.

(5B) “The 15 day period” means the period of 15 days mentioned in subsections (1) and (2).

(5C) If the Registrar General reduces the 15 day period in a particular case, the reference to 15 days in section 75(3)(a) is to be treated, in relation to that case, as a reference to the reduced period.

(5D) The Registrar General may by regulations make provision with respect to the making, and granting, of applications under subsection (5A).

(5E) The regulations—

- (a) may provide for the power conferred by subsection (5A) to be exercised by a superintendent registrar on behalf of the Registrar General in cases falling within a category prescribed in the regulations;
- (b) may provide for the making of an appeal to the Registrar General against a decision taken by a superintendent registrar in accordance with regulations made by virtue of paragraph (a);
- (c) may make different provision in relation to different cases;
- (d) require the approval of the Chancellor of the Exchequer.

(5F) The Chancellor of the Exchequer may by order provide for a fee, of such an amount as may be specified in the order, to be payable on an application under subsection (5A).

(5G) The order may make different provision in relation to different cases.

(5H) The power to make regulations under subsection (5D) or an order under subsection (5F) is exercisable by statutory instrument.

(5I) Any statutory instrument made under subsection (5F) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

161 Notice of marriage

(1) In the Marriage Act 1949, in section 27(1) (persons by whom notice of marriage must be given)—

- (a) in paragraph (a), for “either” substitute “each”;
- (b) in paragraph (b), for “either” substitute “each” and for “each registration district in which one of them has resided” substitute “the registration district in which he or she has resided”.

- (2) In section 27 of the 1949 Act, in subsection (3) (matters to be stated in notice of marriage), for “and place of residence” substitute “, place of residence and nationality”.
- (3) In the 1949 Act, in section 26(1) (marriages which may be solemnized on authority of a certificate of a superintendent registrar), for “a certificate” substitute “two certificates”.
- (4) In the Marriage Law (Ireland) Amendment Act 1863, in section 2(3) (matters to be stated in notice of marriage), after “dwelling place” insert “and the nationality”.

162 Power to require evidence

- (1) In the Marriage Act 1949, after section 28, insert—

“28A Power to require evidence

- (1) A superintendent registrar to whom a notice of marriage is given under section 27, or any other person attesting a declaration accompanying such a notice, may require the person giving the notice to provide him with specified evidence—
 - (a) relating to that person; or
 - (b) if the superintendent registrar considers that the circumstances are exceptional, relating to each of the persons to be married.
 - (2) Such a requirement may be imposed at any time—
 - (a) on or after the giving of the notice of marriage; but
 - (b) before the superintendent registrar issues his certificate under section 31.
 - (3) “Specified evidence”, in relation to a person, means such evidence of that person's—
 - (a) name and surname,
 - (b) age,
 - (c) marital status, and
 - (d) nationality,as may be specified in guidance issued by the Registrar General.”
- (2) In the Marriage Law (Ireland) Amendment Act 1863, after section 3, insert—

“3A Power to require evidence

- (1) A registrar to whom a notice of marriage mentioned in section 2 is given may require the person giving the notice to provide him with specified evidence relating to each of the persons to be married.
- (2) Such a requirement may be imposed at any time—
 - (a) on or after the giving of the notice of marriage; but
 - (b) before the registrar issues his certificate.
- (3) “Specified evidence”, in relation to a person, means such evidence of that person's—

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- (a) name and surname,
 - (b) age,
 - (c) marital status, and
 - (d) nationality,
- as may be specified in guidance issued by the Registrar General.”

163 Refusal to issue certificate

- (1) In the Marriage Act 1949, in section 31(2) (issue of marriage certificate), for paragraph (a) substitute—
- “(a) the superintendent registrar is not satisfied that there is no lawful impediment to the issue of the certificate; or”.
- (2) In the 1949 Act, after section 31, insert—

“31A Appeal on refusal under section 31(2)(a)

- (1) If, relying on section 31(2)(a), a superintendent registrar refuses to issue a certificate, the person applying for it may appeal to the Registrar General.
- (2) On such an appeal, the Registrar General must—
- (a) confirm the refusal; or
 - (b) direct that a certificate be issued.
- (3) If—
- (a) relying on section 31(2)(a), a superintendent registrar refuses to issue a certificate as a result of a representation made to him, and
 - (b) on an appeal against the refusal, the Registrar General declares the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate,
- the person making the representation is liable for the costs of the proceedings before the Registrar General and for damages recoverable by the applicant for the certificate.
- (4) For the purpose of enabling a person to recover any such costs and damages, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has declared the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate.”
- (3) In the Marriages (Ireland) Act 1844, in section 16 (issue of marriage certificate), for “provided that no lawful impediment be shown to the satisfaction of the registrar why such certificate should not issue” substitute “unless the registrar is not satisfied that there is no lawful impediment to the issue of the certificate”.
- (4) In the 1844 Act, after section 16, insert—

“16A Appeal on refusal under section 16

- (1) If the registrar refuses to issue a certificate under section 16 on the ground that he is not satisfied that there is no lawful impediment to the issue of the

certificate, the party by whom the notice was given may appeal to the Registrar General.

- (2) On such an appeal, the Registrar General must—
 - (a) confirm the refusal; or
 - (b) direct that a certificate be issued.
- (3) If—
 - (a) the registrar refuses to issue a certificate under section 16 on the ground specified in subsection (1) as a result of a representation made to him, and
 - (b) on an appeal against the refusal, the Registrar General declares the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate,

the person making the representation is liable for the costs of the proceedings before the Registrar General and for damages recoverable by the applicant for the certificate.
- (4) For the purpose of enabling a person to recover any such costs and damages, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has declared the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate.”