



# Marriage Act 1949

## 1949 CHAPTER 76

### PART II

#### MARRIAGE ACCORDING TO RITES OF THE CHURCH OF ENGLAND

##### *Miscellaneous Provisions*

#### **22 Witnesses**

All marriages solemnized according to the rites of the Church of England shall be solemnized in the presence of two or more witnesses in addition to the clergyman by whom the marriage is solemnized.

#### **23 Benefices held in plurality**

Where two or more benefices are held in plurality under the Pastoral Reorganisation Measure, 1949, the bishop of the diocese in which the benefices are situated or, during a vacancy in the see, the guardian of the spiritualities thereof, may in writing direct where banns of matrimony of persons entitled to be married in any church of those benefices may be published and where marriages of those persons may be solemnized:

Provided that—

- (a) nothing in this section shall deprive a person of the right to be married in any church in which he would have been entitled to be married if no directions had been given under this section; and
- (b) a person may be married in a church in which he would have been entitled to be married as aforesaid notwithstanding that the banns of matrimony have, by virtue of this section, been published only in some other church.

**24 Proof of residence not necessary to validity of marriage by banns or common licence**

- (1) Where any marriage has been solemnized after the publication of banns of matrimony, it shall not be necessary in support of the marriage to give any proof of the residence of the parties or either of them in any parish or other ecclesiastical district in which the banns were published, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.
- (2) Where any marriage has been solemnized on the authority of a common licence, it shall not be necessary in support of the marriage to give any proof that the usual place of residence of one of the parties was for fifteen days immediately before the grant of the licence in the parish or other ecclesiastical district in which the marriage was solemnized, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.

**25 Void marriages**

If any persons knowingly and wilfully intermarry according to the rites of the Church of England (otherwise than by special licence)—

- (a) in any place other than a church or other building in which banns may be published ;
- (b) without banns having been duly published, a common licence having been obtained, or a certificate having been duly issued under Part III of this Act by a superintendent registrar to whom due notice of marriage has been given; or
- (c) on the authority of a publication of banns which is void by virtue of subsection (3) of section three or subsection (2) of section twelve of this Act, on the authority of a common licence which is void by virtue of subsection (3) of section sixteen of this Act, or on the authority of a certificate of a superintendent registrar which is void by virtue of subsection (2) of section thirty-three of this Act;
- (d) in the case of a marriage on the authority of a certificate of a superintendent registrar, in any place other than the church or other building specified in the notice of marriage and certificate;

or if they knowingly and wilfully consent to or acquiesce in the solemnization of the marriage by any person who is not in Holy Orders, the marriage shall be void.