



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART VI

GENERAL

75 Offences relating to solemnization of marriages.

(1) Any person who knowingly and wilfully—

- ^{F1}(a)
- (b) solemnizes a marriage according to the rites of the Church of England without banns of matrimony having been duly published (not being a marriage solemnized on the authority of a special licence, a common licence or [^{F2}a marriage schedule]);
- (c) solemnizes a marriage according to the said rites (not being a marriage by special licence [^{F3} or a marriage in pursuance of section 26(1)(*dd*) of this Act]) in any place other than a church or other building in which banns may be published;
- (d) solemnizes a marriage according to the said rites falsely pretending to be in Holy Orders;

shall be guilty of felony and shall be liable to imprisonment for a term not exceeding fourteen years.

(2) Any person who knowingly and wilfully—

- (a) solemnizes a marriage (not being a marriage by special licence, a marriage according to the usages of the Society of Friends or a marriage between two persons professing the Jewish religion according to the usages of the Jews) in any place other than—
 - (i) a church or other building in which marriages may be solemnized according to the rites of the Church of England, or
 - (ii) the registered building [^{F4}office [^{F5}, approved premises] or person's residence specified as the place where the marriage was to be solemnized] in the [^{F6}notices of marriage and [^{F7}(if so specified) in the marriage schedule]] required under Part III of this Act;

Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949, Section 75. (See end of Document for details)

- [^{F8}(aa) solemnizes a marriage purporting to be in pursuance of section 26(1)(bb) of this Act on premises that are not approved premises;]
- (b) solemnizes a marriage in any such registered building as aforesaid (not being a marriage in the presence of an authorised person) in the absence of a registrar of the district in which the registered building is situated;
- [^{F9}(bb) solemnizes a marriage in pursuance of section 26(1)(dd) [^{F10}or 26B(6)] of this Act, otherwise than according to the rites of the Church of England, in the absence of a registrar of the registration district in which the place where the marriage is solemnized is situated;]
- (c) solemnizes a marriage in the office of a superintendent registrar in the absence of a registrar of the district in which the office is situated;
- [^{F11}(cc) solemnizes a marriage on approved premises in pursuance of section 26(1)(bb) of this Act in the absence of a registrar of the district in which the premises are situated;]
- (d) solemnizes a marriage on the authority of [^{F12}a marriage schedule when none of the conditions in section 31(3) is met]; or
- (e) solemnizes a marriage on the authority of [^{F13}a marriage schedule] after the expiration of [^{F14}the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act];

shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.

^{F15}(2A)

- (3) A superintendent registrar who knowingly and wilfully—
 - [^{F16}(a) issues a marriage schedule when none of the conditions in section 31(3) is met;]
 - (b) issues [^{F17}a marriage schedule] after the expiration of [^{F18}the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act]; [^{F19}or]
 - ^{F20}(c)
 - (d) solemnizes or permits to be solemnized in his office [^{F21}or, in the case of a marriage in pursuance of [^{F22}section 26(1)(bb) or (dd)] [^{F23}or 26B(6)] of this Act, in any other place] any marriage which is void by virtue of any of the provisions of Part III of this Act;

shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.

- (4) No prosecution under this section shall be commenced after the expiration of three years from the commission of the offence.
- (5) Any reference in subsection (2) of this section to a registered building shall be construed as including a reference to any chapel registered under section seventy [^{F24}or 70A] of this Act.

Textual Amendments

- F1** S. 75(1)(a) repealed (1.10.2012) by [Protection of Freedoms Act 2012 \(c. 9\)](#), ss. 114(1)(b), 120, **Sch. 10 Pt. 11** (with s. 97); [S.I. 2012/2234](#), art. 3(m)
- F2** Words in s. 75(1)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 44(2)** (with Sch. 2)
- F3** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 20(a)**

Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949, Section 75. (See end of Document for details)

- F4** Words substituted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 20(b)**
- F5** Words in s. 75(2)(a)(ii) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(a)**; S.I. 1995/424, **art. 2(2)(c)**
- F6** Words in s. 75(2)(a)(ii) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **30(1)(3)(a)**; S.I. 2000/2698, **art. 2**
- F7** Words in s. 75(2)(a)(ii) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 44(3)(a)** (with Sch. 2)
- F8** S. 75(2)(aa) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(b)**; S.I. 1995/424, **art. 2(2)(c)**
- F9** S. 75(2)(bb) inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 20(c)**.
- F10** Words in s. 75(2)(bb) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 19(2)**; S.I. 2014/93, art. 3(k)(i)
- F11** S. 75(2)(cc) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(c)**; S.I. 1995/424, **art. 2(2)(c)**
- F12** Words in s. 75(2)(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 44(3)(b)** (with Sch. 2)
- F13** Words in s. 75(2)(e) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 44(3)(c)** (with Sch. 2)
- F14** Words in s. 75(2)(e) substituted (1.10.1997) by S.I. 1997/986, **art. 2(4)**
- F15** S. 75(2A) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 44(4)** (with Sch. 2)
- F16** S. 75(3)(a) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(d), **Sch. 1 para. 44(5)(a)** (with Sch. 2)
- F17** Words in s. 75(3)(b) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(8)(d), **Sch. 1 para. 44(5)(b)** (with Sch. 2)
- F18** Words in s. 75(3)(b) substituted (1.10.1997) by S.I. 1997/986, **art. 2(4)**
- F19** Word in s. 75(3)(b) inserted (27.2.2023) by [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 1(8)(a)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F20** S. 75(3)(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 1(8)(b)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F21** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 20(d)**
- F22** Words in s. 75(3)(d) substituted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(d)**; S.I. 1995/424, **art. 2(2)(c)**
- F23** Words in s. 75(3)(d) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 19(3)**; S.I. 2014/93, art. 3(k)(i)
- F24** Words in s. 75(5) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 19(4)**; S.I. 2014/93, art. 3(k)(i)

Modifications etc. (not altering text)

- C1** S. 75(2)(a) excluded by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), s. 16(4)

Changes to legislation:

There are currently no known outstanding effects for the Marriage Act 1949, Section 75.