
DRAFT STATUTORY INSTRUMENTS

2021 No.

The Registration of Marriages Regulations 2021

PART 1

Introduction

Citation and commencement

- 1.—(1) These Regulations may be cited as the Registration of Marriages Regulations 2021.
- (2) Subject to paragraphs (3) to (10), these Regulations come into force on 4th May 2021.
- (3) The following provisions come into force on the day after the day on which these Regulations are made—
- (a) this regulation;
 - (b) regulation 2 (extent);
 - (c) regulation 3 (interpretation);
 - (d) paragraph 19 of Schedule 2 (transitional provision relating to the Marriage (Scotland) Act 1956⁽¹⁾);
 - (e) paragraph 20 of Schedule 2 (operation of sections 16 and 17 of the Interpretation Act 1978⁽²⁾).
- (4) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of the Registrar General making regulations under the 1949 Act—
- (a) regulation 5(3) and (5) (amendment of section 31 of the 1949 Act (marriage under certificate without licence)⁽³⁾);
 - (b) regulation 7 (insertion of sections 53A to 53E into the 1949 Act (registration of marriages));
 - (c) paragraph 7 of Schedule 1 (insertion of section 21A into the 1949 Act (issue of marriage document));
 - (d) paragraph 12(2) of Schedule 1 (amendment of section 27 of the 1949 Act (notice of marriage)⁽⁴⁾);

(1) 1956 c. 70.

(2) 1978 c. 30.

(3) Section 31 was amended by sections 160(4)(c), (5) and (6) and 163(1) of, and paragraph 10(4) of Schedule 4 and paragraph 14 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999 (c. 33), paragraph 10(2) and (3) of Schedule 4 to the Immigration Act 2014 (c. 22), paragraph 10 to Schedule 15 of the Immigration Act 2016 (c. 19) and S.I. 1968/1242, S.I. 2009/2821 and S.I. 2008/678.

(4) Section 27 was amended by section 161(1) of, and paragraph 8 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 5 of Schedule 1 to the Marriage Act 1983 (c. 32), paragraph 2 of the Schedule to the Marriage Act 1994 (c. 34), paragraph 14 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and paragraph 2 of Schedule 4 to the Immigration Act 2014, paragraph 9 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

- (e) paragraph 43 of Schedule 1 (amendment of regulation making power in section 74 of the 1949 Act (regulations and approval of electronic forms etc)(**5**));
 - (f) paragraph 47(2) and (4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)(**6**));
 - (g) paragraph 53(3) of Schedule 1 (amendment of Marriage (Scotland) Act 1956).
- (5) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of the Secretary of State making regulations under the 1949 Act—
- (a) regulation 7 (insertion of sections 53A to 53E into the 1949 Act (registration of marriages));
 - (b) paragraph 12(3) of Schedule 1 (amendment of section 27 of the 1949 Act (notice of marriage));
 - (c) paragraph 42 of Schedule 1 (amendment of regulation making power in section 71A of the 1949 Act (fees)(**7**));
 - (d) paragraph 47(4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)).
- (6) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of an Order in Council being made under section 39 of the 1949 Act—
- (a) paragraph 27 of Schedule 1 (amendment of section 39 of the 1949 Act (issue of certificates on board Her Majesty's ships)(**8**));
 - (b) paragraph 47(4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)).
- (7) The following provisions come into force on 19th April 2021—
- (a) paragraph 7 of Schedule 1 (insertion of section 21A into the 1949 Act (issue of marriage document)) for all remaining purposes;
 - (b) paragraph 3 of Schedule 2 (issue of marriage document before 4th May 2021 for marriage on or after that date);
 - (c) paragraph 8 of Schedule 2 (issue of marriage schedule before 4th May 2021 for marriage on or after that date).
- (8) The following provisions come into force on 19th April 2021 for the purposes of paragraph 8 of Schedule 2 (issue of marriage schedule before 4th May 2021 for marriage on or after that date)—
- (a) regulation 5(3), (5) and (9) (amendment of section 31 of the 1949 Act (marriage under certificate without licence));
 - (b) paragraph 21(2) of Schedule 1 (amendment of section 31ZA(2) of the 1949 Act (notice of marriage: false information or evidence)(**9**));
 - (c) paragraph 22 of Schedule 1 (amendment of section 31A of the 1949 Act (appeal on refusal under section 31(2)(a) or 31ZA of that Act)(**10**));

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- (5) Section 74 was amended by Schedule 2 to the Registration Services Act 1953 (c. 37), paragraph 15 of Schedule 4 to the Immigration Act 2014 (c. 22), paragraph 19 of Schedule 15 to the Immigration Act 2016, S.I. 2008/678 and S.I. 2009/2821.
 - (6) Section 78 was amended by paragraph 20(2)(b) of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (c. 30). There are further amendments to section 78 which are not relevant.
 - (7) Section 71A(1)(f) was inserted by paragraph 1 of Schedule 15 to the Immigration Act 2016.
 - (8) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16) and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.
 - (9) Section 31ZA was inserted by paragraph 11(2) of Schedule 4 to the Immigration Act 2014.
 - (10) Section 31A was inserted by section 163(2) of the Immigration and Asylum Act 1999. Section 31A(1) was amended by paragraph 11(3)(b) of Schedule 4 to the Immigration Act 2014. Sections 31A(2A) and (3A) were inserted by paragraph 11(3)(c) and (d) of Schedule 4 to the Immigration Act 2014 respectively. Section 31A(4) was amended by paragraph 11(3)(e) of Schedule 4 to the Immigration Act 2014.

- (d) paragraph 44(5) of Schedule 1 (amendment of section 75 of the 1949 Act (offences relating to issuing marriage schedules)(**11**)).
- (9) The following provisions come into force on 1st July 2021—
- (a) regulation 4 (amendment of section 28B of the 1949 Act (provision of evidence)(**12**));
- (b) paragraph 13(4) of Schedule 1 (amendment of paragraph (a) of section 27ZA of the 1949 Act (entry of particulars in notice book: compliance with requirements)(**13**)).
- (10) The following provisions come into force on 1st August 2021—
- (a) regulation 6 (repeal of sections 53 to 62 of the 1949 Act) insofar as it omits—
- (i) section 57 of the 1949 Act (quarterly returns to be made to the superintendent registrar)(**14**);
- (ii) section 58 of the 1949 Act (quarterly returns to be made by superintendent registrar to Registrar General)(**15**);
- (iii) section 62(2)(a) of the 1949 Act (delivery of certified copies on church ceasing to be used for solemnization of marriages);
- (b) paragraph 45 of Schedule 1 (amendment of section 76 of the 1949 Act (offences relating to registration of marriages)(**16**));
- (c) paragraph 64 of Schedule 1 (amendment of the Marriage (Authorised Persons) Regulations 1952(**17**)) insofar as it omits—
- (i) the definition of “superintendent registrar” in regulation 2 of the Marriage (Authorised Persons) Regulations 1952;
- (ii) regulations 7 and 9(2) of the Marriage (Authorised Persons) Regulations 1952(**18**);
- (d) paragraphs 70(4) and (5) of Schedule 1 (amendment of the Registration of Marriages Regulations 2015(**19**) in relation to quarterly returns);
- (e) paragraph 70(6)(a) of Schedule 1 (amendment of Schedule 1 to the Registration of Marriages Regulations 2015) insofar as it omits the rows beginning “16” and “17”;
- (f) paragraph 70(6)(b) of Schedule 1 (amendment of Schedule 1 to the Registration of Marriages Regulations 2015) insofar as it omits prescribed forms 16 and 17.

Extent

- 2.—(1) Subject to paragraphs (2) and (3), these Regulations extend to England and Wales only.
- (2) Any amendment, repeal or revocation made by these Regulations of a provision has the same extent as the provision amended, repealed or revoked.
- (3) This regulation and the following provisions extend to England and Wales, Scotland and Northern Ireland—

(11) Section 75 was amended by paragraph 20 of Schedule 1 to the Marriage Act 1983, paragraph 7 of the Schedule to the Marriage Act 1994 (c. 34), paragraph 30 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, part 11 of Schedule 10 of the Protection of Freedoms Act 2012 (c. 9), paragraph 19 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 16 of Schedule 4 to the Immigration Act 2014, S.I. 1997/986 and S.I. 2009/2821.

(12) Section 28B was inserted by paragraph 7 of Schedule 4 to the Immigration Act 2014.

(13) Section 27ZA was inserted by paragraph 3(1) of Schedule 4 to the Immigration Act 2014.

(14) Section 57 was amended by Schedule 2 to the Registration Service Act 1953 (c.37), paragraph 14 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

(15) Section 58 was amended by paragraph 12 of Schedule 1 and Schedule 2 to the Registration Service Act 1953, S.I. 2008/678 and S.I. 2009/2821.

(16) Section 76 was amended by the sections 37, 38 and 46 of the Criminal Justice Act 1982 c.42.

(17) S.I. 1952/1869, relevant amending instruments are S.I. 1965/528, 1971/1216, 1974/573, 1986/1444, 2000/3164, 2005/3177, 2014/107, 2014/3061, 2015/177.

(18) Regulation 9(2) was amended by S.I. 2000/3164.

(19) S.I. 2015/207.

- (a) regulation 1 (citation and commencement);
- (b) regulation 3 (interpretation);
- (c) in Schedule 2 (transitional provision)—
 - (i) paragraph 1 (interpretation);
 - (ii) paragraph 2 (transitional provision relating to consent given to marriage of persons under eighteen);
 - (iii) paragraph 4 (transitional provision relating to effect of notice of marriage given before 4th May 2021);
 - (iv) paragraph 5 (transitional provision relating to effect of caveats);
 - (v) paragraph 6 (transitional provision relating to forbidding);
 - (vi) paragraph 9 (transitional provision relating to appeals on refusal to issue a certificate for marriage);
 - (vii) paragraphs 16 to 18 (transitional provision relating to the Marriage of British Subjects (Facilities) Act 1915(20) and the Marriage of British Subjects (Facilities) Amendment Act 1916(21));
 - (viii) paragraph 19 (transitional provision relating to the Marriage (Scotland) Act 1956);
 - (ix) paragraph 20 (operation of sections 16 and 17 of the Interpretation Act 1978).

Interpretation

- 3. In these Regulations “the 1949 Act” means the Marriage Act 1949(22).

PART 2

Provision of evidence

Amendment of section 28B of the 1949 Act

- 4. In section 28B of the 1949 Act (provision of evidence)(23), after subsection (1), insert—
 - “(1A) If a party to the marriage is a relevant national within the meaning of paragraph (ab) of the definition of “relevant national” in section 78(1)(24), the notice of marriage under section 27 must also be accompanied—
 - (a) where the party falls within paragraph (ab)(i) of that definition, by an electronic certificate which confirms that the leave referred to in that provision has been granted; or
 - (b) where the party falls within paragraph (ab)(ii) of that definition—

(20) 1915 c. 40. The Marriage of British Subjects (Facilities) Act 1915 was repealed in Scotland by Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15), save that by section 27(3) nothing in that Act affected the validity of any marriage solemnised or contracted before 1st January 1978.

(21) 1916 c. 21. The Marriage of British Subjects (Facilities) Amendment Act 1916 was repealed in Scotland by Schedule 3 of the Marriage (Scotland) Act 1977, save that by section 27(3) nothing in that Act affect the validity of any marriage solemnised or contracted before 1st January 1978.

(22) 1949 c. 76.

(23) Section 28B was inserted by paragraph 7 of Schedule 4 to the Immigration Act 2014.

(24) The definition of “relevant national” was inserted by paragraph 17 of schedule 4 to the Immigration Act 2014 and amended by S.I. 2019/745 and is prospectively amended by S.I. 2020/1309 but these amendments are not yet in force.

- (i) by a certificate of application which confirms that the application referred to in regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020⁽²⁵⁾ has been made; and
- (ii) by evidence that the relevant period referred to in regulation 4 of those Regulations has not expired.”.

PART 3

Marriage under marriage schedule

Amendment of section 31 of the 1949 Act

5.—(1) Section 31 of the 1949 Act (marriage under certificate without licence)⁽²⁶⁾ is amended as follows.

(2) In the heading, for “certificate without licence” substitute “marriage schedule”.

(3) For subsections (1) to (4), substitute—

“(1) Where a marriage is intended to be solemnized on the authority of a marriage schedule, the superintendent registrar to whom notice of marriage is given must display in some conspicuous place in their office, for 28 successive days beginning with the day after the day on which the notice was recorded in the marriage register—

- (a) the notice of marriage,
- (b) the particulars given in the notice, in an approved electronic form, or
- (c) an exact copy, signed by the superintendent registrar, of the particulars given in the notice, as entered in the marriage register.

(2) The superintendent registrar for the registration district in which a marriage is to be solemnized must, once satisfied that any of the conditions in subsection (3) is met, issue a document to be known as a “marriage schedule” in any form, and with any content, that may be prescribed, unless—

- (a) the superintendent registrar is not satisfied that there is no lawful impediment to the issue of the marriage schedule, or
- (b) the issue of the marriage schedule has been forbidden under section 30.

(3) The conditions are that—

- (a) the waiting period in relation to each notice of marriage has expired;
- (b) where one party to the marriage resides in Scotland, the superintendent registrar has received a certificate issued to that party under section 7(2) of the Marriage (Scotland) Act 1977⁽²⁷⁾ and the waiting period in relation to the notice of marriage given by the party residing in England or Wales has expired;
- (c) where one party to the marriage is an officer, seaman or marine borne on the books of one of Her Majesty's ships at sea, the superintendent registrar to whom notice of marriage was given by the other party has received a certificate issued under

⁽²⁵⁾ [S.I. 2020/1209](#).

⁽²⁶⁾ Section 31 was amended by sections 160(4)(c), (5) and (6) and 163(1) of, and paragraph 10(4) of Schedule 4 and paragraph 14 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 10(2) and (3) of Schedule 4 to the Immigration Act 2014, paragraph 10 to Schedule 15 of the Immigration Act 2016 and [S.I. 1968/1242](#), [S.I. 2009/2821](#) and [S.I. 2008/678](#).

⁽²⁷⁾ [1977 c. 15](#). Section 7(2) was amended by section 18(3) of the Marriage and Civil Partnership (Scotland) Act 2014 ([asp 5](#)).

section 39(28) to the party borne on the books of one of Her Majesty's ships at sea and the waiting period in relation to the notice of marriage given by the party residing in England or Wales has expired.

(3A) A marriage schedule must include a statement that the issue of the marriage schedule has not been forbidden under section 30.

(4) A marriage schedule issued under subsection (2) is to be issued to one or both of the parties to the marriage, except in a case where the marriage is to be solemnized in the presence of a registrar, in which case the marriage schedule is to be issued to that registrar.”.

(4) In subsection (4A), for “entered in the marriage notice book, or in an approved electronic form by virtue of section 27(4A)” substitute “recorded in the marriage register”.

(5) In subsection (5), for “certificate under this section” substitute “marriage schedule”.

(6) In subsection (5B), for “the period of 28 days mentioned in subsections (1) to (2)” substitute “the period mentioned in subsection (4A), ignoring paragraph (b)”.

(7) Omit subsection (5C).

(8) In subsection (5EA), omit “and the reference to the Registrar General in subsection (5C) accordingly has effect as a reference to the Secretary of State”.

(9) In subsection (5EB), at the end, insert “and (if different) to the superintendent registrar responsible for issuing the marriage schedule”.

PART 4

Registration of marriages

Repeal of sections 53 to 62 of the 1949 Act

6. Omit sections 53 to 62 of the 1949 Act (registration of marriages)(29).

Registration of marriages

7. In Part 4 of the 1949 Act, before section 63 (searches in register books), insert—

“53A Register of marriages

(1) The Registrar General must maintain a register for the recording of information relating to marriages and the registration of marriages, which is to be known as the “marriage register”.

(2) The marriage register must be accessible in electronic form.

(3) Where a marriage is registered under section 53D(10)(a), the entry must be available to—

(28) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.

(29) Section 53 was amended by paragraph 16 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage Act 1994 and paragraph 16 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013. Section 55 was amended by paragraph 17 of Schedule 1 to the Marriage Act 1983. Section 57 was amended by Schedule 2 to the Registration Service Act 1953, paragraph 40 of Schedule 29 to the Local Government Act 1972 (c.70), paragraph 14 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821. Section 58 was amended by paragraph 12 of Schedule 1 and Schedule 2 to the Registration Service Act 1953, S.I. 2008/678 and 2009/2821, and further had functions transferred by S.I. 1968/1699 and S.I. 1996/273. Section 59 was amended by Schedule 2 to the Registration Service Act 1953 and paragraph 18 of Schedule 1 to the Marriage Act 1983. Section 63 was amended by paragraph 15 of Schedule 15 to the Immigration Act 2016 and S.I. 1968/1242.

- (a) the Registrar General, and
- (b) the superintendent registrar in whose registration district the marriage was solemnized,

immediately after the entry has been made.

(4) Subject to subsection (5), information entered in the marriage register under any provision of this Act other than sections 29(1) or 53D(10)(a) must not be made available to the Registrar General.

(5) Subsection (4) does not apply to information entered in the marriage register under section 27(4) where the superintendent registrar who entered the information has agreed that it may be made available.

53B Signing of a marriage document

(1) This section applies to a marriage solemnized—

- (a) after the publication of banns,
- (b) on the authority of a special licence, or
- (c) on the authority of a common licence.

(2) Before the marriage document is signed, the clergyman by whom the marriage is to be or has been solemnized may ask the parties to the marriage questions regarding the contents of the marriage document.

(3) The parties to a marriage to which this section applies must sign the marriage document, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—

- (a) each other,
- (b) the clergyman by whom the marriage was solemnized, and
- (c) two witnesses.

(4) Immediately after the marriage document has been signed in accordance with subsection (3) it must also be signed in the presence of the parties to the marriage and each other by—

- (a) the clergyman by whom the marriage was solemnized, and
- (b) the two witnesses.

53C Signing of a marriage schedule

(1) This section applies to a marriage solemnized on the authority of a marriage schedule.

(2) Before the marriage schedule is signed, the specified person may ask the parties to the marriage questions regarding the contents of the marriage schedule.

(3) In the case of a marriage according to the usages of the Society of Friends or according to the usages of the Jews, before the specified person signs the marriage schedule, the specified person must be satisfied that the proceedings in relation to the marriage were conformable to the usages of the said Society or (as the case may be) to the usages of the Jews.

(4) Subsections (2) and (3) apply whether or not the specified person was present at the marriage.

(5) The parties to a marriage to which this section applies must sign the marriage schedule, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—

- (a) each other,
- (b) the specified person,
- (c) (if different to the specified person) the person by or before whom the marriage was solemnized, and
- (d) two witnesses.

(6) Immediately after the marriage schedule has been signed in accordance with subsection (5), the specified person, the person by or before whom the marriage was solemnized (if different to the specified person) and the two witnesses must sign the marriage schedule in the presence of the parties to the marriage and each other.

(7) In the case of a marriage solemnized according to the usages of the Society of Friends or according to the usages of the Jews where the specified person is not present at the solemnization of the marriage—

- (a) the persons referred to in subsection (5)(a), (c) and (d) may sign the marriage schedule without being in the presence of the specified person;
- (b) the specified person must sign the marriage schedule as soon as is convenient after the persons referred to in subsection (5)(a), (c) and (d) have signed the marriage schedule;
- (c) the specified person may sign the marriage schedule without being in the presence of the persons referred to in subsection (5)(a), (c) and (d).

(8) For the purposes of this Part, the specified person is—

- (a) in the case of a marriage solemnized according to the rites of the Church of England, the clergyman by whom the marriage is solemnized;
- (b) in the case of a marriage solemnized according to the usages of the Society of Friends, an officer of that Society;
- (c) in the case of a marriage solemnized according to the usages of the Jews—
 - (i) where the parties to the marriage are both members of the same synagogue, a secretary of that synagogue, or
 - (ii) where the parties to the marriage are members of different synagogues, a secretary of whichever of those synagogues the parties to the marriage nominate;
- (d) in the case of a marriage solemnized in the presence of a registrar, that registrar;
- (e) in the case of a marriage solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is solemnized.

53D Registration of marriage

(1) Subsection (2) applies in the case of a marriage that is solemnized—

- (a) after the publication of banns,
- (b) on the authority of a special licence, or
- (c) on the authority of a common licence.

(2) Once the marriage document for the marriage is signed in accordance with section 53B, the clergyman who solemnized the marriage must ensure that the marriage document is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document was completed.

(3) In the case of a marriage that is solemnized on the authority of a marriage schedule—

- (a) where the marriage is attended by a registrar, that registrar must take custody of the marriage schedule once it is signed in accordance with section 53C;
 - (b) otherwise, once the marriage schedule is signed in accordance with section 53C, the specified person must ensure that it is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage schedule was completed.
- (4) The duty imposed by subsections (2) or (3)(b) to ensure the marriage document or (as the case may be) marriage schedule is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (5) Subsection (6) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document or marriage schedule was completed.
- (6) A registrar in the registration district in which the marriage was solemnized may issue a notice, in any form, and with any content, that may be prescribed, to the specified person requiring them to deliver the marriage document or (as the case may be) marriage schedule to a registrar, in that registration district, within 8 days beginning with the day on which the notice is issued.
- (7) Subsection (8) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered in accordance with a notice issued under subsection (6).
- (8) A registrar in the registration district in which the marriage was solemnized may issue a further notice, in any form, and with any content, that may be prescribed, to the specified person, requiring the personal attendance of the specified person at premises in the registration district in which the marriage was solemnized, for the purpose of—
- (a) delivering the signed marriage document or (as the case may be) marriage schedule to the registrar, or
 - (b) if the specified person is not able to do so, explaining to the registrar why this is the case.
- (9) A specified person who is issued with a notice under subsection (8) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.
- (10) A registrar who has a signed marriage document or marriage schedule—
- (a) must, as soon as reasonably practicable, register the marriage by entering the particulars in the marriage document or marriage schedule into the marriage register;
 - (b) may issue a certified copy of the entry in the marriage register.
- (11) Information regarding a signed marriage document or marriage schedule may be provided by a registrar for the registration district in which the marriage was solemnized to a specified person in that registration district for the purposes of establishing—
- (a) whether the marriage document or marriage schedule is authentic, or
 - (b) whether every marriage document signed under section 53B and every marriage schedule signed under section 53C in that registration district has been registered under subsection (10).
- (12) Where a registrar has provided information to a specified person in accordance with subsection (11), that specified person may, for any of the purposes mentioned in that subsection, provide that registrar with information regarding any marriage document

or marriage schedule signed or alleged to have been signed in the registration district concerned.

53E Registration of marriage where documentation lost or destroyed

- (1) This section applies where the Registrar General is satisfied that—
 - (a) a marriage has been solemnized, and
 - (b) the marriage document or (as the case may be) the marriage schedule in respect of the marriage has been lost or destroyed.
- (2) In the case of a marriage document, the Registrar General may direct a relevant church official, in writing, to—
 - (a) reproduce the marriage document, and
 - (b) arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
 - (i) the relevant church official, and
 - (ii) the relevant original signatories.
- (3) The relevant church official to whom the direction is given under subsection (2) must—
 - (a) ensure that the reproduction, signed in accordance with subsection (2)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
 - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (4) In the case of a marriage schedule, the Registrar General may direct the superintendent registrar for the registration district in which the marriage was solemnized, in writing, to—
 - (a) reproduce the marriage schedule, and
 - (b) provide the reproduction to a relevant person and require them in writing to arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
 - (i) the relevant person, and
 - (ii) the relevant original signatories.
- (5) If the relevant person to whom the reproduction is provided under subsection (4)(b) is not a registrar, the relevant person must—
 - (a) ensure that the reproduction, signed in accordance with subsection (4)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
 - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (6) The duty imposed by subsection (3)(a) or (5)(a) to ensure a reproduction is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (7) Subsection (8) applies if—
 - (a) the Registrar General gives a direction under subsection (2) or (4), and
 - (b) the reproduction is not in the possession of a relevant registrar at the end of the period of 21 days beginning with the first day after the end of the signing period.

(8) A relevant registrar may issue a notice, in any form, and with any content, that may be prescribed, to (as the case may be)—

- (a) the relevant church official to whom the direction was given, or
- (b) the relevant person to whom the reproduction was provided,

requiring the reproduction to be delivered to the registrar within 8 days beginning with the day on which the notice is issued.

(9) Subsection (10) applies if the reproduction is not delivered in accordance with the notice issued under subsection (8).

(10) A relevant registrar may issue a further notice, in any form, and with any content, that may be prescribed, to the relevant church official or (as the case may be) relevant person, requiring the personal attendance of the official or (as the case may be) relevant person at premises in the registration district in which the marriage was solemnized, for the purpose of—

- (a) delivering the reproduction, signed so far as is reasonably practicable by the original signatories, to the registrar, or
- (b) if the official or (as the case may be) relevant person is not able to do so, explaining why this is the case.

(11) A person who is issued with a notice under subsection (10) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.

(12) Where a registrar is satisfied that, so far as is reasonably practicable, a marriage document or marriage schedule reproduced under this section has been signed by the persons mentioned in subsection (2)(b) or (as the case may be) (4)(b), the reproduction is to be treated as a signed marriage document or (as the case may be) marriage schedule for all purposes under this Act (and see, in particular, subsections (10) to (12) of section 53D).

(13) In this section—

“relevant church official”, in relation to a marriage document, means—

- (a) the clergyman who solemnized the marriage, or
- (b) if the Registrar General is satisfied that clergyman is not available to carry out the direction under subsection (2), a person appointed by the bishop of the diocese to carry out such directions;

“relevant original signatories” means—

- (a) in relation to a marriage document, the parties to the marriage and the witnesses, who signed the first marriage document in accordance with section 53B;
- (b) in relation to a marriage schedule, the parties to the marriage, the person by or before whom the marriage was solemnized if different to the specified person in relation to the marriage and the two witnesses, who signed the first marriage schedule in accordance with section 53C;

“relevant person”, in relation to a marriage schedule, means—

- (a) the specified person in relation to the marriage,
- (b) if the superintendent registrar to whom the direction is given under subsection (4) is satisfied that the specified person is not available to arrange for the reproduction to be signed by the original signatories—
 - (i) in the case of a marriage solemnized according to the rites of the Church of England, a person appointed by the bishop of the diocese to carry out the functions of a relevant person under this section,

- (ii) in the case of a marriage solemnized according to the usages of the Society of Friends, another officer of that Society in the registration district in which the marriage was solemnized,
- (iii) in the case of a marriage solemnized according to the usages of the Jews where both parties to the marriage are members of the same synagogue, another secretary of that synagogue,
- (iv) in the case of a marriage solemnized according to the usages of the Jews where the parties to the marriage are members of different synagogues, a secretary for either of those synagogues,
- (v) in the case of a marriage solemnized in a registered building without the presence of a registrar, an authorised person in relation to that building or of some other registered building in the same registration district or a registrar of that district, or
- (c) if the superintendent registrar is satisfied that there is no person falling within paragraph (a) or (b) available to arrange for the reproduction to be signed by the original signatories, a registrar in the registration district in which the marriage was solemnized;

“relevant registrar” means a registrar in the registration district in which the marriage was solemnized;

“the signing period” means 28 days beginning with—

- (a) in the case of a marriage document, the day on which the Registrar General gives the direction under subsection (2);
- (b) in the case of a marriage schedule, the day on which the superintendent registrar provides the reproduction to a relevant person and requires them in writing to arrange for the reproduction to be signed under subsection (4)(b) (and if the superintendent registrar does those things on different days, the later of those two days).”.

PART 5

Amendment of the Marriage of British Subjects (Facilities) Acts 1915 and 1916

Amendment of the Marriage of British Subjects (Facilities) Act 1915

8.—(1) Section 1 of the Marriage of British Subjects (Facilities) Act 1915 (facilities for marriages between British subjects resident in the United Kingdom and British subjects resident elsewhere)⁽³⁰⁾ is amended as follows.

- (2) In subsection (1)—
 - (a) for “in the United Kingdom” (in the first place it appears) substitute “in Scotland or Northern Ireland”;
 - (b) omit “certificates for marriage issued by superintendent registrars in England and of”.
- (3) In paragraph (a) of subsection (1)—
 - (a) for “the United Kingdom” substitute “Scotland or Northern Ireland”;

⁽³⁰⁾ 1915 c. 40. Section 1 was amended by the Marriage of British Subjects (Facilities) Amendment Act 1916. The Marriage of British Subjects (Facilities) Act 1915 was repealed in Scotland by Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15), save that by section 27(3) nothing in that Act affected the validity of any marriage solemnised or contracted before 1st January 1978.

- (b) for “England, Scotland,” substitute “Scotland”;
- (c) omit “in England have the same effect as a certificate for marriage issued by a superintendent registrar, and”.
- (4) In paragraph (b) of subsection (1)—
 - (a) for “England, Scotland,” (in both places it appears) substitute “Scotland”;
 - (b) omit “in England by a superintendent registrar, or”.

Amendment of the Marriage of British Subjects (Facilities) Amendment Act 1916

9. In section 1 of the Marriage of British Subjects (Facilities) Amendment Act 1916⁽³¹⁾, for “England, Scotland,” substitute “Scotland” (in each place it appears).

PART 6

Consequential and Transitional Provision

Consequential and related amendments

10. Schedule 1 contains consequential and related amendments.

Transitional Provision

11. Schedule 2 contains transitional provision.

Date

Name
Parliamentary Under Secretary of State
Home Office

⁽³¹⁾ 1916 c. 21. The Marriage of British Subjects (Facilities) Amendment Act 1916 was repealed in Scotland by Schedule 3 of the Marriage (Scotland) Act 1977, save that by section 27(3) nothing in that Act affect the validity of any marriage solemnised or contracted before 1st January 1978.