



# Marriage (Registrar General's Licence) Act 1970

## 1970 CHAPTER 34

An Act to permit marriages on unregistered premises; and for purposes connected therewith. [29th May 1970]

### Modifications etc. (not altering text)

C1 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)

### Commencement Information

II Act wholly in force 1.1.1971 see s. 20(4)

## 1 Marriages which may be solemnised by Registrar General's licence.

- (1) Subject to the provisions of subsection (2) below, any marriage which may be solemnised on the authority of a certificate of a superintendent registrar may be solemnised on the authority of the Registrar General's licence [<sup>F1</sup>elsewhere than at a registered building, the office of a superintendent registrar or approved premises]: Provided that any such marriage shall not be solemnised according to the rites of the Church of England or the Church in Wales.
- (2) The Registrar General shall not issue any licence for the solemnising of a marriage as is mentioned in subsection (1) above unless he is satisfied that one of the persons to be married is seriously ill and is not expected to recover and cannot be moved to a place at which under the provisions of the <sup>M1</sup>Marriage Act 1949 (hereinafter called the "principal Act") the marriage could be solemnised [<sup>F2</sup>(disregarding for this purpose the provisions of that Act relating to marriages in pursuance of section 26(1)(*dd*) of that Act)].

### Textual Amendments

- F1 Words in s. 1(1) substituted (1.4.1995) by 1994 c. 34, s. 1(3), [Sch. para. 9](#); S.I. 1995/424, [art. 2\(2\)\(c\)](#)
- F2 Words added by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), [s. 2\(3\)](#)

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*Status: Point in time view as at 01/04/1995.**Changes to legislation: There are currently no known outstanding effects for the Marriage (Registrar General's Licence) Act 1970. (See end of Document for details)*

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**Marginal Citations****M1** 1949 c. 76.**2 Notice of marriage.**

- (1) Where a marriage is intended to be solemnised on the authority of the Registrar General's licence, notice shall be given in the prescribed form by either of the persons to be married to the superintendent registrar of the registration district in which it is intended that the marriage shall be solemnised, and the notice shall state by or before whom it is intended that the marriage shall be solemnised.
- (2) The provisions of section 27(4) of the principal Act (which relate to entries in the marriage notice book) shall apply to notices of marriage on the authority of the Registrar General's licence.
- (3) The provisions of section 28 of the principal Act (declaration to accompany notice of marriage) shall apply to the giving of notice under this Act with the exception of paragraph(b) of subsection (1) of that section and with the modification that in section 28(2) references to the registrar of births and deaths or of marriages and deputy registrar shall be omitted.

**3 Evidence of capacity, consent etc., to be produced.**

The person giving notice to the superintendent registrar under the provisions of the foregoing section shall produce to the superintendent registrar such evidence as the Registrar General may require to satisfy him—

- (a) that there is no lawful impediment to the marriage;
- (b) that the consent of any person whose consent to the marriage is required under section 3 of the principal Act, <sup>F3</sup> . . . , has been duly given; and
- (c) that there is sufficient reason why a licence should be granted;
- (d) that the conditions contained in section 1(2) of this Act are satisfied and that the person in respect of whom such conditions are satisfied is able to and does understand the nature and purport of the marriage ceremony:

Provided that the certificate of a registered medical practitioner shall be sufficient evidence of any or all of the matters in subsection (1)(d) of this section referred to.

**Textual Amendments**

**F3** Words in s. 3 repealed (14.10.1991) by *Children Act 1989* (c. 41, SIF 20), s. 108, **Sch. 15**; S.I. 1991/828, **art.3(2)** (with *Sch. 14* paras. 1(1), 27(4))

**4 Application to be reported to Registrar General.**

Upon receipt of any notice and evidence as mentioned in sections 2 and 3 above respectively the superintendent registrar shall inform the Registrar General and shall comply with any directions he may give for verifying the evidence given.

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## **5 Caveat against issue of Registrar General's licence.**

The provisions of section 29 of the principal Act (caveat against issue of certificate or licence) shall apply to the issue of a licence by the Registrar General with the modification that a caveat may be entered with either the superintendent registrar or the Registrar General and in either case it shall be for the Registrar General to examine into the matter of the caveat and to decide whether or not the licence should be granted and his decision shall be final, and with a further modification that the references to the superintendent registrar in that section shall refer to the superintendent registrar of the registration district in which the marriage is intended to be solemnised.

## **6 Marriage of persons under eighteen.**

The provisions of section 3 of the principal Act (marriage of persons under 18) shall apply for the purposes of this Act to a marriage intended to be solemnised by Registrar General's licence as they apply to a marriage intended to be solemnised on the authority of a certificate of a superintendent registrar under Part III of the principal Act with the modification that if the consent of any person whose consent is required under that Act cannot be obtained by reason of absence or inaccessibility or by reason of his being under any disability, the superintendent registrar shall not be required to dispense with the necessity for the consent of that person and the Registrar General may dispense with the necessity of obtaining the consent of that person, whether or not there is any other person whose consent is also required.

## **7 Issue of licence by Registrar General.**

Where the marriage is intended to be solemnised on the authority of the Registrar General and he is satisfied that sufficient grounds exist why a licence should be granted he shall issue a licence in the prescribed form unless—

- (a) any lawful impediment to the issue of the licence has been shown to his satisfaction to exist; or
- (b) the issue of the licence has been forbidden under section 30 of the principal Act.

## **8 Period of validity of licence.**

- (1) A marriage may be solemnised on the authority of the Registrar General's licence at any time within one month from the day on which the notice of marriage was entered in the marriage notice book.
- (2) If the marriage is not solemnised within the said period of one month, the notice of marriage and the licence shall be void, and no person shall solemnise the marriage on the authority thereof.

## **9 Place of solemnisation.**

A marriage on the authority of the Registrar General's licence shall be solemnised in the place stated in the notice of marriage.

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## **10 Manner of solemnisation.**

- (1) Any marriage to be solemnised on the authority of the Registrar General's licence shall be solemnised at the wish of the persons to be married either—
  - (a) according to such form or ceremony, not being the rites or ceremonies of the Church of England or the Church in Wales, as the persons to be married shall see fit to adopt, or
  - (b) by civil ceremony.
- (2) Except where the marriage is solemnised according to the usages of the Society of Friends or is a marriage between two persons professing the Jewish religion according to the usages of the Jews, it shall be solemnised in the presence of a registrar: Provided that where the marriage is to be by civil ceremony it shall be solemnised in the presence of the superintendent registrar as well as the registrar.
- (3) Except where the marriage is solemnised according to the usages of the Society of Friends or is a marriage between two persons professing the Jewish religion according to the usages of the Jews, the persons to be married shall in some part of the ceremony in the presence of two or more witnesses and the registrar and, where appropriate, the superintendent registrar, make the declaration and say to one another the words prescribed by section 44(3) of the principal Act.
- (4) No person who is a clergyman within the meaning of section 78 of the principal Act shall solemnise any marriage which is solemnised on the authority of the Registrar General.

## **11 Civil marriage followed by religious ceremony.**

- (1) If the parties to a marriage solemnised on the authority of the Registrar General's licence before a superintendent registrar desire to add the religious ceremony ordained or used by the church or persuasion of which they are members and have given notice of their desire so to do a clergyman or minister of that church or persuasion upon the production of a certificate of their marriage before the superintendent registrar and upon the payment of the customary fees (if any), may, if he sees fit, read or celebrate in the presence of the parties to the marriage the marriage service of the church or persuasion to which he belongs or nominate some other minister to do so.
- (2) The provisions of section 46(2) and (3) of the principal Act shall apply to such a reading or celebration as they apply to the reading or celebration of a marriage service following a marriage solemnised in the office of a superintendent registrar.

## **12 Proof of certain matters not necessary to validity of marriages.**

The provisions of section 48 of the principal Act (proof of certain matters not necessary to validity of marriages) shall apply with the appropriate modifications to a marriage solemnised under the authority of the Registrar General's licence as they apply to a marriage solemnised under the authority of a certificate of a superintendent registrar.

## **13 Void marriages.**

The provisions of section 49 of the principal Act (void marriages) shall apply to a marriage under the authority of the Registrar General's licence:—

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- (a) with the substitution in paragraph (b) for the words from “certificate for marriage” onwards of the words “Registrar General’s licence”;
- (b) with the omission of paragraph (c);
- (c) with the substitution for paragraph (d) of the words “on the authority of a licence which is void by virtue of section 8(2) of the Marriage (Registrar General’s Licence) Act 1970”;
- (d) with the substitution for paragraph (e) of the words “in any place other than the place specified in the notice of marriage and the Registrar General’s licence”;
- (e) with the substitution for paragraphs (f) and (g) of the words “in the absence of a registrar or, where the marriage is by civil ceremony, of a superintendent registrar, except where the marriage is solemnised according to the usages of the Society of Friends or is a marriage between two persons professing the Jewish religion according to the usages of the Jews”.

#### **14 Documentary authority for marriage.**

Where a marriage is to be solemnised on the authority of the Registrar General’s licence a document issued by the superintendent registrar stating that the Registrar General’s licence has been granted and that authority for the marriage to be solemnised has been given shall be delivered before the marriage to the following person, that is to say—

- (a) if the marriage is to be solemnised according to the usages of the Society of Friends, the registering officer of that Society for the place where the marriage is to be solemnised;
- (b) if the marriage is to be solemnised according to the usages of persons professing the Jewish religion, the officer of the synagogue by whom the marriage is required to be registered under Part IV of the principal Act;
- (c) in any other case, the registrar in whose presence the marriage is to be solemnised.

#### **15 Registration of marriages.**

A marriage solemnised on the authority of the Registrar General’s licence shall be registered in accordance with the provisions of the principal Act which apply to the registration of marriages solemnised in the presence of a registrar or according to the usages of the Society of Friends or of persons professing the Jewish religion.

#### **16 Offences.**

- (1) It shall be an offence knowingly and wilfully—
- (a) to solemnise a marriage by Registrar General’s licence in any place other than the place specified in the licence;
  - (b) to solemnise a marriage by Registrar General’s licence without the presence of a registrar except in the case of 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;
  - (c) to solemnise a marriage by Registrar General’s licence after the expiration of one month from the date of entry of the notice of marriage in the marriage notice book;

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- (d) to give false information by way of evidence as required by section 3 of this Act;
  - (e) to give a false certificate as provided for in section 3(1)(d) of this Act;
- and any person found guilty of any of the above-mentioned offences shall be liable on summary conviction to a fine not exceeding £100 or on indictment to a fine not exceeding £500 or to imprisonment not exceeding three years or to both such fine and such imprisonment.
- (2) A superintendent registrar who knowingly and wilfully solemnises or permits to be solemnised in his presence, or a registrar who knowingly and wilfully registers a marriage by Registrar General's licence which is void by virtue of Part III of the principal Act as amended by this Act shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100 or on indictment to a fine not exceeding £500 or to imprisonment not exceeding three years or to both such fine and such imprisonment.
  - (3) No prosecution under this section shall be commenced after the expiration of three years from the commission of the offence.
  - (4) The provisions of sections 75(1)(a) and 75(2)(a) of the principal Act shall not apply to a marriage solemnised on the authority of the Registrar General's licence.

## **17 Fees.**

- (1) A fee of £15 shall be payable to the Registrar General in respect of the issue of his licence and he shall have power to remit the fee in whole or in part in any case where it appears to him that the payment of the fee would cause hardship to the parties to the intended marriage.
- (2) The Registrar General shall pay to the superintendent registrar a fee of £3 for the entry of the notice of marriage and a fee of £2 to a superintendent registrar and £2 to a registrar for attending a marriage by Registrar General's licence and these fees shall be retained by those officers.

## **18 Regulations.**

- (1) The Registrar General, with the approval of the Secretary of State, may by statutory instrument make regulations prescribing anything which is required in this Act to be prescribed.
- (2) Any power to make regulations shall include power to vary or revoke those regulations.

## **19 Saving.**

Nothing in this Act shall affect the right of the Archbishop of Canterbury or of any other person by virtue of the <sup>M2</sup>Ecclesiastical Licences Act of 1533 to grant special licences to marry at any convenient time or place, or affect the validity of any marriage solemnised on the authority of such a licence.

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### **Marginal Citations**

**M2** 1533 c. 21.

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**20 Short title, construction, citation, extent and commencement.**

- (1) This Act may be cited as the Marriage (Registrar General's Licence) Act 1970.
- (2) This Act shall be construed as one with the Marriage Acts 1949 to 1960, and this Act and the Marriage Acts 1949 to 1960 may be cited together as the Marriages Acts 1949 to 1970.
- (3) This Act shall not extend to Scotland or Northern Ireland.
- (4) This Act shall come into force on 1st January 1971.

**Status:**

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**Changes to legislation:**

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