



Marriage Act 1983

CHAPTER 32

ARRANGEMENT OF SECTIONS

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ELIZABETH II



Marriage Act 1983

1983 CHAPTER 32

An Act to enable marriages of house-bound and detained persons to be solemnized at the place where they reside; and for connected purposes. [13th May 1983]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Marriages in England and Wales

1.—(1) Subject to the provisions of this Act and the Marriage Act 1949, the marriage of a person who is house-bound or is a detained person may be solemnized in England and Wales, on the authority of a superintendent registrar's certificate issued under Part III of the Marriage Act 1949, at the place where that person usually resides.

Marriages of house-bound and detained persons in England and Wales.

1949 c. 76.

(2) For the purposes of this section a person is house-bound if—

(a) the notice of his or her marriage given in accordance with section 27 of the Marriage Act 1949 is accompanied by a statement, made in a form prescribed under that Act by a registered medical practitioner not more than fourteen days before that notice is given, that, in his opinion—

(i) by reason of illness or disability, he or she ought not to move or be moved from his or her home or the other place where he or she is at that time, and

(ii) it is likely that it will be the case for at least the three months following the date on which the statement is made that by reason of the illness or disability he or she ought not to move or be moved from that place ; and

(b) he or she is not a detained person.

(3) For the purposes of this section, a person is a detained person if he or she is for the time being detained—

1983 c. 20.

(a) otherwise than by virtue of section 2, 4, 5, 35, 36 or 136 of the Mental Health Act 1983 (short term detentions), as a patient in a hospital ; or

1952 c. 52.

(b) in a prison or other place to which the Prison Act 1952 applies.

(4) In subsection (3) above “ hospital ” and “ patient ” have the same meanings as in Part II of the Mental Health Act 1983.

(5) For the purposes of this section, a person who is house-bound or is a detained person shall be taken, if he or she would not otherwise be, to be usually resident at the place where he or she is for the time being.

(6) Nothing in the preceding provisions of this section shall be taken to relate or have any reference to any marriage according to the usages of the Society of Friends or any marriage between two persons professing the Jewish religion according to the usages of the Jews.

1949 c. 76.

(7) Schedule 1 to this Act (amendment of the Marriage Act 1949 in consequence of this section) shall have effect.

Consequential
amendments
of
enactments.

1953 c. 37.

1968 c. 14.

2.—(1) Any reference in the Registration Service Act 1953 to the Marriage Act 1949 includes a reference to that Act as amended by this Act.

(2) In Schedule 3 to the Public Expenditure and Receipts Act 1968 (variation of fees payable under certain enactments) the reference to the Marriage Act 1949 includes a reference to that Act as amended by this Act.

1970 c. 34.

(3) At the end of subsection (2) of section 1 of the Marriage (Registrar General’s Licence) Act 1970 (restrictions on Registrar General’s power to issue licences under subsection (1) of that section) there shall be added the words “ (disregarding for this purpose the provisions of that Act relating to marriages in pursuance of section 26(1)(*dd*) of that Act) ”.

1973 c. 18.

(4) In section 11 of the Matrimonial Causes Act 1973 (void marriages) for the words in paragraph (a) “ the Marriages Acts 1949 to 1970 ” there shall be substituted the words “ the Marriage Acts 1949 to 1983 ”.

Marriages in Northern Ireland

3.—(1) Subject to the provisions of this Act and the enactments relating to marriage in Northern Ireland, the marriage of a person who is house-bound or is a detained person may be solemnized in Northern Ireland on the authority of a licence issued by the Registrar General under section 4 below at the place where that person resides.

Marriages of house-bound and detained persons in Northern Ireland.

(2) Where a marriage is intended to be solemnized on the authority of the Registrar General's licence, notice of the intended marriage must be given in the prescribed form to the registrar of the district in which each party to the intended marriage has resided for at least seven days immediately before the notice is given.

(3) Where a person other than a detained person is to be married at his or her residence in pursuance of subsection (1) above, the notice of marriage required by subsection (2) above shall, where it is given to the registrar of the district in which the person resides, be accompanied by a medical statement relating to him or her made not more than fourteen days before the date on which the notice is given.

(4) In the case of the marriage of a detained person, the notice of marriage required by subsection (2) above shall, where it is given to the registrar of the district in which the detained person resides, be accompanied by a statement made in the prescribed form by the responsible authority not more than twenty-one days before the date on which notice of the marriage is given under that subsection—

- (a) identifying the establishment where the person is detained ; and
- (b) stating that the responsible authority has no objection to that establishment being specified in the notice of marriage as the place where that marriage is to be solemnized.

(5) Where notice is given under subsection (2) above, the person giving the notice shall give the registrar the prescribed particulars, in the prescribed form, of the person by or before whom the marriage is intended to be solemnized.

(6) The registrar shall not enter the particulars given in the notice of the marriage in the marriage notice book until he has received the statement required by subsection (3) or (4) above and the particulars required by subsection (5) above.

(7) The fact that a registrar has received a statement under subsection (3) or (4) above shall be entered in the marriage notice book.

- (8) In subsection (4) above “responsible authority” means—
- (a) if the person named in the statement is detained in a prison, the governor or other officer for the time being in charge of that prison ;
 - (b) if the person named in the statement is detained in a hospital or special accommodation, the Health and Social Services Board administering that hospital or the Department, respectively ;
 - (c) if the person named in the statement is detained in a private hospital, the person in charge of that hospital.

- (9) For the purposes of this section—

- (a) a person is house-bound if—
 - (i) the notice of his or her marriage given in accordance with subsection (2) above to the registrar of the district in which he or she resides is accompanied by a medical statement relating to him or her ; and
 - (ii) he or she is not a detained person ; and
- (b) a person is a detained person if he or she is for the time being detained—
 - (i) otherwise than by virtue of section 15, 16 or 106 of the Mental Health Act (Northern Ireland) 1961 (short term detentions), as a patient in a hospital ; or
 - (ii) in a prison.

(10) For the purposes of this section, a person who is house-bound or is a detained person shall be taken, if he or she would not otherwise be, to be resident at the place where he or she is for the time being and, in relation to such a person, references in the Marriage Acts, as applied by Schedule 2 to this Act, to his or her dwelling place or usual place of abode shall be construed accordingly.

- (11) In this section—

“hospital” has the same meaning as in the Mental Health Act (Northern Ireland) 1961 ;

“medical statement”, in relation to any person, means a statement made in the prescribed form by a registered medical practitioner that in his opinion, at the time the statement is made—

(a) by reason of illness or disability, he or she ought not to move or be moved from the place where he or she is at that time, and

(b) it is likely that it will be the case for at least the following three months that by reason of the illness or disability he or she ought not to move or be moved from that place ;

“ patient ” has the same meaning as in the Mental Health Act (Northern Ireland) 1961 ; 1961 c. 15
(N.I).

“ prison ” includes a remand centre and a young offenders centre ;

“ private hospital ” has the same meaning as in the Mental Health Act (Northern Ireland) 1961 ;

“ special accommodation ” has the same meaning as in the Mental Health Act (Northern Ireland) 1961.

4.—(1) Where notice of an intended marriage is given to a registrar under section 3(2) above, the registrar shall— Issue of
licence by
Registrar
General.

(a) inform the Registrar General ; and

(b) comply with any directions relating to the notice or the statement or particulars required by section 3(3), (4) or (5) which may be given to him by the Registrar General.

(2) Where the Registrar General—

(a) is informed under subsection (1) above of an intended marriage ; and

(b) is satisfied that a licence should be granted,

he shall issue a licence in the prescribed form authorising the solemnization of the marriage unless—

(i) any lawful impediment to the issue of the licence has been shown to his satisfaction to exist ; or

(ii) the issue of the licence has been forbidden under section 18 of the Marriages Act, as applied by Schedule 2 to this Act.

(3) The Registrar General shall send any licence issued by him under subsection (2) above authorising the solemnization of a marriage—

(a) subject to paragraph (b) below, to the registrar of the district in which the marriage is to be solemnized ;

(b) where the marriage is to be solemnized in accordance with the rites of the Roman Catholic Church, to the priest who is to solemnize the marriage.

(4) The Registrar General shall not issue a licence under subsection (2) above before the expiration of seven days after the day on which notice of the marriage is entered in the marriage notice book under section 14 of the Marriage Act, as applied by Schedule 2 to this Act.

Solemnization
of marriage
pursuant to
Registrar
General's
licence.

5.—(1) A marriage to be solemnized on the authority of the Registrar General's licence shall be solemnized, at the wish of the persons to be married—

- (a) according to such religious form or ceremony as the persons to be married see fit to adopt ; or
- (b) by a ceremony performed by the registrar of the district in which it is solemnized.

(2) A marriage to be solemnized on the authority of the Registrar General's licence shall be solemnized in the presence of—

- (a) subject to subsection (4) below, the registrar of the district in which it is solemnized ; and
- (b) two witnesses in addition to the person solemnizing the marriage.

(3) Where a marriage is to be solemnized on the authority of the Registrar General's licence the persons to be married shall, subject to subsection (5) below, in some part of the ceremony in the presence of the witnesses and of the registrar of the district in which it is solemnized, make the declaration and say to each other the words set out in section 29 of the Marriages Act.

(4) Subsection (2)(a) does not apply to a marriage which is solemnized according to the rites of the Roman Catholic Church.

(5) Subsection (3) does not apply to a marriage solemnized—

- (a) according to the rites of the Church of Ireland or the Roman Catholic Church ; or
- (b) by the ceremony used by Presbyterians in Northern Ireland ; or
- (c) by the ceremony of any church, denomination or body of Protestant Christians who use a building registered under section 12 of the Marriage Law (Ireland) Amendment Act 1863.

(6) A marriage on the authority of the Registrar General's licence may be solemnized at any time between 8 a.m. and 6 p.m.

1863 c. 27.

Void
marriages.

6. If any persons knowingly purport to intermarry in pursuance of section 3 above—

- (a) in any place other than that specified in the Registrar General's licence ; or
- (b) in the absence of the registrar of the district in which it is solemnized, unless the marriage is solemnized in accordance with the rites of the Roman Catholic Church ;
or
- (c) without the Registrar General's licence,

the marriage shall be void.

7.—(1) Any person who knowingly— Offences.

- (a) purports to solemnize a marriage on the authority of the Registrar General's licence in any place other than that specified in the licence ; or
- (b) purports to solemnize a marriage on the authority of that licence without the presence of the registrar of the district in which it is solemnized, unless the marriage is solemnized in accordance with the rites of the Roman Catholic Church ; or
- (c) solemnizes a marriage on the authority of that licence at any other time than between 8 a.m. and 6 p.m. ; or
- (d) purports to solemnize a marriage on the authority of that licence after the expiration of three months beginning on the day on which notice of the marriage is entered in the marriage notice book under section 14 of the Marriages Act, as applied by Schedule 2 to this Act,

shall be guilty of an offence and liable—

- (i) on summary conviction, to a fine not exceeding £1,000 or to imprisonment for a term not exceeding six months, or to both ;
- (ii) on conviction on indictment, to a fine or to imprisonment for a term not exceeding three years, or to both.

(2) No prosecution under this section shall be commenced after the expiration of three years from the commission of the offence.

8. Schedule 2 to this Act (application and amendment of Application of
Marriage
Acts. Marriage Acts) shall have effect.

9. An order under section 1 of the Registration of Births, Fees. Deaths and Marriages (Fees, etc.) Act (Northern Ireland) 1955 1955 c. 29
(N.I.). may make provision with respect to—

- (a) the fees payable for licences of the Registrar General under section 4 above and for the performance by registrars of any functions for the purposes of this Act ; and
- (b) the persons by and to whom such fees are to be paid.

10.—(1) The Department may make regulations prescribing— Regulations.

- (a) the form of notice of a marriage which is intended to be solemnized on the authority of the Registrar General's licence ;
- (b) anything which is authorised or required to be prescribed under sections 3 to 9 above, Schedule 2 to this Act or any provision applied by that Schedule.

(2) Regulations under subsection (1) above—

S.I. 1979/1573
(N.I. 12).

(a) shall be a statutory rule for the purposes of the Statutory Rules (Northern Ireland) Order 1979 ;

1954 c. 33
(N.I.).

(b) shall be subject to negative resolution (as defined in section 41(6) of the Interpretation Act (Northern Ireland) 1954).

Interpretation
and savings
(Northern
Ireland).

11.—(1) In sections 3 to 10 above and Schedule 2 to this Act—

“ the Department ” means the Department of Health and Social Services for Northern Ireland ;

“ the Marriage Acts ” means the Acts applied or amended by Schedule 2 to this Act ;

1844 c. 81.

“ the Marriages Act ” means the Marriages (Ireland) Act 1844 ;

“ the Registrar General ” means the Registrar General in Northern Ireland or any officer of the Department authorised by it to exercise the functions of the Registrar General for the purposes of this Act ;

“ the Registrar General’s licence ” means a licence issued by the Registrar General under section 4 above.

(2) Nothing in sections 3 to 10 above or Schedule 2 to this Act shall be taken to relate or have any reference to—

(a) any marriage between two persons professing the Roman Catholic religion according to the rites of the Roman Catholic Church ;

(b) any marriage according to the usages of the Society of Friends or any marriage between two persons professing the Jewish religion according to the usages of the Jews.

1870 c. 110.

(3) Nothing in sections 3 to 10 above or Schedule 2 to this Act shall affect the right of any person by virtue of section 36 or 37 of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870 to grant special licences to marry at any convenient time at any place or affect the validity of any marriage solemnized on the authority of such a licence.

General

Citation,
commence-
ment, etc.

12.—(1) This Act may be cited as the Marriage Act 1983 and this Act as it extends to England and Wales and the Marriages Acts 1949 to 1970 may be cited as the Marriage Acts 1949 to 1983.

(2) Sections 3 to 11 above shall be construed as one with the Acts relating to marriage in Northern Ireland.

(3) Nothing in this Act shall affect any law or custom relating to the marriage of members of the Royal Family.

(4) Nothing in this Act shall affect the right of the Archbishop of Canterbury or any other person by virtue of the Ecclesiastical Licences Act 1533 to grant special licences to marry at any convenient time or place or affect the validity of any marriage solemnized on the authority of such a licence. 1533 c. 21.

(5) This Act shall come into force on such day as the Secretary of State may by order made by statutory instrument appoint, and different days may be appointed for different purposes.

(6) This Act shall not extend to Scotland.

(7) Sections 1 and 2 above and Schedule 1 to this Act, except paragraph 9, shall not extend to Northern Ireland and sections 3 to 11 above and Schedule 2 to this Act, except paragraph 11, shall not extend to England and Wales.

SCHEDULES

SCHEDULE 1

AMENDMENT OF MARRIAGE ACT 1949

Section 1(7).

1949 c. 76.

1. The Marriage Act 1949 shall have effect subject to the following amendments.

2. In section 17 (place of Church of England marriage)—

(a) after the words “ may be published ” there shall be inserted the words “ or in the case of a marriage in pursuance of section 26(1)(*dd*) of this Act the place specified in the notice of marriage and certificate as the place where the marriage is to be solemnized ” ; and

(b) after the words “ thereof or ” there shall be inserted the words “ (wherever the marriage is solemnized) ”.

3. In section 25 (void marriages)—

(a) at the beginning of paragraph (a) there shall be inserted the words “ except in the case of a marriage in pursuance of section 26(1)(*dd*) of this Act, ” ; and

(b) in paragraph (d) for the words “ or other building specified in the notice of marriage and certificate ” there shall be substituted the words “ building or other place specified in the notice of marriage and certificate as the place where the marriage is to be solemnized ”.

4. In section 26 (marriages which may be solemnized by superintendent registrar’s certificate)—

(a) in subsection (1) the following paragraph shall be inserted after paragraph (d)—

“ (*dd*) the marriage (other than a marriage in pursuance of paragraph (c) or (d) above) of a person who is house-bound or is a detained person at the place where he or she usually resides ; ”

and in paragraph (e) after the words “ Church of England ” there shall be inserted the words “ in any church or chapel in which banns of matrimony may be published. ” ; and

(b) in subsection (2) after the words “ shall not issue a licence ” there shall be inserted the words “ for a marriage intended to be solemnized at a person’s residence in pursuance of subsection (1)(*dd*) of this section or ”.

5. In section 27 (notice of marriage)—

(a) in subsection (3) after the words “ to be married and ” there shall be inserted the words “ in the case of a marriage intended to be solemnized at a person’s residence in pursuance of section 26(1)(*dd*) of this Act, which residence is to be the place of solemnization of the marriage and, in any other case, ” ;

(b) in subsection (4) after the words “ and shall ” there shall be inserted the words “ subject to section 27A of this Act ” ; and

(c) the following subsection shall be inserted after subsection (6)—

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“(7) The superintendent registrar shall be entitled to receive from any person intending to be married in pursuance of section 26(1)(*dd*) of this Act upon whom he attends at a place other than his office in order to be given notice of marriage under this section the sum of £20.”.

6. After section 27 there shall be inserted the following section—

*Additional information required in certain cases.

27A.—(1) This section applies in relation to any marriage intended to be solemnized at a person’s residence in pursuance of section 26(1)(*dd*) of this Act, and in the following provisions of this section that person is referred to as “the relevant person”.

(2) Where the relevant person is not a detained person, the notice of marriage required by section 27 of this Act shall be accompanied by a medical statement relating to that person made not more than fourteen days before the date on which the notice is given.

(3) Where the relevant person is a detained person, the notice of marriage required by section 27 of this Act shall be accompanied by a statement made in the prescribed form by the responsible authority not more than twenty-one days before the date on which notice of the marriage is given under section 27—

(a) identifying the establishment where the person is detained ; and

(b) stating that the responsible authority has no objection to that establishment being specified in the notice of marriage as the place where that marriage is to be solemnized.

(4) The person who gives notice of the marriage to the superintendent registrar in accordance with section 27 of this Act shall give the superintendent registrar the prescribed particulars, in the prescribed form, of the person by or before whom the marriage is intended to be solemnized.

(5) The superintendent registrar shall not enter the particulars given in the notice of the marriage in the marriage notice book until he has received the statement and the particulars required by subsections (2) or (3) and (4) of this section.

(6) The fact that a superintendent registrar has received a statement under subsection (2) or (as the case may be) (3) of this section shall be entered in the marriage notice book together with the particulars given in the notice of marriage and any such statement together with the form received under subsection (4) of this section shall be filed and kept with the records of the office of the superintendent registrar or, where notice of marriage is required

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to be given to two superintendent registrars, of either of them.

(7) In this section—

“medical statement”, in relation to any person, means a statement made in the prescribed form by a registered medical practitioner that in his opinion at the time the statement is made—

(a) by reason of illness or disability, he or she ought not to move or be moved from the place where he or she is at that time, and

(b) it is likely that it will be the case for at least the following three months that by reason of the illness or disability he or she ought not to move or be moved from that place; and

“registered medical practitioner” has the meaning given by Schedule 1 to the Interpretation Act 1978; and

“responsible authority” means—

(a) if the person is detained in a hospital (within the meaning of Part II of the Mental Health Act 1983), the managers of that hospital (within the meaning of section 145(1) of that Act); or

(b) if the person is detained in a prison or other place to which the Prison Act 1952 applies, the governor or other officer for the time being in charge of that prison or other place.”.

7. In section 34 (solemnization of marriages in registration district in which one of the parties resides) for the words “in a building which is not” there shall be substituted the words “elsewhere than”.

8. In section 37 (notice of marriage given in Scotland) in subsection (1)(b) after “twenty-seven” there shall be inserted “27A”.

9. In section 38(2) (notice of marriage given in Northern Ireland) for the words “church or other building in which” there shall be substituted the words “place where”.

10. In section 39 (notice of marriage given on board Her Majesty's ships)—

(a) in subsection (2) after the words “including penal provisions” there shall be inserted the words “but excluding section 27A”; and

(b) in subsection (3) after “twenty-seven” there shall be inserted “27A”.

11. The following section shall be inserted after section 45—

“Solemniza- 45A.—(1) This section applies to marriages solemnized, otherwise than according to the rites of the Church of certain marriages. England, in pursuance of section 26(1)(dd) of this Act at the place where a person usually resides.

1978 c. 30.

1983 c. 20.

1952 c. 52.

(2) The marriage may be solemnized according to a relevant form, rite or ceremony in the presence of a registrar of the registration district in which the place where the marriage is solemnized is situated and of two witnesses and each of the persons contracting the marriage shall make the declaration and use the form of words set out in subsection (3) of section 44 of this Act in the case of marriages in registered buildings in the presence of a registrar.

(3) Where the marriage is not solemnized in pursuance of subsection (2) of this section it shall be solemnized in the presence of the superintendent registrar and a registrar of the registration district in which the place where the marriage is solemnized is situated and in the presence of two witnesses, and the persons to be married shall make the declarations and use the form of words set out in subsection (3) of section 44 of this Act in the case of marriages in registered buildings in the presence of a registrar.

(4) No religious service shall be used at any marriage solemnized in the presence of a superintendent registrar.

(5) In subsection (2) of this section a "relevant form, rite or ceremony" means a form, rite or ceremony of a body of persons who meet for religious worship in any registered building being a form, rite or ceremony in accordance with which members of that body are married in any such registered building."

12. In section 46 (civil marriage followed by religious ceremony) for the words "solemnized in the office of a superintendent registrar" in each place where they occur, there shall be substituted the words "solemnized in the presence of a superintendent registrar".

13. In section 49 (void marriages) the following shall be inserted after paragraph (g)—

" or

(h) in the case of a marriage to which section 45A of this Act applies, in the absence of any superintendent registrar or registrar whose presence at that marriage is required by that section ; "

14. In section 50 (delivery of certificate to registrar) in subsection (1)(a) after the words "registered building" there shall be inserted the words "or at a person's residence".

15. In section 51 (fees) at the beginning there shall be inserted "(1)" and at the end there shall be added the following subsection—

"(2) A superintendent registrar shall be entitled to receive from persons married in his presence in pursuance of section 26(1)(dd) of this Act the sum of £20."

16. In section 53 (persons by whom marriages are to be registered) in paragraph (d) after the words "registered building" there shall be inserted the words "or at a person's residence".

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17. In section 55 (manner of registration of marriages) the following subsections shall be added after subsection (3)—

“(4) Where a marriage is solemnized according to the rites of the Church of England in pursuance of section 26(1)(*dd*) of this Act, the marriage shall be registered in accordance with the provisions of this section in the marriage register books of any church or chapel which is in the same parish or extra-parochial place as is the place where the marriage is solemnized or, if there is no such church or chapel, of any church or chapel in any adjoining parish.

(5) Where by virtue of subsection (4) of this section a clergyman is required to register a marriage in the marriage register books of a church or chapel of which he is not the incumbent, the incumbent may give the books into his custody at a convenient time before the marriage is solemnized and he shall keep them safely and return them to the custody of the incumbent as soon as is reasonably practicable.”

18. In section 59 (custody of register books) at the beginning there shall be inserted the words “Subject to section 55(5) of this Act”.

19. In section 67 in paragraph (a) of the definition of “superintendent registrar” for the words from “the church” to the end there shall be substituted the words “is situated the church or chapel of which the incumbent keeps the marriage register book in which that marriage is registered ;”.

20. In section 75 (criminal offences)—

(a) in paragraph (c) of subsection (1) after the words “special licence” there shall be inserted the words “or a marriage in pursuance of section 26(1)(*dd*) of this Act” ;

(b) in subsection (2)(a)(ii) for the words “or office specified” there shall be substituted the words “office or person’s residence specified as the place where the marriage was to be solemnized” ;

(c) after subsection (2)(b) there shall be inserted the following paragraph—

“(bb) solemnizes a marriage in pursuance of section 26(1)(*dd*) 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 ;” ;

(d) in subsection (3)(d) after the words “in his office” there shall be inserted the words “or, in the case of a marriage in pursuance of section 26(1)(*dd*) of this Act, in any other place”.

21. In section 78 (interpretation) the following subsections shall be inserted after subsection (2)—

“(3) For the purposes of this Act a person is house-bound if—

(a) the notice of his or her marriage given in accordance with section 27 of this Act is accompanied by a medical statement (within the meaning of section 27A(7) of this Act) made, not more than fourteen days before

the date on which that notice was given, in relation to that person ; and SCH. 1

(b) he or she is not a detained person.

(4) For the purposes of this Act a person is a detained person if he or she is for the time being detained—

(a) otherwise than by virtue of section 2, 4, 5, 35, 36 or 136 of the Mental Health Act 1983 (short term detentions), 1983 c. 20. as a patient in a hospital ; or

(b) in a prison or other place to which the Prison Act 1952 applies, 1952 c. 52.

and in paragraph (a) above “ patient ” and “ hospital ” have the same meanings as in Part II of the Mental Health Act 1983.

(5) For the purposes of this Act a person who is house-bound or is a detained person shall be taken, if he or she would not otherwise be, to be resident and usually resident at the place where he or she is for the time being.”

SCHEDULE 2

Section 8.

APPLICATION ETC. OF MARRIAGE ACTS IN NORTHERN IRELAND

THE MARRIAGES (IRELAND) ACT 1844 (c.81)

1. Section 14 (marriage notice book) shall apply to a notice under section 3(2) of this Act as it applies to a notice under section 13 of that Act.

2. Section 16 (certificate of entry in marriage notice book of notice under section 13) shall not apply to a notice entered in the marriage notice book under section 14 as applied by paragraph 1 above.

3. Section 18 (forbidding the issue of a registrar’s certificate) shall apply to the issue of a licence by the Registrar General under section 4 of this Act as it applies to the issue of a registrar’s certificate under that Act.

4. Section 23 (caveat against issue of certificate or licence by registrar) shall apply to the issue of a licence by the Registrar General under section 4 of this Act as it applies to the grant of a certificate or licence under that Act, but as if—

(a) for the word “ registrar ” (wherever it occurs) there were substituted the words “ Registrar General ” ;

(b) for the words from “ provided that ” onwards there were substituted the following subsection—

“ (2) The decision of the Registrar General under this section, as applied by Schedule 2 to the Marriage Act 1983, shall be final.”.

5. Section 25 (new notice required if marriage not solemnized within three months) shall apply to a notice under section 3(2) of this Act and to the Registrar General’s licence as it applies to a notice, certificate and licence under that Act.

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6. Section 31 (fee payable to registrar) shall apply to a marriage solemnized in pursuance of section 3 of this Act and to the Registrar General's licence as it applies to a marriage solemnized under that Act and to a licence under that Act.

7. Section 32 (proof of certain matters not necessary to establish a marriage) shall apply to a marriage solemnized in pursuance of section 3 of this Act as it applies to a marriage solemnized under that Act, but as if the words from "and where a marriage shall have been solemnized" to "where such production is required by this Act" were omitted.

8. Section 43 (civil liability of persons vexatiously entering caveats) shall apply to a caveat against the grant of a licence by the Registrar General under section 4 of this Act as it applies to a caveat against the grant of a licence under that Act.

9. Sections 45, 46 and 49 (offences and void marriages) shall not apply to a marriage solemnized on the authority of the Registrar General's licence.

10.—(1) Section 66 (registration of marriages) shall, subject to sub-paragraph (2), apply to a marriage solemnized in pursuance of section 3 of this Act as it applies to a marriage solemnized in the office of a registrar but as if for the words "form in schedule (G.)" there were substituted the words "prescribed form".

(2) Section 66 shall not apply to a marriage solemnized in accordance with the rites of the Roman Catholic Church.

THE MARRIAGES (IRELAND) ACT 1846 (c.72)

11. In section 1 (notice of marriage given in England) for the words "church or other building in which" there shall be substituted the words "place where".

THE MARRIAGE LAW (IRELAND) AMENDMENT ACT 1863 (c.27)

12. Section 2 and Schedule (A) (form of notice of intended marriage given to registrar under that Act) shall, subject to such modifications as the Department may prescribe, apply to a notice under section 3(2) of this Act as they apply to a notice under that Act.

13. Section 3 (procedure after notice of intended marriage is given to the registrar) shall apply to a notice under section 3(2) of this Act as it applies to a notice under that Act—

(a) but as if the amendment of section 3 set out in section 41 of the Matrimonial Causes and Marriage Law (Ireland) Amendment Act 1870 were omitted; and

(b) subject to such other modifications as the Department may prescribe.

14. Section 4 (declaration by party intending marriage under that Act) shall apply to a party intending marriage in pursuance of

section 3 of this Act as it applies to a party intending marriage under that Act, but as if—

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- (a) for any reference to the notice required by that Act there were substituted a reference to the notice required by section 3(2) of this Act ;
- (b) the words from “ and that the parties to the said marriage have ” to “ meeting-house named in such notice ” were omitted ;
- (c) the words “ in case the marriage is intended to be had without licence ” were omitted ;
- (d) the words from “ or in case such marriage ” to “ such notice shall be so given ” were omitted ;
- (e) for the words “ certificate or licence for marriage shall be issued or granted ” there shall be substituted the words “ licence shall be issued by the Registrar General under the Marriage Act 1983 ”.

15. Schedule (B) (form of declaration by party to intended marriage under that Act) shall apply to an intended marriage in pursuance of section 3 of this Act as it applies to an intended marriage under that Act, but as if the words from “ and that we the above named ” to “ County of ” (where first occurring) were omitted.

THE REGISTRATION OF MARRIAGES (IRELAND) ACT 1863 (c.90)

16. Section 11 shall apply to a marriage solemnized in pursuance of section 3 of this Act, but only if it is solemnized according to the rites of the Roman Catholic Church and, in its application to such a marriage, shall have effect as if for the words “ according to the form A in the schedule hereunto annexed ” there were substituted the words “ in the prescribed form ” and for the words “ the said schedule ” there were substituted the words “ the said form ”.

PRINTED IN ENGLAND BY W. J. SHARP

Controller and Chief Executive of Her Majesty's Stationery Office and
Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

£2.70 net

(543237)

ISBN 0 10 543283 0