



# Immigration and Asylum Act 1999

## 1999 CHAPTER 33

### PART IX

#### REGISTRAR'S CERTIFICATES: PROCEDURE

#### **160 Abolition of certificate by licence.**

- (1) In the <sup>M1</sup>Marriage Act 1949, in section 26, omit subsection (2) (marriage under superintendent registrar's certificate to be by licence issued by the registrar or without licence).
- (2) In section 27 of the 1949 Act—
  - (a) in subsection (1), omit “without licence”;
  - (b) omit subsection (2);
  - (c) in subsection (3), in paragraph (a), omit “in the case of a marriage intended to be solemnized without licence,”;
  - (d) in subsection (3), omit paragraph (b).
- (3) Section 32 of the 1949 Act (marriage under certificate by licence) shall cease to have effect.
- (4) In section 31 of the 1949 Act (marriage under certificate without licence requiring 21 days' notice)—
  - (a) in subsection (1), omit “without licence” and for “twenty-one” substitute “15”;
  - (b) in subsection (2), for “twenty-one” substitute “15”;
  - (c) in subsection (4), omit “without licence” and for “said period of twenty-one days” substitute “waiting period in relation to each notice of marriage”.
- (5) In section 31 of the 1949 Act, after subsection (4) insert—

“(4A) “The waiting period”, in relation to a notice of marriage, means—

  - (a) the period of 15 days, or

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*Changes to legislation: Immigration and Asylum Act 1999, Section 160 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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(b) such shorter period as may be determined by the Registrar General under subsection (5A) or by a superintendent registrar under any provision of regulations made under subsection (5D),  
 after the day on which the notice of marriage was entered in the marriage notice book.”

(6) In section 31 of the 1949 Act, insert at the end—

“(5A) If, on an application made to the Registrar General, he is satisfied that there are compelling reasons for reducing the 15 day period because of the exceptional circumstances of the case, he may reduce that period to such shorter period as he considers appropriate.

(5B) “The 15 day period” means the period of 15 days mentioned in subsections (1) and (2).

(5C) If the Registrar General reduces the 15 day period in a particular case, the reference to 15 days in section 75(3)(a) is to be treated, in relation to that case, as a reference to the reduced period.

(5D) The Registrar General may by regulations make provision with respect to the making, and granting, of applications under subsection (5A).

(5E) The regulations—

- (a) may provide for the power conferred by subsection (5A) to be exercised by a superintendent registrar on behalf of the Registrar General in cases falling within a category prescribed in the regulations;
- (b) may provide for the making of an appeal to the Registrar General against a decision taken by a superintendent registrar in accordance with regulations made by virtue of paragraph (a);
- (c) may make different provision in relation to different cases;
- (d) require the approval of the Chancellor of the Exchequer.

(5F) The Chancellor of the Exchequer may by order provide for a fee, of such an amount as may be specified in the order, to be payable on an application under subsection (5A).

(5G) The order may make different provision in relation to different cases.

(5H) The power to make regulations under subsection (5D) or an order under subsection (5F) is exercisable by statutory instrument.

(5I) Any statutory instrument made under subsection (5F) shall be subject to annulment in pursuance of a resolution of either House of Parliament.”

#### **Commencement Information**

- II** [S. 160](#) wholly in force at 1.1.2001, see [s. 170\(4\)](#) and [S.I. 2000/2698](#), [art. 2](#), [Sch.](#) (as amended by [S.I. 2000/3099](#), [art. 4](#)) subject to the transitional provision in [art. 3](#) (as inserted by [art. 4](#) of the said [S.I. 2000/3099](#))

#### **Marginal Citations**

- M1** [1949 c. 76](#).

**Changes to legislation:**

Immigration and Asylum Act 1999, Section 160 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 10(12) inserted by [2023 c. 37 s. 10\(6\)](#)
- s. 40(1)-(1C) substituted for s. 40(1) by [2022 c. 36 s. 76\(2\)](#)
- s. 40(4A)(4B) inserted by [2022 c. 36 s. 76\(5\)](#)
- s. 72(10) repealed by [2004 c. 19 Sch. 4](#)
- s. 94(2A)-(2C) inserted by [2016 c. 19 Sch. 11 para. 3\(3\)](#)
- s. 94(2D) inserted by [2016 c. 19 Sch. 11 para. 7\(4\)](#)
- s. 94(3)(3A) substituted for s. 94(3) by [2002 c. 41 s. 44\(4\)](#) (This amendment is repealed (prosp.) by [2016 c. 19, Sch. 11 para. 41](#))
- s. 94(3A)-(3D) inserted by [2016 c. 19 Sch. 11 para. 3\(5\)](#)
- s. 95A inserted by [2016 c. 19 Sch. 11 para. 9](#)
- s. 96(1A) inserted by [2016 c. 19 Sch. 11 para. 10\(3\)](#)
- s. 97(3A)(b)(iv) inserted by [2022 c. 36 s. 13\(2\)\(c\)\(ii\)](#)
- s. 97(8)(9) inserted by [2016 c. 19 Sch. 11 para. 11\(4\)](#)
- s. 98A inserted by [2016 c. 19 Sch. 11 para. 13](#)
- s. 98A(5) inserted by [2022 c. 36 s. 13\(4\)](#)
- s. 103(4)(a) words substituted by [2004 c. 19 s. 10\(4\)\(b\)](#)
- s. 103(5)(b) word substituted by [S.I. 2008/2833 Sch. 3 para. 183\(ii\)](#)
- s. 103A(1) words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) heading words substituted by [2004 c. 19 s. 10\(5\)](#)
- s. 103A(1) words substituted by [S.I. 2008/2833 Sch. 3 para. 184](#)
- s. 125(2)(ba) inserted by [2016 c. 19 Sch. 11 para. 22\(3\)\(b\)](#)
- s. 146(2)(za) inserted by [2016 c. 19 s. 44\(9\)](#)
- s. 166(5)(ca) substituted for word in s. 166(5)(c) by [2016 c. 19 Sch. 11 para. 24\(2\)](#)
- s. 166(5A)(5B) inserted by [2016 c. 19 Sch. 11 para. 24\(3\)](#)
- s. 166(6)(aa) substituted for word in s. 166(6)(a) by [2016 c. 19 Sch. 11 para. 24\(4\)](#)
- Sch. 2 para. 21 modified by [2002 c. 41 s. 23\(2\)\(a\)](#)
- Sch. 3 para. 2(5) modified by [2002 c. 41 s. 23\(2\)\(b\)](#)