



Foreign Marriage Act 1947

1947 CHAPTER 33

An Act to amend the Foreign Marriage Act, 1892 and for purposes connected therewith. [18th July 1947]

BE IT ENACTED by the King'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 :—

1 Validation of past marriages solemnised by chaplains and other officers of H.M. Forces serving abroad.

- (1) Subject as hereinafter provided, section twenty-two of the Foreign Marriage Act, 1892 (which validates marriages solemnised within the British lines by chaplains, officers and other persons officiating under the orders of the commanding officer of a British army serving abroad) shall, as respects marriages solemnised before the commencement of this 'Act, be deemed always to have had effect as if—
 - (a) the reference to a British army serving abroad were construed as referring to any part of the naval, military or air forces of His Majesty so serving ; and
 - (b) the reference to the British lines were construed as referring to any place at which any part of the said forces serving abroad was stationed.
- (2) Where either of the parties to a marriage which has been rendered valid by this section has subsequently, during the life of the other party, but before the twenty-fourth day of April nineteen hundred and forty-seven, entered into a marriage with any other person which, but for this section, would have been a valid marriage, the first marriage shall be deemed to have been dissolved immediately before the solemnisation of the second marriage.

2 Re-enactment of s. 22 of the Foreign Marriage Act, 1892.

For the said section twenty-two of the Foreign Marriage Act, 1892, the following section shall be substituted :—

“22 Validity of marriages solemnised by chaplains of H.M. forces serving abroad and other persons.

- (1) A marriage solemnised in any foreign territory by a chaplain serving with any part of the naval, military or air forces of His Majesty serving in that territory or by a person authorised, either generally or in respect of the particular marriage, by the commanding officer of any part of those forces serving in that territory shall, subject as hereinafter provided, be as valid in law as if the marriage had been solemnised in the United Kingdom with a due observance of all forms required by law :

Provided that this subsection shall only apply if—

- (a) one at least of the parties to the marriage is a member of the said forces serving in that territory or a person employed in that territory in such other capacity as may be prescribed by Order in Council ; and
 - (b) such other conditions as may be so prescribed are complied with.
- (2) In this section the expression ' foreign territory ' . means territory other than—
- (a) any part of His Majesty's dominions ;
 - (b) any British protectorate ; or
 - (c) any other country or territory under His Majesty's protection or suzerainty or in which His Majesty has for the time being jurisdiction :

Provided that His Majesty may by Order in Council direct that—

- (i) any British protectorate or any such other country or territory as is referred to in paragraph (c) hereof; or
 - (ii) any part of His Majesty's dominions which has been occupied by a State at war with His Majesty and in which the facilities for marriage in accordance with the local law have not in the opinion of His Majesty been adequately restored;
- shall, while the Order remains in force, be treated as foreign territory for the purposes of this section.
- (3) Any reference in this section to foreign territory, to forces serving in foreign territory and to persons employed in foreign territory shall include references to ships which are for the time being in the waters of any foreign territory, to forces serving in any such ship and to persons employed in any such ship, respectively.
- (4) His Majesty may by Order in Council provide for the registration of marriages solemnised under this section, and for the application thereto, with such adaptations as may be necessary, of any provisions of the Births and Deaths Registration Acts, 1836 to 1947, of the Registration of Births, Deaths and Marriages (Scotland) Acts, 1854 to 1938, or of any Act (including any Act, whether passed before or after the passing of this Act, of the Parliament of Northern Ireland) for the time being in force in Northern Ireland relating to the registration of marriages, and the Order may, to such extent as may be specified therein, be made applicable to marriages solemnised under section twenty-two of the Foreign Marriage Act, 1892, as originally enacted.
- (5) Where a marriage purports to have been solemnised under this section, it shall not be necessary in any legal proceeding touching the validity of the marriage to

prove the authority of the person by or before whom it was solemnised, nor shall any evidence to prove his want of authority be given in any such proceeding.

- (6) Any Order in Council made under the foregoing provisions of this section may be varied or revoked by a subsequent Order in Council, and any Order in Council made under this section shall be laid forthwith before each House of Parliament.”

3 Provisions as to Dominions.

- (1) References in this Act to the naval, military or air forces of His Majesty shall not be construed as referring to any such forces raised in a Dominion :

Provided that any reference to a member of the naval, military or air forces of His Majesty shall be construed as including a reference to a member of the said forces raised in a Dominion who is temporarily attached under sub-section (2) of section four of the Visiting Forces (British Commonwealth) Act, 1933, to a part of the said forces raised in the United Kingdom.

- (2) His Majesty may by Order in Council provide for securing that any law in force in any Dominion which makes, in relation to forces raised in that Dominion, provision appearing to His Majesty to be similar to any provision made by section twenty-two of the Foreign Marriage Act, 1892, whether as originally enacted or as re-enacted by this Act, shall have effect as part of the law of the United Kingdom.
- (3) In this section the expression " Dominion " means a Dominion within the meaning of the Statute of Westminster, 1931, except Newfoundland, and includes any territory administered by the government of that Dominion.
- (4) Any Order in Council made under the foregoing provisions of this section may be varied or revoked by a subsequent Order in Council, and any Order in Council made under this section shall be laid forthwith before each House of Parliament.

4 Repeal of certain provisions relating to marriages on board H.M.'s ships.

- (1) Section twelve of the Foreign Marriage Act, 1892, (which provides for the solemnisation of marriages on board His Majesty's ships at foreign stations) is hereby repealed.
- (2) In subsection (2) of section thirteen of the said Act the words " or on board one of Her Majesty's ships " shall be omitted, in paragraph (e) of subsection (1) of section twenty-one of the said Act the words " to marriages on board one of Her Majesty's ships and " shall be omitted, and in paragraph (f) of that subsection the words " or on board one of Her Majesty's ships " shall be omitted.

5 Power to dispense with consents to marriages abroad.

- (1) At the end of subsection (1) of section four of the Foreign Marriage Act, 1892 (which requires the like consents to be given to marriages under that Act as in the case of marriages in England) there shall be added the following proviso :

“Provided that, if a Secretary of State or, in such cases as may be prescribed, the Registrar-General of Births, Deaths, and Marriages in England, Scotland or Northern Ireland, is satisfied that the consent of any person whose consent is so required cannot be obtained by reason of absence or inaccessibility or

by reason of his being under any disability, the Secretary of State or, as the case may be, the said Registrar-General may dispense with the necessity of obtaining his consent.”

- (2) In section seven of the said Act, at the end of paragraph (c), there shall be added the words " or that the necessity of obtaining such consent has been dispensed with ".

6 Certificates of marriages solemnised under local law.

At the end of section eighteen of the Foreign Marriage Act, 1892, (which enables a British consul or a person acting as such to register marriages solemnised in accordance with the local law, if satisfied by personal attendance that the marriage has been duly solemnised) there shall be added the following subsections :—

- “(2) In the case of such marriages solemnised as aforesaid at which a British consul, or person authorised to act as British consul, has not attended, His Majesty may by Order in Council provide in such classes of cases, and subject to such conditions, as may be prescribed by the Order—
- (a) for the transmission to and receipt by the Registrars-General of Births, Deaths and Marriages in England, Scotland and Northern Ireland, respectively, of certificates of such marriages issued in accordance with the local law ; and
 - (b) for the issue by those Registrars-General, on payment of such fees as may be prescribed by the Order, of certified copies of such certificates received by them, and for enabling such certified copies to be received in evidence.
- (3) Any Order in Council made under the foregoing provisions of this section may be varied or revoked by a subsequent Order in Council, and any Order in Council made under this section shall be laid forthwith before each House of Parliament.”

7 Short title and citation.

- (1) This Act may be cited as the Foreign Marriage Act, 1947, and the Foreign Marriage Acts, 1892 and 1934, and this Act may be cited together as the Foreign Marriage Acts, 1892 to 1947.
- (2) This Act shall come into operation on such date as His Majesty may by Order in Council appoint.