



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

E+W

An Act to consolidate certain enactments relating to the solemnization and registration of marriages in England with such corrections and improvements as may be authorised under the Consolidation of Enactments (Procedure) Act, 1949. [24th November 1949]

## Modifications etc. (not altering text)

- C1 Act extended to border parishes by [Marriage \(Wales and Monmouthshire\) Act 1962 \(c. 32\), s. 2](#)
- C2 Act applied with modifications by [Sharing of Church Buildings Act 1969 \(c. 38\), s. 6, Sch. 1](#)
- C3 Power to amend Act given by [Public Expenditure and Receipts Act 1968 \(c. 14\), s. 5\(1\), Sch. 3](#)
- C4 Words of enactment omitted under authority of [Statute Law Revision Act 1948 \(c. 62\), s. 3](#)
- C5 By [S.I. 1978/1844, art. 12](#) the Act has effect as if The Isles (i.e. The Isles of Scilly as defined in art. 2(1)) were a non-metropolitan county
- C6 Act modified by [Pastoral Measure 1983 \(No. 1, SIF 21:4\), s. 29\(2\)\(a\)](#)
- C7 Act applied (with modifications) (1.2.2005) by [Asylum and Immigration \(Treatment of Claimants, etc.\) Act 2004 \(c. 19\), ss. 20, 48\(3\); S.I. 2004/3398, art. 3](#)
- C8 Act modified (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\), ss. 43\(2\)\(a\), 112\(3\) \(with ss. 100, 105\(4\), 107, 108\(6\), Sch. 8\); 2012 No. 1, art. 2](#)

## Commencement Information

- I1 Act wholly in force at 1.1.1950 see [s. 80\(4\)](#)

## PART I E+W

### RESTRICTIONS ON MARRIAGE

#### 1 Marriages within prohibited degrees. E+W

- (1) A marriage solemnized [<sup>F1</sup>between a person and any person mentioned in the list in Part 1 of Schedule 1], shall be void.

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

[<sup>F2</sup>(2) Subject to subsection (3) of this section, a marriage solemnized [<sup>F3</sup>between a person and any person mentioned in the list in Part 2 of Schedule 1], shall be void.

(3) Any such marriage as is mentioned in subsection (2) of this section shall not be void by reason only of affinity if both the parties to the marriage have attained the age of twenty-one at the time of the marriage and the younger party has not at any time before attaining the age of eighteen been a child of the family in relation to the other party.]

<sup>F4</sup>(4) .....

<sup>F4</sup>(5) .....

<sup>F4</sup>(6) .....

<sup>F4</sup>(7) .....

<sup>F4</sup>(8) .....

**Textual Amendments**

**F1** Words in s. 1(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(b\), Sch. 27 para. 13\(2\)](#); S.I. 2005/3175, art. 2(2)

**F2** S. 1(2)–(5) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\), s. 1\(6\), Sch. 1 para. 2](#); original s. 1(2)(3) repealed by [Marriage \(Enabling\) Act 1960 \(c. 29\), Sch. 1\(6\)](#)

**F3** Words in s. 1(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\), s. 263\(10\)\(b\), Sch. 27 para. 13\(3\)](#); S.I. 2005/3175, art. 2(2)

**F4** S. 1(4)–(8) omitted (1.3.2007) by virtue of [The Marriage Act 1949 \(Remedial\) Order 2007 \(S.I. 2007/438\), arts. 1\(1\), 2\(a\)](#) (with art. 1(2))

**2 Marriages of persons under sixteen. E+W**

A marriage solemnized between persons either of whom is under the age of sixteen shall be void.

**3 Marriages of persons under twenty-one. E+W**

(1) Where the marriage of [<sup>F5</sup>a child], not being a widower or widow [<sup>F6</sup>or a surviving civil partner], is intended to be solemnized on the authority of <sup>F7</sup> . . . issued by a superintendent registrar under Part III of this Act, <sup>F8</sup> . . . the consent of the [<sup>F9</sup>appropriate persons] shall be required <sup>F10</sup> . . . :

Provided that—

- (a) if the superintendent registrar 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 necessity for the consent of that person shall be dispensed with, if there is any other person whose consent is also required; and if the consent of no other person is required, the Registrar General may dispense with the necessity of obtaining any consent, or the court may, on application being made, consent to the marriage, and the consent of the court so given shall have the same effect as if it had been given by the person whose consent cannot be so obtained;
- (b) if any person whose consent is required refuses his consent, the court may, on application being made, consent to the marriage, and the consent of the

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court so given shall have the same effect as if it had been given by the person whose consent is refused.

[<sup>F11</sup>(1A) The appropriate persons are—

- (a) if none of paragraphs (b) to (h) apply, each of the following—
  - (i) any parent of the child who has parental responsibility for him; and
  - (ii) any guardian of the child;
- (b) where a special guardianship order is in force with respect to a child, each of the child's special guardians, unless any of paragraphs (c) to (g) applies;
- (c) where a care order has effect with respect to the child, the local authority designated in the order, and each parent, guardian or special guardian (in so far as their parental responsibility has not been restricted under section 33(3) of the Children Act 1989), unless paragraph (e) applies;
- (d) where a [<sup>F12</sup>child arrangements order to which subsection (1C) applies] has effect with respect to the child, the persons with whom the child lives, or is to live, as a result of the order, unless paragraph (e) applies;
- (e) where an adoption agency is authorised to place the child for adoption under section 19 of the Adoption and Children Act 2002, that agency or, where a care order has effect with respect to the child, the local authority designated in the order;
- (f) where a placement order is in force with respect to the child, the appropriate local authority;
- (g) where a child has been placed for adoption with prospective adopters, the prospective adopters (in so far as their parental responsibility has not been restricted under section 25(4) of the Adoption and Children Act 2002), in addition to those persons specified in paragraph (e) or (f);
- (h) where none of paragraphs (b) to (g) apply but a [<sup>F13</sup>child arrangements order to which subsection (1C) applies] was in force with respect to the child immediately before he reached the age of sixteen, the persons with whom he lived, or was to live, as a result of the order.]

[<sup>F14</sup>(1B) In this section—

“guardian of a child”, “parental responsibility”, [<sup>F15</sup>“child arrangements order”], “special guardian”, “special guardianship order” and “care order” have the same meaning as in the Children Act 1989;

“adoption agency”, “placed for adoption”, “placement order” and “local authority” have the same meaning as in the Adoption and Children Act 2002;

“appropriate local authority” means the local authority authorised by the placement order to place the child for adoption.]

[<sup>F16</sup>(1C) A child arrangements order is one to which this subsection applies if the order regulates arrangements that consist of, or include, arrangements which relate to either or both of the following—

- (a) with whom the child is to live, and
- (b) when the child is to live with any person.]

- (2) [<sup>F17</sup>Subsection (1)] shall apply to marriages intended to be solemnized on the authority of a common licence, with the substitution of references to the ecclesiastical authority by whom the licence was granted for references to the superintendent registrar, and with the substitution of a reference to the Master of the Faculties for the reference to the Registrar General.

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- (3) Where the marriage of [<sup>F5</sup>a child], not being a widower or widow, is intended to be solemnized after the publication of banns of matrimony then, if any person whose consent to the marriage would have been required under this section in the case of a marriage intended to be solemnized otherwise than after the publication of the banns, openly and publicly declares or causes to be declared, in the church or chapel in which the banns are published, at the time of the publication, his dissent from the intended marriage, the publication of banns shall be void.
- (4) A clergyman shall not be liable to ecclesiastical censure for solemnizing the marriage of [<sup>F5</sup>a child] after the publication of banns without the consent of the parents or guardians of [<sup>F5</sup>the child] unless he had notice of the dissent of any person who is entitled to give notice of dissent under the last foregoing subsection.
- (5) For the purposes of this section, “the court” means the High Court [<sup>F18</sup>or the family court], and rules of court may be made for enabling applications under this section—
- (a) if made to the High Court, to be heard in chambers;
  - <sup>F19</sup>(b) .....
  - (c) if made to [<sup>F20</sup>the family court], to be heard and determined otherwise than in open court,
- and shall provide that, where an application is made in consequence of a refusal to give consent, notice of the application shall be served on the person who has refused consent.
- (6) Nothing in this section shall dispense with the necessity of obtaining the consent of the High Court to the marriage of a ward of court.

#### Textual Amendments

- F5** Words substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), ss. 33(1), 34(2)(5), **Sch. 2 para. 9**
- F6** Words in s. 3(1) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 3**; S.I. 2014/93, art. 3(k)(i)
- F7** Word in s. 3(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **4(a)**; S.I. 2000/2698, **art. 2**
- F8** Words in s. 3(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 4(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F9** Words in s. 3(1) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 2** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F10** Words in s. 3(1) repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**
- F11** S. 3(1A) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 3** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F12** Words in s. 3(1A)(d) substituted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 42(2)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F13** Words in s. 3(1A)(h) substituted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 42(2)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F14** S. 3(1B) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 4** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F15** Words in s. 3(1B) substituted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 42(3)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F16** S. 3(1C) inserted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 42(4)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

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- F17** Words in s. 3(2) substituted (30.12.2005) by Adoption and Children Act 2002 (c. 38), s. 148(1), **Sch. 3 para. 5** (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F18** Words in s. 3(5) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 13(a)**; S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, **arts. 3-11**)
- F19** S. 3(5)(b) omitted (22.4.2014) by virtue of Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 13(b)**; S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, **arts. 3-11**)
- F20** Words in s. 3(5)(c) substituted (22.4.2014) by Crime and Courts Act 2013 (c. 22), s. 61(3), **Sch. 11 para. 13(c)**; S.I. 2014/954, **art. 2(e)** (with art. 3) (with transitional provisions and savings in S.I. 2014/956, **arts. 3-11**)

**Modifications etc. (not altering text)**

- C9** S. 3 extended by Family Law Reform Act 1969 (c. 46), **s. 2(3)**; applied with modification by Marriage (Registrar General's Licence) Act 1970 (c. 34), **s. 6**

**F21** **4 Hours for solemnization of marriages.** **E+W**

**Textual Amendments**

- F21** S. 4 repealed (1.10.2012) by Protection of Freedoms Act 2012 (c. 9), ss. 114(1)(a), 120, **Sch. 10 Pt. 11** (with s. 97); S.I. 2012/2234, art. 3(m)

**PART II U.K.**

MARRIAGE ACCORDING TO RITES OF THE CHURCH OF ENGLAND

**Modifications etc. (not altering text)**

- C10** Pt. II applied by Sharing of Church Buildings Act 1969 (c. 38), **s. 6(2)**

*Preliminary*

**5 Methods of authorising marriages.** **E+W**

A marriage according to the rites of the Church of England may be solemnized—

- (a) after the publication of banns of matrimony;
- (b) on the authority of a special licence of marriage granted by the Archbishop of Canterbury or any other person by virtue of the <sup>M1</sup>Ecclesiastical Licences Act, 1533 (in this Act referred to as a “special licence”);
- (c) on the authority of a licence of marriage (other than a special licence) granted by an ecclesiastical authority having power to grant such a licence (in this Act referred to as a “common licence”); or
- (d) on the authority of [<sup>F22</sup>certificates] issued by a superintendent registrar under Part III of this Act

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[<sup>F23</sup>except that paragraph (a) of this section shall not apply in relation to the solemnization of any marriage mentioned in subsection (2) of section 1 of this Act.]

**Textual Amendments**

**F22** Words in s. 5(d) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 5; S.I. 2000/2698, art. 2

**F23** Words added by Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16, SIF 49:1), s. 1(4)(6), Sch. 1 para. 3

**Marginal Citations**

**M1** 1533 c. 21.

[<sup>F24</sup>**5A** **Marriages between certain persons related by affinity.** **E+W**]

No clergyman shall be obliged—

- (a) to solemnize a marriage which, apart from the Marriage (Prohibited Degrees of Relationship) Act 1986 [<sup>F25</sup>or the Marriage Act 1949 (Remedial) Order 2007], would have been void by reason of the relationship of the persons to be married; or
- (b) to permit such a marriage to be solemnized in the church or chapel of which he is the minister.]

**Textual Amendments**

**F24** S. 5A inserted by Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16, SIF 49:1), s. 3

**F25** Words in s. 5A inserted (1.3.2007) by The Marriage Act 1949 (Remedial) Order 2007 (S.I. 2007/438), arts. 1(1), 2(b) (with art. 1(2))

[<sup>F26</sup>**5B** **Marriages involving person of acquired gender** **E+W**]

- (1) A clergyman is not obliged to solemnise the marriage of a person if the clergyman reasonably believes that the person's gender has become the acquired gender under the Gender Recognition Act 2004.
- (2) A clerk in Holy Orders of the Church in Wales is not obliged to permit the marriage of a person to be solemnised in the church or chapel of which the clerk is the minister if the clerk reasonably believes that the person's gender has become the acquired gender under that Act.]

**Textual Amendments**

**F26** S. 5B inserted (4.4.2005) by Gender Recognition Act 2004 (c. 7), s. 26, Sch. 4 para. 3; S.I. 2005/54, art. 2

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## Marriage by banns

### 6 Place of publication of banns. **E+W**

- (1) Subject to the provisions of this Act, where a marriage is intended to be solemnized after the publication of banns of matrimony, the banns shall be published—
  - (a) if the persons to be married reside in the same parish, in the parish church of that parish;
  - (b) if the persons to be married do not reside in the same parish, in the parish church of each parish in which one of them resides:

Provided that if either of the persons to be married resides in a chapelry or in a district specified in a licence granted under section twenty of this Act, the banns may be published in an authorised chapel of that chapelry or district instead of in the parish church of the parish in which that person resides.

- (2) In relation to a person who resides in an extra-parochial place, the last foregoing subsection shall have effect as if for references to a parish there were substituted references to that extra-parochial place, and as if for references to a parish church there were substituted references to an authorised chapel of that place.
- (3) For the purposes of this section, any parish in which there is no parish church or chapel belonging thereto or no church or chapel in which divine service is usually solemnized every Sunday, and any extra-parochial place which has no authorised chapel, shall be deemed to belong to any adjoining parish or chapelry.
- (4) Banns of matrimony may be published in any parish church or authorised chapel which is the usual place of worship of the persons to be married or of one of them although neither of those persons resides in the parish or chapelry to which the church or chapel belongs:

Provided that the publication of banns by virtue of this subsection shall be in addition to and not in substitution for the publication of banns required by subsection (1) of this section.

#### Modifications etc. (not altering text)

**C11** S. 6(3) applied (with modifications) by 2008 gsm 1, s. 1A (as inserted (1.6.2013) by Church of England Marriage (Amendment) Measure 2012 (No. 1), ss. 1(1), 3(2); 2013 No. 1, art. 2)

### 7 Time and manner of publication of banns. **E+W**

- (1) Subject to the provisions of section nine of this Act, banns of matrimony shall be published on three Sundays preceding the solemnization of the marriage [<sup>F27</sup>during either the principal service or both the principal service and another service].

[<sup>F28</sup>(1A) In subsection (1) of this section “principal service” means the service at which, in the opinion of the clergyman or other person who, under section 9 of this Act, has the responsibility for publishing banns of matrimony, the greatest number of persons who habitually attend public worship are likely to attend.

- (1B) Where banns of matrimony are published on a Sunday during both the principal service and another service, both of those occasions shall be deemed to be the same time

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of asking for the purposes of the form of words referred to in subsection (2) of this section.]

- (2) Banns of matrimony shall be published in an audible manner and in accordance with the form of words prescribed by the rubric prefixed to the office of matrimony in the Book of Common Prayer [<sup>F29</sup>or set out in section 2 of the Church of England Marriage (Amendment) Measure 2012.], and all the other rules prescribed by the said rubric concerning the publication of banns and the solemnization of matrimony shall, so far as they are consistent with the provisions of this Part of this Act, be duly observed.
- (3) The parochial church council of a parish shall provide for every church and chapel in the parish in which marriages may be solemnized, a register book of banns made of durable materials and marked in the manner directed by section fifty-four of this Act for the register book of marriages, and all banns shall be published from the said register book of banns by the officiating clergyman, and not from loose papers, and after each publication the entry in the register book shall be signed by the officiating clergyman, or by some person under his direction.
- (4) Any reference in the last foregoing subsection to a parochial church council shall, in relation to an authorised chapel in an extra-parochial place, be construed as a reference to the chapel warden or other officer exercising analogous duties in the chapel or, if there is no such officer, such person as may be appointed in that behalf by the bishop of the diocese.

#### Textual Amendments

- F27** Words in s. 7(1) substituted (19.12.2003) by [Church of England Marriage \(Amendment\) Measure 2012 \(No. 1\)](#), **ss. 2(2)(a)**, 3(2)
- F28** S. 7(1A)(1B) inserted (19.12.2003) by [Church of England Marriage \(Amendment\) Measure 2012 \(No. 1\)](#), **ss. 2(2)(b)**, 3(2)
- F29** Words in s. 7(2) inserted (19.12.2003) by [Church of England Marriage \(Amendment\) Measure 2012 \(No. 1\)](#), **ss. 2(2)(c)**, 3(2)

## 8 Notice to clergyman before publication of banns. **E+W**

No clergyman shall be obliged to publish banns of matrimony unless the persons to be married, at least seven days before the date on which they wish the banns to be published for the first time, deliver or cause to be delivered to him a notice in writing, dated on the day on which it is so delivered, stating the christian name and surname and the place of residence of each of them, and the period during which each of them has resided at his or her place of residence.

#### Modifications etc. (not altering text)

- C12** S. 8 applied (with modifications) (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 1(8)(a)**, 5(2); 2008 No. 2, Instrument made by Archbishops
- C13** S. 8 applied (with modifications) (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 2(8)(a)**, 6(2) (with s. 1)



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## 9 Persons by whom banns may be published. **E+W**

- (1) Subject to the provisions of this section and of section fourteen of this Act, it shall not be lawful for any person other than a clergyman to publish banns of matrimony.
- (2) Where on any Sunday in any church or other building in which banns of matrimony may be published a clergyman does not officiate at the service at which it is usual in that church or building to publish banns, the banns may be published—
  - (a) by a clergyman at some other service at which banns of matrimony may be published; or
  - (b) by a layman during the course of a public reading authorised by the bishop of the diocese of a portion or portions of the service of morning or evening prayer, the public reading being at the hour when the service at which it is usual to publish banns is commonly held or at such other hour as the bishop may authorise:

Provided that banns shall not be published by a layman unless the incumbent or minister in charge of the said church or building, or some other clergyman nominated in that behalf by the bishop, has made or authorised to be made the requisite entry in the register book of banns of the said church or building.

- (3) Where a layman publishes banns of matrimony by virtue of this section the layman shall sign the register book of banns provided under section seven of this Act and for that purpose shall be deemed to be the officiating clergyman within the meaning of that section.

## 10 Publication of banns commenced in one church and completed in another. **E**

- (1) Where the publication of banns of matrimony has been duly commenced in any church, the publication may be completed in the same church or in any other church which, by virtue of the <sup>M2</sup>Union of Benefices Measure, 1923, or the <sup>M3</sup>New Parishes Measure, 1943, has at the time of the completion taken the place of the first-mentioned church for the purpose of publication of banns of matrimony either generally or in relation to the parties to the intended marriage.
- (2) Where the publication of banns of matrimony has been duly commenced in any building which by virtue of a reorganisation scheme under the <sup>M4</sup>Reorganisation Areas Measure, 1944, ceases to be a parish church or, as the case may be, ceases to be licensed for marriages, the publication may be completed in such other building, being either a parish church or a building licensed for marriages, as may be directed by the bishop of the diocese to take the place of the first-mentioned building for the purposes of the publication of banns.

### Modifications etc. (not altering text)

**C14** S. 10(1) amended by Pastoral Measure 1983 (No. 1, SIF 21:4), ss. 29, 32, 40, **Sch. 3 para. 14(1)**

**C15** S. 10(1) modified (1.7.2012) by Mission and Pastoral Measure 2011 (No. 3), s. 112(3), **Sch. 3 para. 12(1)** (with ss. 100, 105(4), 107, 108(6), Sch. 8); 2012 No. 1, art. 2

### Marginal Citations

**M2** 1923 No. 2.

**M3** 1943 No. 1.

**M4** 1944 No. 1.

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## 11 Certificates of publication of banns. E+W

- (1) Where a marriage is intended to be solemnized after the publication of banns of matrimony and the persons to be married do not reside in the same parish or other ecclesiastical district, a clergyman shall not solemnize the marriage in the parish or district in which one of those persons resides unless there is produced to him a certificate that the banns have been published in accordance with the provisions of this Part of this Act in the parish or other ecclesiastical district in which the other person resides.
- (2) Where a marriage is intended to be solemnized in a church or chapel of a parish or other ecclesiastical district in which neither of the persons to be married resides, after the publication of banns therein by virtue of subsection (4) of section six of this Act, a clergyman shall not solemnize the marriage unless there is produced to him—
  - (a) if the persons to be married reside in the same parish or other ecclesiastical district, a certificate that the banns have been published in accordance with the provisions of this Part of this Act in that parish or district; or
  - (b) if the persons to be married do not reside in the same parish or other ecclesiastical district, certificates that the banns have been published as aforesaid in each parish or district in which one of them resides.
- (3) Where banns are published by virtue of subsection (3) of section six of this Act in a parish or chapelry adjoining the parish or extra-parochial place in which the banns would otherwise be required to be published, a certificate that the banns have been published in that parish or chapelry shall have the like force and effect as a certificate that banns have been published in a parish in which one of the persons to be married resides.
- (4) Any certificate required under this section shall be signed by the incumbent or minister in charge of the building in which the banns were published or by a clergyman nominated in that behalf by the bishop of the diocese.

### **Modifications etc. (not altering text)**

- C16** S. 11(2) applied (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 1(7)**, 5(2); [2008 No. 2](#), Instrument made by Archbishops
- C17** S. 11(2) applied (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 2(7)**, 6(2) (with s. 1)
- C18** S. 11(4) applied (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 1(7)**, 5(2); [2008 No. 2](#), Instrument made by Archbishops
- C19** S. 11(4) applied (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 2(7)**, 6(2) (with s. 1)

## 12 Solemnization of marriage after publication of banns. E+W

- (1) Subject to the provisions of this Part of this Act, where banns of matrimony have been published, the marriage shall be solemnized in the church or chapel or, as the case may be, one of the churches or chapels in which the banns have been published.
- (2) Where a marriage is not solemnized within three months after the completion of the publication of the banns, that publication shall be void and no clergyman shall solemnize the marriage on the authority thereof.

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**13 Publication of banns in Scotland, Northern Ireland or Republic of Ireland. U.K.**

Where a marriage is intended to be solemnized in England, after the publication of banns of matrimony, between parties of whom one is residing in England and the other is residing in Scotland, Northern Ireland or the Republic of Ireland, then, if banns have been published or proclaimed in any church of the parish or place in which that other party is residing according to the law or custom there prevailing, a certificate given in accordance with that law or custom that the banns have been so published or proclaimed shall as respects that party be sufficient for the purposes of section eleven of this Act, and the marriage shall not be void by reason only that the banns have not been published in the manner required for the publication of banns in England.

**14 Publication of banns on board His Majesty's ships. E+W**

- (1) Where a marriage is intended to be solemnized in England, after the publication of banns of matrimony, between parties of whom one is residing in England and the other is an officer, seaman or marine borne on the books of one of His Majesty's ships at sea, the banns may be published on three successive Sundays during morning service on board that ship by the chaplain, or, if there is no chaplain, by the captain or other officer commanding the ship, and, where banns have been so published, the person who published them shall, unless the banns have been forbidden on any of the grounds on which banns may be forbidden, give a certificate of publication.
- (2) A certificate issued under this section shall be in such form as may be prescribed by the Admiralty and shall, as respects the party who is an officer, seaman or marine as aforesaid, be sufficient for the purposes of section eleven of this Act, and all provisions of this Act (including penal provisions) relating to the publication of banns and certificates thereof and all rules required by section seven of this Act to be observed shall apply in the case of banns published under this section subject to such adaptations therein as may be made by His Majesty by Order in Council.

*Marriage by Common Licence*

**15 Places in which marriages may be solemnized by common licence. E+W**

- (1) Subject to the provisions of this Part of this Act, a common licence shall not be granted for the solemnization of a marriage in any church or chapel other than—
  - (a) the parish church of the parish, or an authorised chapel of the ecclesiastical district, in which one of the persons to be married has had his or her usual place of residence for fifteen days immediately before the grant of the licence; or
  - (b) a parish church or authorised chapel which is the usual place of worship of the persons to be married or of one of them.
- (2) For the purposes of this section, any parish in which there is no parish church or chapel belonging thereto or no church or chapel in which divine service is usually solemnized every Sunday, and any extra-parochial place which has no authorised chapel, shall be deemed to belong to any adjoining parish or chapel.

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C20** S. 15 excluded (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 2(1), 5(2)**; [2008 No. 2](#), Instrument made by Archbishops
- C21** S. 15 excluded (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 3(1), 6(2)** (with s. 1)

**16 Provisions as to common licences. E+W**

- (1) A common licence shall not be granted unless one of the persons to be married has sworn before a person having authority to grant such a licence—
- (a) that he or she believes that there is no impediment of kindred or alliance or any other lawful cause, nor any suit commenced in any court, to bar or hinder the solemnization of the marriage in accordance with the licence;
  - (b) that one of the persons to be married has had his or her usual place of residence in the parish or other ecclesiastical district in which the marriage is to be solemnized for fifteen days immediately before the grant of the licence or that the parish church or authorised chapel in which the marriage is to be solemnized is the usual place of worship of those persons or of one of them;
  - (c) where one of the persons to be married is [<sup>F30</sup>a child] and is not a widower or widow, that the consent of the person or persons whose consent to the marriage is required under section three of this Act has been obtained, that the necessity of obtaining any such consent has been dispensed with under that section, that the court has consented to the marriage under that section, or that there is no person whose consent to the marriage is so required.

[<sup>F31</sup>(1A) A common licence shall not be granted for the solemnization of a marriage mentioned in subsection (2) of section 1 of this Act unless—

- (a) the person having authority to grant the licence is satisfied by the production of evidence that both the persons to be married have attained the age of twenty-one; and
- (b) he has received a declaration in writing made by each of those persons specifying their affinal relationship and declaring that the younger of those persons has not at any time before attaining the age of eighteen been a child of the family in relation to the other.]

[<sup>F32</sup>(1B) . . . . .]

- (2) [<sup>F33</sup>Subject to subsection (2A) of this section] if any caveat is entered against the grant of a common licence, the caveat having been duly signed by or on behalf of the person by whom it is entered and stating his place of residence and the ground of objection on which the caveat is founded, no licence shall be granted until the caveat or a copy thereof is transmitted to the ecclesiastical judge out of whose office the licence is to issue, and the judge has certified to the registrar of the diocese that he has examined into the matter of the caveat and is satisfied that it ought not to obstruct the grant of the licence, or until the caveat is withdrawn by the person who entered it.

[<sup>F34</sup>(2A) Where in the case of a marriage mentioned in subsection (2) of section 1 of this Act a caveat is entered under subsection (2) of this section on the ground that the persons to be married have not both attained the age of twenty-one or that one of those persons has at any time before attaining the age of eighteen been a child of the family in relation to the other, then, notwithstanding that the caveat is withdrawn by the person who entered it, no licence shall be issued unless the judge has certified that he has examined

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into that ground of objection and is satisfied that that ground ought not to obstruct the grant of the licence.

- (2B) In the case of a marriage mentioned in subsection (2) of section 1 of this Act, one of the persons to be married may apply to the ecclesiastical judge out of whose office the licence is to issue for a declaration that, both those persons having attained the age of twenty-one and the younger of those persons not having at any time before attaining the age of eighteen been a child of the family in relation to the other, there is no impediment of affinity to the solemnization of the marriage; and where any such declaration is obtained the common licence may be granted notwithstanding that no declaration has been made under the said subsection (1A).]
- (3) Where a marriage is not solemnized within three months after the grant of a common licence, the licence shall be void and no clergyman shall solemnize the marriage on the authority thereof.
- (4) No surrogate deputed by an ecclesiastical judge who has power to grant common licences shall grant any such licence until he has taken an oath before that judge, or a commissioner appointed under the seal of that judge, faithfully to execute his office according to law, to the best of his knowledge, . . . <sup>F35</sup>.

#### Textual Amendments

- F30** Words substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), ss. 33(1), 34(2)(5), **Sch. 2 para. 9**
- F31** S. 16 (1A)(1B) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(4)(6), **Sch. 1 para. 4(a)**
- F32** S. 16(1B) repealed (1.3.2007) by [The Marriage Act 1949 \(Remedial\) Order 2007 \(S.I. 2007/438\)](#), arts. 1(1), **3(a)(i)** (with art. 1(2))
- F33** Words inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(4)(6), **Sch. 1 para. 4(b)**
- F34** S. 16(2A)(2B) by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(4)(6), **Sch. 1 para. 4(c)**
- F35** Words repealed by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), s. 1(1), **Sch. Pt. VI**

#### Modifications etc. (not altering text)

- C22** S. 16(1)(b) modified (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), ss. **3(1)**, 6(2) (with s. 1)
- C23** S. 16(4) amended by [Statute Law \(Repeals\) Act 1975 \(c. 10\)](#), s. **1(3)**

### *Marriage under superintendent registrar's certificate*

#### 17 **Marriage under superintendent registrar's certificate.** **E+W**

A marriage according to the rites of the Church of England may be solemnized on the authority of [<sup>F36</sup>certificates] of a superintendent registrar in force under Part III of this Act in any church or chapel in which banns of matrimony may be published [<sup>F37</sup>or in the case of a marriage in pursuance of section 26(1)(dd) of this Act the place specified in the [<sup>F38</sup>notices of marriage and certificates] as the place where the marriage is to be solemnized]:

Provided that a marriage shall not be solemnized as aforesaid in any such church or chapel without the consent of the minister thereof or [<sup>F39</sup>(wherever the marriage is solemnized)] by any person other than a clergyman.

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

- F36** Word in s. 17 substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **6(a)**; S.I. 2000/2698, **art. 2**
- F37** Words inserted by **Marriage Act 1983 (c. 32, SIF 49:1)**, s. 1(7), **Sch. 1 para. 2(a)**
- F38** Words in s. 17 substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 para. 3, **6(b)**; S.I. 2000/2698, **art. 2**
- F39** Words inserted by **Marriage Act 1983 (c. 32, SIF 49:1)**, s. 1(7), **Sch. 1 para. 2(b)**

### *Publication of banns and solemnization of marriages during disuse of churches*

#### **18 Publication of banns and solemnization of marriages during repair and rebuilding of churches. E+W**

- (1) Where any church or chapel in which banns may be published and marriages solemnized is being rebuilt or repaired, and on that account is not being used for divine service, banns of matrimony which could otherwise have been published therein and marriages which could otherwise have been solemnized therein may be published or solemnized, as the case may be,—
- (a) in any building licensed by the bishop of the diocese for the performance of divine service during the disuse of the church or chapel, being a building within the parish or other ecclesiastical district in which the disused church or chapel is situated; or
  - (b) if no building has been licensed as aforesaid, in any such consecrated chapel as the bishop of the diocese may in writing direct, being a chapel within the said parish or district; or
  - (c) if no building has been licensed as mentioned in paragraph (a) of this subsection and no direction has been given by the bishop under the last foregoing paragraph, in a church or chapel of any adjoining parish or other ecclesiastical district, being a church or chapel in which banns may be published and marriages solemnized.
- (2) Any fees paid in respect of marriages solemnized by virtue of paragraph (b) of the last foregoing subsection in a consecrated chapel specified in a direction given by the bishop of the diocese under that paragraph shall be applied as the bishop, with the consent of the incumbent of the disused church or chapel, may in writing direct.
- (3) Any marriage solemnized by virtue of the said subsection in any licensed building or consecrated chapel or in the church or chapel of an adjoining parish or district shall be deemed for the purposes of Part IV of this Act to have been solemnized in the disused church or chapel and shall accordingly be registered in the marriage register books kept by the incumbent of the disused church or chapel.

#### **19 Publication of banns and solemnization of marriage where church injured by war damage. E**

Where an order made by the Church Commissioners under section three of the <sup>M5</sup>Diocesan Reorganisation Committees Measure, 1941, (which enables orders to be made deferring the restoration of churches injured by war damage) is in force as respects any church, banns of matrimony of persons entitled to be married in that church may be published, and marriages of such persons may be solemnized, in such

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other church, chapel or place of worship within the diocese as the bishop of the diocese shall in writing direct.

#### Marginal Citations

M5 1941 No. 1.

### *Licensing of chapels for publication of banns and solemnization of marriages*

## **20 Licensing of chapels for publication of banns and solemnization of marriages for persons residing in specified district. E+W**

- (1) Subject to the provisions of this section, the bishop of the diocese in which a public chapel is situated may—
  - (a) if he thinks it necessary so to do for the due accommodation and convenience of the inhabitants of any district; and
  - (b) if the <sup>F40</sup> . . . incumbent of the church of the parish in which the public chapel is situated have signified their consent under their respective hands and seals, authorise by a licence under his hand and seal the publication of banns and the solemnization of marriages in that public chapel between parties both or either of whom reside or resides within a district of which the limits shall be specified in the licence; and any such licence may include such <sup>F41</sup> . . . particulars as the bishop thinks fit.
- (2) Notwithstanding anything in the last foregoing subsection, the bishop of the diocese may grant a licence under this section without the consent of the <sup>F42</sup> . . . incumbent of the church of the parish in which the public chapel is situated after two months notice in writing given to the <sup>F42</sup> . . . incumbent by the registrar of the diocese:

Provided that where any <sup>F42</sup> . . . incumbent who refuses or withholds his consent to the grant of a licence under this section delivers to the bishop under his hand and seal a statement of the reasons for which the consent has been refused or withheld, no licence shall be granted by the bishop until he has inquired into the reasons contained in the statement.
- (3) Where a bishop grants a licence under this section without the consent of the <sup>F42</sup> . . . incumbent, the <sup>F42</sup> . . . incumbent may, within one month from the grant of the licence, appeal to the archbishop of the province who shall hear the appeal in a summary manner, and shall make such order confirming, revoking or varying the licence as seems to him expedient.
- (4) Any licence granted or order made under this section may at any time be revoked in writing under the hand and seal of the bishop of the diocese with the consent in writing of the archbishop of the province; and the registrar of the diocese shall notify the revocation in writing to the minister officiating in the chapel concerned and shall give public notice of the revocation by advertisement in some newspaper circulating within the county in which the chapel is situated and in the London Gazette.
- (5) There shall be displayed in some conspicuous part of the interior of any chapel licensed under this section the words “Banns may be published and marriages may be solemnized in this chapel”.
- (6) Every consent of a <sup>F42</sup> . . . incumbent delivered under subsection (1) of this section, a copy of every notice given by the registrar of a diocese under subsection (2) of this

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section, every statement of reasons delivered by a <sup>F42</sup> . . . incumbent under the said subsection (2), together with the bishop’s decision thereon under his hand and seal, every order made by an archbishop under subsection (3) of this section and every revocation and consent made or given under subsection (4) of this section, shall be registered in the registry of the diocese.

- (7) The district specified in a licence granted under this section may be taken out of more than one parish; and where any such licence specifies a district taken out of more than one parish the expressions <sup>F42</sup> . . . “incumbent” shall for the purposes of this section mean the <sup>F42</sup> . . . incumbent, <sup>F42</sup> . . . , of the church of every parish out of which the district so specified is taken.
- (8) In this section the expression “public chapel” means any public chapel with or without a chapelry annexed thereto, or any chapel duly licensed for the celebration of divine service according to the rites and ceremonies of the Church of England, or any chapel the minister of which is duly licensed to officiate therein according to the rites and ceremonies of the Church of England.

#### Extent Information

**E1** S. 20(7) does not extend to Wales; see s. 80(3), Sixth Sch.

#### Textual Amendments

**F40** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3\)](#), ss. 34(3), 41, [Sch. 5](#)

**F41** Words in s. 20(1) repealed (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), ss. 4(3), 6(2); 2011 No. 1, art. 2

**F42** Words repealed by [Patronage \(Benefices\) Measure 1986 \(No. 3\)](#), s. 41, [Sch. 5](#)

#### Modifications etc. (not altering text)

**C24** S. 20 applied by [Sharing of Church Buildings Act 1969 \(c. 38\)](#), s. 6(2)(b)

## 21 Authorising of publication of banns and solemnization of marriages in churches and chapels of extra-parochial places. E+W

- (1) Where any extra-parochial place has belonging to it or within it any church or chapel of the Church of England, the bishop of the diocese in which the church or chapel is situated may, if he thinks fit, authorise in writing under his hand and seal the publication of banns and the solemnization of marriages by banns or licence in that church or chapel between parties both or either of whom reside or resides in that extra-parochial place.
- (2) Every authorisation given under the last foregoing subsection shall be registered in the registry of the diocese.

#### Modifications etc. (not altering text)

**C25** S. 21 applied by [Sharing of Church Buildings Act 1969 \(c. 38\)](#), s. 6(4)



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### Miscellaneous Provisions

#### 22 Witnesses. **E+W**

All marriages solemnized according to the rites of the Church of England shall be solemnized in the presence of two or more witnesses in addition to the clergyman by whom the marriage is solemnized.

#### 23 Benefices held in plurality. **E+W**

Where two or more benefices are held in plurality under the <sup>M6</sup>Pastoral Reorganisation Measure, 1949, the bishop of the diocese in which the benefices are situated or, during a vacancy in the see, the guardian of the spiritualities thereof, may in writing direct where banns of matrimony of persons entitled to be married in any church of those benefices may be published and where marriages of those persons may be solemnized:

Provided that—

- (a) nothing in this section shall deprive a person of the right to be married in any church in which he would have been entitled to be married if no directions had been given under this section; and
- (b) a person may be married in a church in which he would have been entitled to be married as aforesaid notwithstanding that the banns of matrimony have, by virtue of this section, been published only in some other church.

#### Modifications etc. (not altering text)

**C26** S. 23 extended (with modifications) by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#) ss. 27, 29, 40, Sch. 3 para. 14(4)

**C27** S. 23 extended (with modifications) (W.) by [Marriage \(Wales\) Act 1986 \(c. 7, SIF 49:1\)](#), s. 1

**C28** S. 23 applied (with modifications) (1.7.2012) by [Mission and Pastoral Measure 2011 \(No. 3\)](#), s. 112(3), [Sch. 3 para. 12\(4\)](#) (with ss. 100, 105(4), 107, 108(6), Sch. 8); 2012 No. 1, art. 2

#### Marginal Citations

**M6** 1949 No. 3.

#### 24 Proof of residence not necessary to validity of marriage by banns or common licence. **E+W**

- (1) Where any marriage has been solemnized after the publication of banns of matrimony, it shall not be necessary in support of the marriage to give any proof of the residence of the parties or either of them in any parish or other ecclesiastical district in which the banns were published, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.
- (2) Where any marriage has been solemnized on the authority of a common licence, it shall not be necessary in support of the marriage to give any proof that the usual place of residence of one of the parties was for fifteen days immediately before the grant of the licence in the parish or other ecclesiastical district in which the marriage was solemnized, and no evidence shall be given to prove the contrary in any proceedings touching the validity of the marriage.

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

## 25 Void marriages. **E+W**

[<sup>F43</sup>(1) A marriage shall be void in any of the following cases.]

[<sup>F44</sup>(2)] [<sup>F45</sup>Case A is where any persons] knowingly and wilfully intermarry according to the rites of the Church of England (otherwise than by special licence)—

- (a) [<sup>F46</sup>except in the case of a marriage in pursuance of section 26(1)(*dd*) of this Act,] in any place other than a church or other building in which banns may be published;
- (b) without banns having been duly published, a common licence having been obtained, or [<sup>F47</sup>certificates] having been duly issued under Part III of this Act by a superintendent registrar to whom due notice of marriage has been given; or
- (c) on the authority of a publication of banns which is void by virtue of subsection (3) of section three or subsection (2) of section twelve of this Act, on the authority of a common licence which is void by virtue of subsection (3) of section sixteen of this Act, or on the authority of [<sup>F48</sup>certificates of a superintendent registrar which are] void by virtue of subsection (2) of section thirty-three of this Act;
- (d) in the case of a marriage on the authority of [<sup>F49</sup>certificates] of a superintendent registrar, in any place other than the church [<sup>F50</sup>building or other place specified in the [<sup>F49</sup>notices of marriage and certificates] as the place where the marriage is to be solemnized].

[<sup>F51</sup>(3) Case B is where any persons knowingly and wilfully consent to or acquiesce in the solemnization of a Church of England marriage between them by a person who is not in Holy Orders.

(4) Case C is where any persons of the same sex consent to or acquiesce in the solemnization of a Church of England marriage between them.

(5) In subsections (3) and (4) “Church of England marriage” means a marriage according to the rites of the Church of England.]

### Textual Amendments

**F43** S. 25(1) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 4\(2\)](#); S.I. 2014/93, art. 3(k)(i)

**F44** Words in s. 25 renumbered as s. 25(2) (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 4\(3\)](#); S.I. 2014/93, art. 3(k)(i)

**F45** Words in s. 25(2) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 4\(3\)](#); S.I. 2014/93, art. 3(k)(i)

**F46** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 3\(a\)](#)

**F47** Word in s. 25(b) substituted (1.1.2001) by 1999 c. 33, s. 169(1), [Sch. 14 paras. 3, 7\(a\)](#); S.I. 2000/2698, [art. 2](#)

**F48** Words in s. 25(c) substituted (1.1.2001) by 1999 c. 33, s. 169(1), [Sch. 14 paras. 3, 7\(b\)](#); S.I. 2000/2698, [art. 2](#)

**F49** Words in s. 25(2)(d) substituted (1.1.2001) by 1999 c. 33, s. 169(1), [Sch. 14 paras. 3, 7\(c\)](#); S.I. 2000/2698, [art. 2](#)

**F50** Words substituted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 3\(b\)](#)

**F51** S. 25(3)-(5) substituted for words in s. 25(2) (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 4\(4\)](#); S.I. 2014/93, art. 3(k)(i)

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## PART III U.K.

### MARRIAGE UNDER SUPERINTENDENT REGISTRAR'S CERTIFICATE

#### Modifications etc. (not altering text)

- C29** Pt. III applied (S.) as to issue of certificates for marriage by [Marriage \(Scotland\) Act 1956 \(c. 70\), s. 1\(3\)](#)
- C30** Pt. 3 applied (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 1\(2\)\(a\), 21\(3\)](#); S.I. 2014/93, art. 3(a)

#### *Issue of certificates*

#### [<sup>F52</sup>26 **Marriage of a man and a woman; marriage of same sex couples for which no opt-in necessary** E+W

- (1) The following marriages may be solemnized on the authority of two certificates of a superintendent registrar—
- (a) a marriage of a man and a woman, in a building registered under section 41, according to such form and ceremony as the persons to be married see fit to adopt;
  - (b) a marriage of any couple in the office of a superintendent registrar;
  - (bb) a marriage of any couple on approved premises;
  - (c) a marriage of a man and a woman according to the usages of the Society of Friends (commonly called Quakers);
  - (d) a marriage between a man and a woman professing the Jewish religion according to the usages of the Jews;
  - (dd) a qualifying residential marriage;
  - (e) a marriage of a man and a woman according to the rites of the Church of England in any church or chapel in which banns of matrimony may be published.
- (2) In this section “qualifying residential marriage” means—
- (a) the marriage of a man and a woman (other than a marriage in pursuance of subsection (1)(c) or (d) above), one or each of whom is house-bound or a detained person, at the usual place of residence of the house-bound or detained person or persons, or
  - (b) the marriage of a same sex couple (other than a marriage according to the rites of the Church of England or other religious rites or usages), one or each of whom is house-bound or a detained person, at the usual place of residence of the house-bound or detained person or persons.]

#### Textual Amendments

- F52** S. 26 substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 3, 21\(3\)](#) (with Sch. 7 para. 1); S.I. 2014/93, art. 3(a)

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**[<sup>F53</sup>26A Opt-in to marriage of same sex couples: places of worship U.K.]**

- (1) A marriage of a same sex couple in an appropriately registered building according to such form and ceremony as the persons to be married see fit to adopt may be solemnized on the authority of two certificates of a superintendent registrar.
- (2) For the purposes of this section “appropriately registered building” means a building which has been registered under section 43A.
- (3) An application for registration of a building under section 43A may not be made unless the relevant governing authority has given written consent to marriages of same sex couples.
- (4) For that purpose, in relation to a building—
  - “relevant governing authority” means the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;
  - “relevant religious organisation” means the religious organisation for whose religious purposes the building is used.
- (5) Nothing in this section is to be taken to relate or have any reference to marriages solemnized according to the rites of the Church of England.
- (6) This section is subject (in particular) to sections 44A to 44C (registration of shared buildings for marriage of same sex couples) and regulations made under any of those sections.]

**Textual Amendments**

**F53** S. 26A inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), **ss. 4(1), 21(3)**; [S.I. 2013/2789](#), **art. 2(a)**; [S.I. 2014/93](#), **art. 3(b)**

**[<sup>F54</sup>26B Opt-in to marriage of same sex couples: other religious ceremonies U.K.]**

- (1) A marriage may, in any of the following cases, be solemnized on the authority of two certificates of a superintendent registrar.
- (2) Case A is where—
  - (a) the marriage is of a same sex couple according to the usages of the Society of Friends (commonly called Quakers), and
  - (b) the relevant governing authority has given written consent to such marriages of same sex couples.
- (3) For that purpose “relevant governing authority” means the recording clerk for the time being of the Society of Friends in London.
- (4) Case B is where—
  - (a) the marriage is of a same sex couple professing the Jewish religion according to the usages of the Jews, and
  - (b) the relevant governing authority has given written consent to such marriages of same sex couples.

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- (5) For that purpose the meaning of “relevant governing authority” is to be determined in accordance with this table—

<i>The “relevant governing authority” is...</i>	<i>...if the marriage falls to be registered by...</i>
the Chief Rabbi of the United Hebrew Congregations of the Commonwealth	the secretary of a synagogue certified under paragraph (a) of the relevant definition (certification by the President of the Board of Deputies)
the person or persons duly recognised by the members of— (i) the West London Synagogue of British Jews (“the West London Synagogue”), and (ii) the other synagogues that are constituents of or affiliated to the Movement for Reform Judaism	— either the secretary of the West London Synagogue, as certified under paragraph (b) of the relevant definition — or the secretary of another synagogue in a case where: (i) the secretary is certified under paragraph (d) of the relevant definition by the secretary of the West London Synagogue, and (ii) the synagogue is one of those which are constituents of or affiliated to the Movement for Reform Judaism
the person or persons duly recognised by the members of— (i) the Liberal Jewish Synagogue, St. John's Wood (“the St. John's Wood Synagogue”), and (ii) the other synagogues that are constituents of or affiliated to Liberal Judaism	— either the secretary of the St. John's Wood Synagogue, as certified under paragraph (c) of the relevant definition — or the secretary of another synagogue in a case where: (i) the secretary is certified under paragraph (d) of the relevant definition by the secretary of the St. John's Wood Synagogue, and (ii) the synagogue is one of those which are constituents of or affiliated to Liberal Judaism
the person or persons duly recognised by the members of the synagogue by whose secretary the marriage falls to be registered	the secretary of a synagogue certified under paragraph (d) of the relevant definition (certification by the secretary of the West London Synagogue or the secretary of the St. John's Wood Synagogue) in a case where the synagogue is not one of those which are constituents of or affiliated to: (i) the Movement for Reform Judaism, or (ii) Liberal Judaism

In that table—

- (a) “relevant definition” means the definition of “secretary of a synagogue” in section 67;

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- (b) a reference to a person or persons being duly recognised is a reference to the person or persons being recognised for the purpose of giving consent for the purposes of this section.
- (6) Case C is where—
- (a) the marriage is of a same sex couple according to religious rites or usages (other than the rites of the Church of England),
  - (b) one or each of the couple is house-bound or a detained person,
  - (c) the marriage is at the usual place of residence of the house-bound or detained person or persons, and
  - (d) the relevant governing authority has given written consent to marriages of same sex couples according to those religious rites or usages.
- (7) For that purpose—
- “relevant governing authority” means the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;
- “relevant religious organisation” means the religious organisation according to whose rites or usages the marriage is to be solemnized.
- (8) Subsection (6) does not authorise a marriage that may be solemnized under subsection (2) or (4).]

#### Textual Amendments

**F54** S. 26B inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 5, 21\(3\)](#); S.I. 2014/93, art. 3(c)

## 27 Notice of marriage. **E+W**

- (1) Where a marriage is intended to be solemnized on the authority of [<sup>F55</sup>certificates] of a superintendent registrar <sup>F56</sup>. . . , notice of marriage in the prescribed form shall be given—
- (a) if the persons to be married have resided in the same registration district for the period of seven days immediately before the giving of the notice, by [<sup>F57</sup>each] of those persons to the superintendent registrar of that district;
  - (b) if the persons to be married have not resided in the same registration district for the said period of seven days as aforesaid, by [<sup>F58</sup>each] of those persons to the superintendent registrar of [the registration district in which he or she has resided] for that period.
- <sup>F59</sup>(2) . . . . .
- (3) A notice of marriage shall state [<sup>F60</sup>the name and surname, marital status, occupation [<sup>F61</sup>, place of residence and nationality] of each of the persons to be married][<sup>F60</sup>the name and surname, occupation, place of residence and nationality of each of the persons to be married, whether either of them has previously been married or formed a civil partnership and, if so, how the marriage or civil partnership ended] and [<sup>F62</sup>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,][<sup>F63</sup>the church or other building or premises in or on which] the marriage is to be solemnized and—

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (a) <sup>F64</sup> . . . shall state the period, not being less than seven days, during which each of the persons to be married has resided in his or her place of residence;
- <sup>F65</sup>(b) . . . . .
- (4) The superintendent registrar shall file all notices of marriage and keep them with the records of his office, and shall [<sup>F66</sup>subject to section 27A of this Act] also forthwith enter the particulars given in every such notice, together with the date of the notice and the name of the person by whom the notice was given, in a book (in this Act referred to as “the marriage notice book”) furnished to him for that purpose by the Registrar General, and the marriage notice book shall be open for inspection free of charge at all reasonable hours.
- [<sup>F67</sup>(4A) The duty imposed by subsection (4) to enter information in the marriage notice book may be discharged by entering the information in an approved electronic form; and information so entered must be made available for inspection free of charge at all reasonable hours.]
- (5) If the persons to be married wish to be married in the presence of a registrar in a registered building for which an authorised person has been appointed, they shall, at the time when notice of marriage is given to the superintendent registrar under this section, give notice to him that they require a registrar to be present at the marriage.
- (6) The superintendent registrar shall be entitled to a fee of [<sup>F68</sup>£35.00] for every entry made in the marriage notice book [<sup>F69</sup>, or an approved electronic form,] under this section.
- [<sup>F70</sup>(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 [<sup>F71</sup>£47.00][<sup>F71</sup>£68.00]].

**Textual Amendments**

- F55** Word in s. 27(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 8; S.I. 2000/2698, art. 2
- F56** Words in s. 27(1) repealed (1.1.2001) by 1999 c. 33, ss. 160(2)(a), 169(3), Sch. 16; S.I. 2000/2698, art. 2
- F57** Word in s. 27(1)(a) substituted (1.1.2001) by 1999 c. 33, s. 161(1)(a); S.I. 2000/2698, art. 2
- F58** Words in s. 27(1)(b) substituted (1.1.2001) by 1999 c. 33, s. 161(1)(b); S.I. 2000/2698, art. 2
- F59** S. 27(2) repealed (1.1.2001) by 1999 c. 33, ss. 160(2)(b), 169(3), Sch. 16; S.I. 2000/2698, art. 2
- F60** Words in s. 27(3) substituted (15.4.2005 for specified purposes, 5.12.2005 in so far as not already in force) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b), Sch. 27 para. 14; S.I. 2005/1112, art. 2, Sch. 1; S.I. 2005/3175, art. 2(2)
- F61** Words in s. 27(3) substituted (1.1.2001) by 1999 c. 33, s. 161(2); S.I. 2000/2698, art. 2
- F62** Words inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), Sch. 1 para. 5(a)
- F63** Words in s. 27(3) substituted (1.4.1995) by 1994 c. 34, s. 1(3), Sch. para. 2; S.I. 1995/424, art. 2(2)(a)
- F64** Words in s. 27(3)(a) repealed (1.1.2001) by 1999 c. 33, ss. 160(2)(c), 169(3), Sch. 16; S.I. 2000/2698, art. 2
- F65** S. 27(3)(b) repealed (1.1.2001) by 1999 c. 33, ss. 160(2)(d), 169(3), Sch. 16; S.I. 2000/2698, art. 2
- F66** Words inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), Sch. 1 para. 5(b)
- F67** S. 27(4A) inserted (16.11.2009) by The Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009 (S.I. 2009/2821), arts. 1(1), 2(1)

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- F68** S. 27(6): it is provided that the fee payable from 1.9.2014 for entry in marriage notice book is £35 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)
- F69** Words in s. 27(6) entered (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), 2(2)
- F70** S. 27(7) inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 5(c)**
- F71** S. 27(7): it is provided that the fee payable from 1.9.2014 for attendance of superintendent registrar other than at his office for purpose of being given notice of marriage of (i) house-bound person is £47 and (ii) detained person is £68 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)

**Modifications etc. (not altering text)**

- C31** S. 27(4) applied by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), s. 2(2)

**[<sup>F72</sup>27A Additional information required in certain cases. E+W**

- (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) [<sup>F73</sup>or 26B(6)] 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, [<sup>F74</sup>each 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, [<sup>F74</sup>each 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) [<sup>F75</sup>Each 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 [<sup>F76</sup>, or in an approved electronic form by virtue of section 27(4A),] 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 to be given to two superintendent registrars, of [<sup>F77</sup>each] of them.



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[ Where the particulars given in the notice of marriage are to be entered in an approved <sup>F78</sup>(6A) electronic form by virtue of section 27(4A), the duty imposed by subsection (6) to enter the statement in the marriage notice book is to be discharged by entering the statement in an approved electronic form.]

(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 the 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 <sup>M7</sup>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 <sup>M8</sup>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 <sup>M9</sup>1952 applies, the governor or other officer for the time being in charge of that prison or other place.]

#### Textual Amendments

- F72** S. 27A inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 6](#)
- F73** Words in s. 27A(1) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 5](#); [S.I. 2014/93](#), art. 3(k)(i)
- F74** Words in s. 27A(2)(3) substituted (1.1.2001) by [1999 c. 33](#), s. 169(1), [Sch. 14 paras. 3, 9\(a\)](#); [S.I. 2000/2698](#), [art. 2](#)
- F75** Words in s. 27A(4) substituted (1.1.2001) by [1999 c. 33](#), s. 169(1), [Sch. 14 paras. 3, 9\(b\)](#); [S.I. 2000/2698](#), [art. 2](#)
- F76** Words in s. 27A(5) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), [3\(1\)](#)
- F77** Words in s. 27A(6) substituted (1.1.2001) by [1999 c. 33](#), s. 169(1), [Sch. 14 paras. 3, 9\(c\)](#); [S.I. 2000/2698](#), [art. 2](#)
- F78** S. 27A(6A) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), [3\(2\)](#)

#### Marginal Citations

- M7** [1978 c. 30 \(115:1\)](#).
- M8** [1983 c. 20 \(85\)](#).
- M9** [1952 c. 52 \(39:1\)](#).

[<sup>F79</sup>**27B Provisions relating to section 1(3) marriages.** **E+W**]

- (1) This section applies in relation to any marriage mentioned in subsection (2) of section 1 of this Act which is intended to be solemnized on the authority of [<sup>F80</sup>certificates] of a superintendent registrar.

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- (2) The superintendent registrar shall not enter notice of the marriage in the marriage notice book<sup>F81</sup>, or in an approved electronic form by virtue of section 27(4A),] unless—
- (a) he is satisfied by the production of evidence that both the persons to be married have attained the age of twenty-one; and
  - (b) he has received a declaration made in the prescribed form by each of those persons, each declaration having been signed and attested in the prescribed manner, specifying their affinal relationship and declaring that the younger of those persons has not at any time before attaining the age of eighteen been a child of the family in relation to the other.
- (3) The fact that a superintendent registrar has received a declaration under subsection (2) of this section shall be entered in the marriage notice book together with the particulars given in the notice of marriage and any such declaration shall be filed and kept with the records of the office of the superintendent registrar or, where notice of marriage is required to be given to two superintendent registrars, of each of them.

[ Where the particulars given in the notice of the marriage are to be entered in <sup>F82</sup>(3A) an approved electronic form by virtue of section 27(4A), the duty imposed by subsection (3) to enter in the marriage notice book the fact concerned is to be discharged by entering the fact in an approved electronic form.]

- (4) Where the superintendent registrar receives from some person other than the persons to be married a written statement signed by that person which alleges that the declaration made under subsection (2) of this section is false in a material particular, the superintendent registrar shall not issue a certificate <sup>F83</sup>. . . unless a declaration is obtained <sup>F84</sup>... under subsection (5) of this section.
- (5) Either of the persons to be married may, whether or not any statement has been received by the superintendent registrar under subsection (4) of this section, apply to the High Court [<sup>F85</sup>or the family court] for a declaration that, both those persons having attained the age of twenty-one and the younger of those persons not having at any time before attaining the age of eighteen been a child of the family in relation to the other, there is no impediment of affinity to the solemnization of the marriage; and where such a declaration is obtained the superintendent registrar may enter notice of the marriage in the marriage notice book [<sup>F86</sup>, or in an approved electronic form by virtue of section (274A),] and may issue a certificate <sup>F87</sup>. . . whether or not any declaration has been made under subsection (2) of this section.
- (6) Section 29 of this Act shall not apply in relation to a marriage to which this section applies, except so far as a caveat against the issue of a certificate <sup>F83</sup>. . . for the marriage is entered under that section on a ground other than the relationship of the persons to be married.]

#### Textual Amendments

- F79** Ss. 27B, 27C inserted (E.W.) by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(4)(6), [Sch. 1 para. 5](#)
- F80** Word in s. 27B(1) substituted (1.1.2001) by [1999 c. 33, s. 169\(1\), Sch. 14 paras. 3, 10\(a\)](#); [S.I. 2000/2698, art. 2](#)
- F81** Words in s. 27B(2) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), [4\(1\)](#)

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- F82** S. 27B(3A) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **4(2)**
- F83** Words in s. 27B(4)(6) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 10(b), **Sch. 16**; [S.I. 2000/2698](#), **art. 2**
- F84** Words in s. 27B(4) omitted (22.4.2014) by virtue of [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 14(2)**; [S.I. 2014/954](#), **art. 2(e)** (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), **arts. 3-11**)
- F85** Words in s. 27B(5) inserted (22.4.2014) by [Crime and Courts Act 2013 \(c. 22\)](#), s. 61(3), **Sch. 11 para. 14(3)**; [S.I. 2014/954](#), **art. 2(e)** (with art. 3) (with transitional provisions and savings in [S.I. 2014/956](#), **arts. 3-11**)
- F86** Words in s. 27B(5) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **4(3)**
- F87** Words in s. 27B(5) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 10(c), **Sch. 16**; [S.I. 2000/2698](#), **art. 2**

**<sup>F88</sup>27C Provisions relating to section 1(5) marriages. E+W**

.....

**Textual Amendments**

- F88** S. 27C repealed (1.3.2007) by [The Marriage Act 1949 \(Remedial\) Order 2007 \(S.I. 2007/438\)](#), arts. 1(1), **3(a)(ii)** (with art. 1(2))

**<sup>F89</sup>27D Additional information required for certain marriages of same sex couples U.K.**

- (1) This section applies in relation to any marriage intended to be solemnized in pursuance of section 26B(2), (4) or (6) (marriage of same sex couples: Quaker marriage, Jewish marriage, marriage of house-bound or detained person).
- (2) The superintendent registrar to whom notice of such a marriage is given under section 27 may require the relevant governing authority to provide a copy of the consent mentioned in section 26B(2)(b), (4)(b) or (6)(d).
- (3) In this section, “relevant governing authority”, in relation to an intended marriage under section 26B(2), (4) or (6), has the same meaning as in that provision.]

**Textual Amendments**

- F89** S. 27D inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 6**; [S.I. 2014/93](#), **art. 3(k)(i)**

**Modifications etc. (not altering text)**

- C32** S. 27D applied (with modifications) by 1970 c. 34, s. 2(4) (as inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 24**; [S.I. 2014/93](#), **art. 3(k)(ii)**)

**28 Declaration to accompany notice of marriage. E+W**

- (1) No certificate <sup>F90</sup>. . . for marriage shall be issued by a superintendent registrar unless the notice of marriage is accompanied by a solemn declaration in writing, in the body

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or at the foot of the notice, made and signed at the time of the giving of the notice by the person by whom the notice is given and attested as mentioned in subsection (2) of this section—

- (a) that he or she believes that there is no impediment of kindred or alliance or other lawful hindrance to the marriage;
  - [<sup>F91</sup>(b) that the persons to be married have for the period of 7 days immediately before the giving of the notice had their usual places of residence within the registration district or registration districts in which notice is given;]
  - (c) where one of the persons to be married is [<sup>F92</sup>a child] and is not a widower [<sup>F93</sup>, widow or surviving civil partner], that the consent of the person or persons whose consent to the marriage is required under section three of this Act has been obtained, that the necessity of obtaining any such consent has been dispensed with under that section, that the court has consented to the marriage under that section, or that there is no person whose consent to the marriage is so required.
- (2) Any such declaration as aforesaid shall be signed by the person giving the notice of marriage in the presence of the superintendent registrar to whom the notice is given or his deputy, or in the presence of a registrar of births and deaths or of marriages for the registration district in which the person giving the notice resides or his deputy, and that superintendent registrar, deputy superintendent registrar, registrar or deputy registrar, as the case may be, shall attest the declaration by adding thereto his name, description and place of residence.

#### Textual Amendments

**F90** Words in s. 28(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 11, **Sch. 16**; S.I. 2000/2698, **art. 2**

**F91** S. 28(1)(b) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 11, **Sch. 16**; S.I. 2000/2698, **art. 2**

**F92** Words in s. 28(1)(c) substituted (E.W.) by Family Law Reform Act 1987 (c. 42), ss. 33(1), 34(2)(5), **Sch. 2 para. 9**

**F93** Words in s. 28(1)(c) substituted (13.3.2014) by The Marriage (Same Sex Couples) Act 2013 (Consequential and Contrary Provisions and Scotland) Order 2014 (S.I. 2014/560), art. 1(2), **Sch. 1 para. 5(2)**

#### Modifications etc. (not altering text)

**C33** S. 28 (except s. 28(1)(b)) applied (with modifications) by Marriage (Registrar General's Licence) Act 1970 (c. 34), **s. 2(3)**

**C34** S. 28(1) applied (with modifications) by Marriage (Scotland) Act 1956 (c. 70), **s. 1(2)(c)**

#### [<sup>F94</sup>28A Power to require evidence. **E+W**

- (1) A superintendent registrar to whom a notice of marriage is given under section 27, or any other person attesting a declaration accompanying such a notice, may require the person giving the notice to provide him with specified evidence—
- (a) relating to that person; or
  - (b) if the superintendent registrar considers that the circumstances are exceptional, relating to each of the persons to be married.

[ In the case of an intended marriage to which section 27D applies, the superintendent <sup>F95</sup>(1A) registrar to whom the notice of the marriage is given may require the relevant

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governing authority to produce evidence relating to the consent mentioned in section 26B(2)(b), (4)(b) or (6)(d).]

- (2) [<sup>F96</sup>A requirement under subsection (1) or (1A)] may be imposed at any time—
- (a) on or after the giving of the notice of marriage; but
  - (b) before the superintendent registrar issues his certificate under section 31.
- [<sup>F97</sup>(3) “Specified evidence”, in relation to a person, means such evidence as may be specified in guidance issued by the Registrar General—
- (a) of the person’s name and surname,
  - (b) of the person’s age,
  - (c) as to whether the person has previously been married or formed a civil partnership and, if so, as to the ending of the marriage or civil partnership, and
  - (d) of the person’s nationality.]]

#### Textual Amendments

- F94** S. 28A and sidenote inserted (1.1.2001) by 1999 c. 33, s. 162(1); S.I. 2000/2698, art. 2
- F95** S. 28A(1A) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 7(2); S.I. 2014/93, art. 3(k)(i)
- F96** Words in s. 28A(2) substituted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 7(3); S.I. 2014/93, art. 3(k)(i)
- F97** S. 28A(3) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), s. 263(10)(b), Sch. 27 para. 15; S.I. 2005/3175, art. 2(2)

#### Modifications etc. (not altering text)

- C35** S. 28A(1A) applied (with modifications) by 1970 c. 34, s. 2(4) (as inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 24; S.I. 2014/93, art. 3(k)(ii))
- C36** S. 28A(2) applied (with modifications) by 1970 c. 34, s. 2(4) (as inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 24; S.I. 2014/93, art. 3(k)(ii))

## 29 Caveat against issue of certificate or licence. **E+W**

- (1) Any person . . . <sup>F98</sup> may enter a caveat with the superintendent registrar against the issue of a certificate <sup>F99</sup> . . . for the marriage of any person named therein.
- (2) If any caveat is entered as aforesaid, the caveat having been signed by or on behalf of the person by whom it was entered and stating his place of residence and the ground of objection on which the caveat is founded, no certificate <sup>F99</sup> . . . shall be issued until the superintendent registrar has examined into the matter of the caveat and is satisfied that it ought not to obstruct the issue of the certificate <sup>F99</sup> . . ., or until the caveat has been withdrawn by the person who entered it; and if the superintendent registrar is doubtful whether to issue a certificate <sup>F99</sup> . . . he may refer the matter of the caveat to the Registrar General.
- (3) Where a superintendent registrar refuses, by reason of any such caveat as aforesaid, to issue a certificate <sup>F99</sup> . . ., the person applying therefor may appeal to the Registrar General who shall either confirm the refusal or direct that a certificate <sup>F99</sup> . . . shall be issued.
- (4) Any person who enters a caveat against the issue of a certificate <sup>F99</sup> . . . on grounds which the Registrar General declares to be frivolous and to be such that they ought

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not to obstruct the issue of the certificate <sup>F99</sup> . . . , shall be liable for the costs of the proceedings before the Registrar General and for damages recoverable by the person against whose marriage the caveat was entered.

- (5) For the purpose of enabling any person to recover any such costs and damages as aforesaid, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office shall be evidence that the Registrar General has declared the caveat to have been entered on grounds which are frivolous and such that they ought not to obstruct the issue of the certificate <sup>F99</sup> . . .

#### Textual Amendments

**F98** Words repealed by [S.I. 1968/1242](#)

**F99** Words in s. 29 repealed (1.1.2001) by [1999 c. 33, s. 169\(1\)\(3\), Sch. 14 paras. 3, 12, Sch. 16](#); [S.I. 2000/2698, art. 2](#)

#### Modifications etc. (not altering text)

**C37** S. 29 applied with modification by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 5](#)

### 30 Forbidding of issue of certificate. **E+W**

[<sup>F100</sup>(1)] Any person whose consent to a marriage intended to be solemnized on the authority of <sup>F101</sup> . . . of a superintendent registrar is required under section three of this Act may forbid the issue of such a certificate by writing, at any time before the issue of the certificate, the word “forbidden” opposite to the entry of the notice of marriage in the marriage notice book, and by subscribing thereto his name and place of residence and the capacity, in relation to either of the persons to be married, in which he forbids the issue of the certificate; and where the issue of a certificate has been so forbidden, the notice of marriage and all proceedings thereon shall be void:

Provided that where, by virtue of paragraph (b) of the proviso to subsection (1) of the said section three, the court has consented to a marriage and the consent of the court has the same effect as if it had been given by a person whose consent has been refused, that person shall not be entitled to forbid the issue of a certificate for that marriage under this section, and the notice of marriage and the proceedings thereon shall not be void by virtue of this section.

- [<sup>F102</sup>(2) Where the particulars given in the notice of marriage have been entered in an approved electronic form by virtue of section 27(4A), a person (P) wishing to exercise the power conferred by subsection (1) to forbid the issue of the certificate may do so only by —
- (a) attending upon the superintendent registrar at his office, and
  - (b) requesting him to record that P forbids the issue of the certificate.

- (3) The superintendent registrar must, on a request made by virtue of subsection (2), enter in an approved electronic form that P forbids the issue of the certificate, P's name and place of residence and the capacity, in relation to either of the persons to be married, in which P forbids the issue of the certificate.]

#### Textual Amendments

**F100** S. 30 renumbered as s. 30(1) (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\), arts. 1\(1\), 5](#)

**F101** Words in s. 30 repealed (1.1.2001) by [1999 c. 33, s. 169\(1\), Sch. 14 paras. 3, 13](#); [S.I. 2000/2698, art. 2](#)

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**F102** S. 30(2)(3) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), 5

### 31 Marriage under certificate without licence. **E+W**

- (1) Where a marriage is intended to be solemnized on the authority of [F103certificates] of a superintendent registrar F104 . . . , the superintendent registrar to whom notice of marriage has been given shall suspend or affix in some conspicuous place in his office, for [F10515] successive days next after the day on which the notice was entered in the marriage book, the notice of marriage, or an exact copy signed by him of the particulars thereof as entered in the marriage notice book.
- [F106(1A) Where the notice was entered in an approved electronic form by virtue of section 27(4A) (“the approved form”), the duty imposed by subsection (1) is to be discharged by the superintendent registrar —
- (a) arranging for the notice to be displayed for 15 successive days beginning with the day after the day on which the notice was entered in the approved form, in an approved electronic form, or
  - (b) suspending or affixing as described in subsection (1), for 15 days beginning with the day after the day on which the notice was entered in the approved form —
    - (i) the notice of the marriage, or
    - (ii) an exact copy, signed by the superintendent registrar, of the particulars of that notice as entered in the approved form.]
- (2) At the expiration of the said period of [F10715] days the superintendent registrar, on the request of the person by whom the notice of marriage was given, shall issue a certificate in the prescribed form unless—
- [F108(a) the superintendent registrar is not satisfied that there is no lawful impediment to the issue of the certificate; or]
- (b) the issue of the certificate has been forbidden under the last foregoing section by any person authorised in that behalf.
- (3) Every such certificate shall set out the particulars contained in the notice of marriage and the day on which the notice was entered in the marriage notice book [F109, or in an approved electronic form by virtue of section 27(4A),] and shall contain a statement that the issue of the certificate has not been forbidden as aforesaid.
- (4) No marriage shall be solemnized on the production of [F103certificates] of a superintendent registrar F110 . . . until after the expiration of the [F111waiting period in relation to each notice of marriage].
- [F112(4A) “The waiting period”, in relation to a notice of marriage, means—
- (a) the period of 15 days, or
  - (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 [F113, or in an approved electronic form by virtue of section 27(4A)].]
- (5) Where a marriage is to be solemnized in a registered building for which an authorised person has been appointed and no notice requiring a registrar to be present at the marriage has been given to the superintendent registrar under subsection (5) of section

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twenty-seven of this Act, the superintendent registrar shall, when issuing a certificate under this section, give to <sup>F114</sup>[the person by whom notice of marriage was given] printed instructions in the prescribed form for the due solemnization of the marriage.

<sup>F115</sup>(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) <sup>F116</sup>[to (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 <sup>F117</sup>[the Secretary of State].

(5F) <sup>F118</sup>[The Secretary of State] 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.]

<sup>F119</sup>(6) .....

#### Textual Amendments

**F103** Word in s. 31(1)(4) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **14(a)**; S.I. 2000/2698, **art. 2**

**F104** Words in s. 31(1) repealed (1.1.2001) by 1999 c. 33, ss. 160(4)(a), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**

**F105** Word in s. 31(1) substituted (1.1.2001) by 1999 c. 33, ss. 160(4)(a), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**

**F106** S. 31(1A) inserted (16.11.2009) by *The Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009* (S.I. 2009/2821), arts. 1(1), **6(1)**

**F107** Word in s. 31(2) substituted (1.1.2001) by 1999 c. 33, **ss. 160(4)(b)**, 169(3); S.I. 2000/2698, **art. 2**

**F108** S. 31(2)(a) substituted (1.1.2001) by 1999 c. 33, **s. 163(1)**; S.I. 2000/2698, **art. 2**



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- F109** Words in s. 31(3) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **6(2)**
- F110** Words in s. 31(4) repealed (1.1.2001) by 1999 c. 33, ss. 160(4)(c), 169(3), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F111** Words in s. 31(4) substituted (1.1.2001) by 1999 c. 33, ss. **160(4)(c)**, 169(3); S.I. 2000/2698, **art. 2**
- F112** S. 31(4A) inserted (1.1.2001) by 1999 c. 33, s. **160(5)**; S.I. 2000/2698, **art. 2**
- F113** Words in s. 31(4A) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **6(3)**
- F114** Words in s. 31(5) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **14(b)**; S.I. 2000/2698, **art. 2**
- F115** S. 31(5A)-(5I) inserted (1.1.2001) by 1999 c. 33, s. **160(6)**; S.I. 2000/2698, **art. 2**
- F116** Word in s. 31(5B) substituted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **6(4)**
- F117** Words in s. 31(5E)(d) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 5(1)(a)** (with art. 4)
- F118** Words in s. 31(5F) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 5(1)(b)** (with art. 4)
- F119** S. 31(6) repealed by S.I. 1968/1242

**Modifications etc. (not altering text)**

- C38** S. 31(5E)(d): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 5(a)** (with art. 4)
- C39** S. 31(5F): it is confirmed that the fee payable from 1.9.2014 is £28 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)
- C40** S. 31(5F): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 5(b)** (with art. 4)

[<sup>F120</sup>**31A Appeal on refusal under section 31(2)(a).** **E+W**

- (1) If, relying on section 31(2)(a), a superintendent registrar refuses to issue a certificate, the person applying for it may appeal to the Registrar General.
- (2) On such an appeal, the Registrar General must—
  - (a) confirm the refusal; or
  - (b) direct that a certificate be issued.
- (3) If—
  - (a) relying on section 31(2)(a), a superintendent registrar refuses to issue a certificate as a result of a representation made to him, and
  - (b) on an appeal against the refusal, the Registrar General declares the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate,the person making the representation is liable for the costs of the proceedings before the Registrar General and for damages recoverable by the applicant for the certificate.
- (4) For the purpose of enabling a person to recover any such costs and damages, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has declared the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate.]

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**Textual Amendments**

**F120** S. 31A and sidenote inserted (1.1.2001) by 1999 c. 33, s. 163(2); S.I. 2000/2698, art. 2

<sup>F121</sup>**32** ..... **E+W**

**Textual Amendments**

**F121** S. 32 repealed (1.1.2001) by 1999 c. 33, ss. 160(3), 169(3), Sch. 16; S.I. 2000/2698, art. 2

[<sup>F122</sup>**33** **Period of validity of certificate.** **E+W**

- (1) A marriage may be solemnized on the authority of certificates of a superintendent registrar at any time within the period which is the applicable period in relation to that marriage.
- (2) If the marriage is not solemnized within the applicable period—
  - (a) the notices of marriage and the certificates are void; and
  - (b) no person may solemnize the marriage on the authority of those certificates.
- (3) The applicable period, in relation to a marriage, is the period beginning with the day on which the notice of marriage was entered in the marriage notice book<sup>F123</sup>, or in an approved electronic form by virtue of section 27(4A),] and ending—
  - (a) in the case of a marriage which is to be solemnized in pursuance of section 26(1)(dd), 37 or 38, on the expiry of three months; and
  - (b) in the case of any other marriage, on the expiry of twelve months.
- (4) If the notices of marriage given by each person to be married are not given on the same date, the applicable period is to be calculated by reference to the earlier of the two dates.]

**Textual Amendments**

**F122** S. 33 and sidenote substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 15; S.I. 2000/2698, art. 2

**F123** Words in s. 33(3) inserted (16.11.2009) by The Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009 (S.I. 2009/2821), arts. 1(1), 7

[<sup>F124</sup>**34** **Marriages normally to be solemnized in registration district in which one party resides.** **E+W**

Subject to section 35, a superintendent registrar may not issue a certificate for the solemnization of a marriage elsewhere than within a registration district in which one of the persons to be married has resided for 7 days immediately before the giving of the notice of marriage.]

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### Textual Amendments

**F124** S. 34 and sidenote substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 16; S.I. 2000/2698, art. 2

## 35 Marriages in registration district in which neither party resides. **E+W**

(1) A superintendent registrar may issue a certificate <sup>F125</sup> . . . for the solemnization of a marriage in a registered building which is not within a registration district in which either of the persons to be married resides, where the person giving the notice of marriage declares by endorsement thereon in the prescribed form—

[<sup>F126</sup>(a) that the persons to be married desire the marriage to be solemnized according to a specified form, rite or ceremony, being a form, rite or ceremony of a body or denomination of christians or other persons meeting for religious worship to which one of them professes to belong.]

(b) that, to the best of his or her belief, there is not within the registration district in which one of them resides any registered building in which marriage is solemnized according to that form, rite or ceremony;

(c) the registration district nearest to the residence of that person in which there is a registered building in which marriage may be so solemnized; and

(d) the registered building in that district in which the marriage is intended to be solemnized;

and where any such certificate [<sup>F127</sup>is issued in respect of each of the persons to be married], the marriage may be solemnized in the registered building stated in the notice.

[<sup>F128</sup>(2) A superintendent registrar may issue a certificate <sup>F129</sup> . . . for the solemnization of a marriage in a registered building which is the usual place of worship of the persons to be married, or of one of them, notwithstanding that the building is not within a registration district in which either of those persons resides.]

[<sup>F130</sup>(2A) A superintendent registrar may issue a certificate <sup>F131</sup> . . . for the solemnization of a marriage in the office of another superintendent registrar, notwithstanding that the office is not within a registration district in which either of the persons to be married resides.]

[<sup>F132</sup>(2B) A superintendent registrar may issue a certificate <sup>F131</sup> . . . for the solemnization of a marriage on approved premises, notwithstanding that the premises are not within a registration district in which either of the persons to be married resides.]

(3) A superintendent registrar may issue a certificate for the solemnization of a marriage in any parish church or authorised chapel which is the usual place of worship of the persons to be married, or of one of them, notwithstanding that the church or chapel is not within a registration district in which either of those persons resides.

(4) A superintendent registrar may issue a certificate <sup>F129</sup> . . . for the solemnization of a marriage according to the usages of the Society of Friends or in accordance with the usages of persons professing the Jewish religion, notwithstanding that the building or place in which the marriage is to be solemnized is not within a registration district in which either of the persons to be married resides.

(5) Where a marriage is intended to be solemnized on the authority of [<sup>F133</sup>certificates]of a superintendent registrar issued under subsection (2) or subsection (3) of this section,

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[<sup>F134</sup>each notice] of marriage given to the superintendent registrar and [<sup>F135</sup>each certificate] issued by the superintendent registrar shall state, in addition to the description of the registered building or, as the case may be, the parish church or authorised chapel, in which the marriage is to be solemnized, that it is the usual place of worship of the persons to be married or of one of them and, in the latter case, shall state the name of the person whose usual place of worship it is.

#### Textual Amendments

- F125** Words in s. 35(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 17(1)(2)(a), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F126** S. 35(1)(a) substituted by **Marriage Act 1949 (Amendment) Act 1954 (c. 47), s. 2**
- F127** Words in s. 35(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **17(1)(2)(b)**; S.I. 2000/2698, **art. 2**
- F128** S. 35(2) substituted by **Marriage Act 1949 (Amendment) Act 1954 (c. 47), s. 1**
- F129** Words in s. 35(2)(4) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 17(1)(3), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F130** S. 35(2A) inserted (1.1.1995) by 1994 c. 34, **s. 2(1)**; S.I. 1994/3116, **art. 2(a)**
- F131** Words in s. 35(2A)(2B) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 17(1)(4), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F132** S. 35(2B) inserted (1.4.1995) by 1994 c. 34, **s. 2(1)**; S.I. 1995/424, **art. 2(2)**
- F133** Words in s. 35(5) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **17(1)(5)(a)**; S.I. 2000/2698, **art. 2**
- F134** Words in s. 35(5) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **17(1)(5)(b)**; S.I. 2000/2698, **art. 2**
- F135** Words in s. 35(5) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **17(1)(5)(c)**; S.I. 2000/2698, **art. 2**

<sup>F136</sup>36 ..... **E+W**

#### Textual Amendments

- F136** S. 36 repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 18, **Sch. 16**; S.I. 2000/2698, **art. 2**

### 37 **One party resident in Scotland.** **E+W**

- (1) Where a marriage is intended to be solemnized in England on the authority of [<sup>F137</sup>certificates] of a superintendent registrar <sup>F138</sup> . . . between parties of whom one is residing in Scotland and the other is residing in England, the following provisions shall have effect—
- [<sup>F139</sup>(a) the party residing in Scotland may give notice of the intended marriage in accordance with section 7 of the Marriage (Scotland) Act 1977;]
- (b) the party residing in England may, subject to and in accordance with the provisions of sections twenty-seven [<sup>F140</sup>27A] and twenty-eight of this Act, give notice of the intended marriage as if both parties were residing in different registration districts in England, and the provisions of this Part of this Act relating to notices of marriage and the issue of certificates for marriage shall apply accordingly;

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- [<sup>F141</sup>(c) a certificate issued under section 7(2) of the Marriage (Scotland) Act 1977 to a party shall, for the purpose of that party’s intended marriage, have the like force and effect in all respects as a certificate for marriage issued by a superintendent registrar under this Part of this Act;]
- (d) for the purposes of section thirty-three of this Act the notice given in Scotland shall be deemed to have been entered in a marriage notice book by a superintendent registrar in England on the day on which it was given.
- (2) . . . . . <sup>F142</sup>

**Textual Amendments**

- F137** Word in s. 37(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **19(a)**; S.I. 2000/2698, **art. 2**
- F138** Words in s. 37(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 19(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F139** S. 37(1)(a) substituted by **Marriage (Scotland) Act 1977 (c. 15, SIF 49:2)**, **Sch. 2 para. 4(a)** (subject to a saving in s. 27(3) in relation to marriages before 1.1.1978)
- F140** Words inserted (E.W.) by **Marriage Act 1983 (c. 32, SIF 49:1)**, s. 1(7), **Sch. 1 para. 8**
- F141** S. 37(1)(c) substituted by **Marriage (Scotland) Act 1977 (c. 15, SIF 49:2)**, s. 28(1), **Sch. 2 para. 4(b)** (subject to a saving in s. 27(3) in relation to marriages before 1.1.1978)
- F142** S. 37(2) repealed by **Marriage (Scotland) Act 1977 (c. 15, SIF 49:2)**, s. 28(2), **Sch. 3** (subject to a saving in s. 27(3) in relation to marriages before 1.1.1978)

**38 One party resident in Northern Ireland. E+W**

- (1) Where a marriage is intended to be solemnized in England on the authority of [<sup>F143</sup>certificates] of a superintendent registrar <sup>F144</sup>. . . between parties of whom one is residing in Northern Ireland and the other is residing in England, the party residing in Northern Ireland may give notice of marriage in the form used for that purpose in Northern Ireland or to the like effect to the registrar of the district in Northern Ireland in which he or she has resided for not less than seven days immediately before the giving of the notice.
- (2) Any such notice as aforesaid shall state the name and surname, marital status, occupation, age [<sup>F145</sup>, place of residence and nationality] of each of the persons to be married and the period, not being less than seven days, during which each of them has resided in that place and the [<sup>F146</sup>church or other building in which][<sup>F146</sup>place where] the marriage is to be solemnized:
- Provided that if either of the persons to be married has resided in the place stated in the notice for more than one month, the notice may state that he or she has resided there for more than one month.
- (3) Any such notice as aforesaid shall be dealt with, and a certificate for marriage issued by the registrar, in the manner prescribed by the <sup>M10</sup>Marriages (Ireland) Act, 1844, as amended by the <sup>M11</sup>Marriages (Ireland) Act, 1846, and the <sup>M12</sup>Marriage Law (Ireland) Amendment Act, 1863:
- Provided that the registrar shall not issue a certificate until the expiration of [<sup>F147</sup>15] days from the day on which the notice was entered in the marriage notice book required to be kept under the said Marriages (Ireland) Act, 1844.

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- (4) The production to the person by whom the marriage is to be solemnized of a certificate issued under the last foregoing subsection shall be as valid for authorising that person to solemnize the marriage as the production of a certificate for marriage of a superintendent registrar of a registration district in England would be in the case of a person residing in that district.

#### Textual Amendments

- F143** Word in s. 38(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **20(1)(2)(a)**; S.I. 2000/2698, **art. 2**
- F144** Words in s. 38(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 20(1)(2)(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F145** Words in s. 38(2) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **20(3)**; S.I. 2000/2698, **art. 2**
- F146** Words “place where” substituted (E.W.) for words “church or other building in which” by **Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), Sch. 1 para. 9**
- F147** Words in s. 38(3) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **20(4)**; S.I. 2000/2698, **art. 2**

#### Marginal Citations

- M10** 1844 c. 81.  
**M11** 1846 c. 72.  
**M12** 1863 c. 27.

### 39 Issue of certificates on board His Majesty’s ships. **E+W**

- (1) Where a marriage is intended to be solemnized in England on the authority of [<sup>F148</sup>certificates] of a superintendent registrar <sup>F149</sup>. . . between parties of whom one is residing in England and the other is an officer, seaman, or marine borne on the books of one of His Majesty’s ships at sea, the last-mentioned party may give notice of his intention to the captain or other officer commanding the ship, together with the name and address of the other party to the marriage, and such other information as may be necessary to enable the captain or other officer to fill up a certificate under this section, and shall at the same time make and sign such a declaration as is required by section twenty-eight of this Act, and the captain or other officer may attest the declaration and thereupon issue a certificate to the officer, seaman or marine giving the notice.
- (2) A certificate issued under this section shall be in such form as may be prescribed by the Admiralty and shall have the like force and effect as a certificate issued by a superintendent registrar under this Part of this Act, and all provisions of this Act (including penal provisions [<sup>F150</sup>but [<sup>F151</sup>excluding sections 27A and 27B]]) relating to notices and declarations for obtaining certificates from superintendent registrars and to such certificates shall apply in the case of certificates issued under this section, subject to such adaptations therein as may be made by His Majesty by Order in Council.
- (3) Where a marriage is intended to be solemnized in England as aforesaid and a certificate has been issued to one of the parties under this section, the superintendent registrar of the registration district in which the other party is residing may accept notice of marriage given by that party, subject to and in accordance with the provisions of sections twenty-seven [<sup>F152</sup>27A] and twenty-eight of this Act, as if both parties were residing in different registration districts in England, and the provisions of this Part

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of this Act relating to notices of marriage and the issue of certificates for marriage shall apply accordingly.

#### Textual Amendments

- F148** Word in s. 39(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **21(a)**; S.I. 2000/2698, **art. 2**
- F149** Words in s. 39(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 21(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F150** Words inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 10(a)**
- F151** Words substituted (E.W.) by virtue of Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16, SIF 49:1), s. 1(6), **Sch. 1 para. 6(a)**
- F152** Words inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 10(b)**

#### Modifications etc. (not altering text)

- C41** Words “excluding section 27A” substituted (E.W.) for words “excluding sections 27A and 27B” as provided by Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16, SIF 49:1), s. 1(6), **Sch. 1 para. 6(b)**

### [<sup>F153</sup>39A Marriage of former civil partners one of whom has changed sex **U.K.**

- (1) This section applies if—
- (a) a court—
- (i) makes final a nullity order which annuls a civil partnership on the ground that an interim gender recognition certificate has been issued to one of the civil partners, or
- (ii) (in Scotland) grants a decree of dissolution of a civil partnership on that ground,
- and, on doing so, issues a full gender recognition certificate (under section 5A(1) of the Gender Recognition Act 2004) to that civil partner, and
- (b) the former civil partners wish to marry each other in England or Wales in accordance with this Part without being delayed by the waiting period.
- (2) For the purposes of this section the relevant period is the period—
- (a) beginning with the issue of the full gender recognition certificate, and
- (b) ending at the end of 1 month from the day on which it is issued.
- (3) If either of the former civil partners —
- (a) gives notice of marriage in accordance with this Part during the relevant period, and
- (b) on doing so, makes an election under this section,
- this Act applies with the modifications set out in subsections (4) to (6).
- (4) In section 31 (marriage under certificates)—
- (a) omit subsections (1), (4), (4A) and (5A) to (5I), and
- (b) in subsection (2), for “At the expiration of the said period of 15 days”, substitute “As soon as notice of marriage has been given,”.
- (5) For section 33(3) (period of validity of certificate: applicable period) substitute —

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- “(3) The applicable period, in relation to a marriage, is the period of 1 month beginning with the day on which the notice of marriage was entered in the marriage notice book.”
- (6) In section 75 (offences relating to solemnization of marriages), omit subsections (2) (d), (2A) and (3)(a).
- (7) Where one of the former civil partners is residing in Scotland—
- (a) this section applies as if subsection (3) referred to the giving of notice and the making of an election by the former civil partner residing in England or Wales, and
  - (b) section 37(d) does not apply.
- (8) In subsection (1)(b), “the waiting period” has the meaning given by section 31(4A).]

**Textual Amendments**

**F153** S. 39A inserted (5.12.2005) by [The Civil Partnership Act 2004 \(Overseas Relationships and Consequential, etc. Amendments\) Order 2005 \(S.I. 2005/3129\)](#), art. 1, **Sch. 2 para. 1**

**40 Forms of certificates to be furnished by Registrar General. E+W**

- (1) The Registrar General shall furnish to every superintendent registrar a sufficient number of forms of certificates for marriage.

<sup>F154</sup>(2) . . . . .

**Textual Amendments**

**F154** S. 40(2) repealed (1.1.2001) by [1999 c. 33, s. 169\(1\)\(3\), Sch. 14 paras. 3, 22, Sch. 16; S.I. 2000/2698](#), **art. 2**

*Marriages in registered buildings*

**41 Registration of buildings [<sup>F155</sup>: marriage of a man and a woman]. E+W**

- (1) Any proprietor or trustee of a <sup>F156</sup>. . . building, which has been certified as required by law as a place of religious worship may apply to the superintendent registrar of the registration district in which the building is situated for the building to be registered for the solemnization of marriages therein.

[<sup>F157</sup>(1A) A reference in this section to the solemnization of marriage is a reference to the solemnization of marriage of a man and a woman.]

- [<sup>F158</sup>(2) Any person making such an application as aforesaid shall deliver to the superintendent registrar a certificate, signed in duplicate by at least twenty householders and dated not earlier than one month before the making of the application, stating that the building is being used by them as their usual place of public religious worship and that they desire that the building should be registered as aforesaid, and both certificates shall be countersigned by the proprietor or trustee by whom they are delivered.]



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- (3) The superintendent registrar shall send both certificates delivered to him under the last foregoing subsection to the Registrar General who shall register the building in a book to be kept for that purpose in the General Register Office.
- [<sup>F159</sup>(3A) The duty imposed by subsection (3) to register the building in a book may be discharged by registering the building in an approved electronic form.]
- (4) The Registrar General shall endorse on both certificates sent to him as aforesaid the date of the registration, and shall keep one certificate with the records of the General Register Office and shall return the other certificate to the superintendent registrar who shall keep it with the records of his office.
- (5) On the return of the certificate under the last foregoing subsection, the superintendent registrar shall—
- (a) enter the date of the registration of the building in a book to be provided for that purpose by the Registrar General;
  - (b) give a certificate of the registration signed by him, on durable materials, to the proprietor or trustee by whom the certificates delivered to him under subsection (2) of this section were countersigned; and
  - (c) give public notice of the registration of the building by advertisement in some newspaper circulating in the county in which the building is situated and in the London Gazette.
- (6) For every entry, certificate and notice made or given under the last foregoing subsection the superintendent registrar shall be entitled to receive, at the time of the delivery of the certificates under subsection (2) of this section, the sum of [<sup>F160</sup>£123.00].
- [<sup>F161</sup>(7) A building may be registered for the solemnization of marriages under this section whether it is a separate building or forms part of another building.]

#### Textual Amendments

- F155** Words in s. 41 title inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 8\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F156** Word repealed by [Marriage \(Registration of Buildings\) Act 1990 \(c. 33, SIF 49:1\), s. 1\(1\)](#)
- F157** S. 41(1A) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 8\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F158** S. 41(2) substituted by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)\(a\)](#)
- F159** S. 41(3A) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\), arts. 1\(1\), 8](#)
- F160** S. 41(6): it is provided that the fee payable from 1.9.2014 is £123 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\), arts. 1\(1\), 2, Sch. \(as amended \(1.9.2014\) by The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\), arts. 1, 2](#)
- F161** S. 41(7) substituted by [Marriage \(Registration of Buildings\) Act 1990 \(c. 33, SIF 49:1\), s. 1\(1\)](#)

#### Modifications etc. (not altering text)

- C42** S. 41 modified (13.3.2014) by [The Marriage of Same Sex Couples \(Registration of Buildings and Appointment of Authorised Persons\) Regulations 2014 \(S.I. 2014/106\), regs. 1, 9](#)

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**42** [<sup>F162</sup>**Cancellation of registration under section 41: building no longer used**] **E**  
**+W**

(1) Where, on an application made by or through the superintendent registrar of the registration district in which the building is situated, it is shown to the satisfaction of the Registrar General that a [<sup>F163</sup>building registered under section 41] is no longer used for the purpose of public religious worship by the congregation on whose behalf it was registered, he shall cause the registration to be cancelled <sup>F164</sup> . . .

<sup>F165</sup>(2) . . . . .

(3) Where the Registrar General cancels the registration of any building, <sup>F164</sup> . . . , under this section, he shall inform the superintendent registrar who shall enter that fact and the date thereof in the book provided for the registration of buildings, and shall certify and publish the cancellation <sup>F164</sup> . . . , in the manner provided by subsection (5) of the last foregoing section in the case of the <sup>F164</sup> . . . registration of a building.

[<sup>F166</sup>(3A) In a case where—

- (a) the registration of a building is cancelled under this section, and
- (b) the building is also registered under section 43A,

the Registrar General must also cancel the registration under section 43A.]

<sup>F165</sup>(4) . . . . .

(5) Where the registration of any building has been cancelled, <sup>F164</sup> . . . under this section, it shall not be lawful to solemnize any marriage in the disused building, unless the building has been registered again in accordance with the provisions of this Part of this Act.

**Textual Amendments**

**F162** S. 42 title substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 9\(2\)](#); S.I. 2014/93, art. 3(k)(i)

**F163** Words in s. 42(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 9\(3\)](#); S.I. 2014/93, art. 3(k)(i)

**F164** Words repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)

**F165** S. 42(2)(4) repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)

**F166** S. 42(3A) inserted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\), art. 1\(2\)](#), [Sch. 1 para. 5\(3\)](#)

**43** [<sup>F167</sup>**Buildings registered under section 41: appointment of authorised persons**] **E+W**

(1) For the purpose of enabling marriages to be solemnized in a [<sup>F168</sup>building registered under section 41] without the presence of a registrar, the trustees or governing body of that building may authorise a person to be present at the solemnization of marriages in that building and, where a person is so authorised in respect of any [<sup>F168</sup>building registered under section 41], the trustees or governing body of that building shall, within the prescribed time and in the prescribed manner, certify the name and address of the person so authorised to the Registrar General and to the superintendent registrar of the registration district in which the building is situated.

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[<sup>F169</sup>(1A) The power conferred by this section may only be exercised after the end of the relevant one year period (and, if that period has ended before the date of the registration under section 41, the power may accordingly be exercised immediately).

(1B) The relevant one year period is the period of one year beginning with the date of the registration of the building under section 41 (the “new registration”).

(1C) But if—

(a) there is any earlier registration of the building under section 43A which is still in force at the date of the new registration, or

(b) there has been any earlier qualifying registration of a previous building, the relevant one year period is the period of one year beginning with the date of that registration (or the earlier of those dates).

(1D) For that purpose there is a qualifying registration of a previous building if—

(a) the congregation on whose behalf the new registration is made previously used another building for the purpose of public religious worship,

(b) that building was registered under section 41 or 43A, and

(c) that registration was cancelled not more than one month before the date of the new registration.]

<sup>F170</sup>(2) .....

(3) Nothing in this section shall be taken to relate or have any reference to marriages solemnized according to the usages of the Society of Friends or of persons professing the Jewish religion.

**Textual Amendments**

**F167** S. 43 title substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 10\(2\)](#); S.I. 2014/93, art. 3(k)(i)

**F168** Words in s. 43(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 10\(3\)](#); S.I. 2014/93, art. 3(k)(i)

**F169** S. 43(1A)-(1D) substituted for words in s. 43(1) (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 10\(4\)](#); S.I. 2014/93, art. 3(k)(i)

**F170** S. 43(2) omitted (13.3.2014) by virtue of [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 7 para. 10\(5\)](#); S.I. 2014/93, art. 3(k)(i)

[<sup>F171</sup>**43A Registration of buildings: marriage of same sex couples** **E+W**

(1) A building that has been certified as required by law as a place of religious worship may be registered under this section for the solemnization of marriages of same sex couples.

(2) Any application for registration of a building under this section is to be made—

(a) by a proprietor or trustee of the building;

(b) to the superintendent registrar of the registration district in which the building is situated.

(3) An application for registration of a building under this section must be accompanied by—

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- (a) a certificate, given by the applicant and dated not earlier than one month before the making of the application, that the persons who are the relevant governing authority in relation to the building have given written consent to marriages of same sex couples as mentioned in section 26A(3),
  - (b) a copy of that consent, and
  - (c) if the building is not already registered under section 41, a certificate of use for religious worship.
- (4) The superintendent registrar must send to the Registrar General—
- (a) the certificate or certificates, and
  - (b) the copy of the consent,
- which accompany an application under this section.
- (5) The Registrar General must then register the building.
- (6) A building may be registered for the solemnization of marriages under this section whether it is a separate building or forms part of another building.
- (7) In this section, in relation to an application under this section, “certificate of use for religious worship” means a certificate given by at least twenty householders and dated not earlier than one month before the making of the application, stating that they—
- (a) use the building as their usual place of public religious worship, and
  - (b) wish the building to be registered under this section.

#### Textual Amendments

**F171** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

#### 43B **Buildings registered under section 43A: appointment of authorised persons** E

+W

- (1) For the purpose of enabling marriages to be solemnized in a building registered under section 43A without the presence of a registrar, the trustees or governing body of that building may authorise a person to be present at the solemnization of marriages in that building.
- (2) Where a person is so authorised in respect of any building registered under section 43A, the trustees or governing body of that building must certify the name and address of the person so authorised to—
  - (a) the Registrar General, and
  - (b) the superintendent registrar of the registration district in which the building is situated.
- (3) The power conferred by this section may only be exercised after the end of the relevant one year period (and, if that period has ended before the date of the registration under section 43A, the power may accordingly be exercised immediately).
- (4) The relevant one year period is the period of one year beginning with the date of the registration of the building under section 43A (the “new registration”).
- (5) But if—

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- (a) there is any earlier registration of the building under section 41 which is still in force at the date of the new registration, or
  - (b) there has been any earlier qualifying registration of a previous building,
- the relevant one year period is the period of one year beginning with the date of that registration (or the earlier of those dates).
- (6) For that purpose there is a qualifying registration of a previous building if—
    - (a) the congregation on whose behalf the new registration is made previously used another building for the purpose of public religious worship,
    - (b) that building was registered under section 41 or 43A, and
    - (c) that registration was cancelled not more than one month before the date of the new registration.
  - (7) A reference in this section to the solemnization of marriage is a reference to the solemnization of marriage of a same sex couple.
  - (8) Nothing in this section is to be taken to relate or have any reference to marriages solemnized according to the usages of the Society of Friends or of persons professing the Jewish religion.

#### Textual Amendments

**F171** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

### 43C Cancellation of registration under section 43A **E+W**

- (1) The registration of a building under section 43A may be cancelled under this section.
- (2) Any application under this section is to be made—
  - (a) by a proprietor or trustee of the building;
  - (b) to the superintendent registrar of the registration district in which the building is situated.
- (3) The superintendent registrar must forward any application under this section to the Registrar General; and the Registrar General must then cancel the registration of the building.
- (4) This section is subject (in particular) to sections 44A to 44C (registration of shared buildings for marriage of same sex couples) and regulations made under any of those sections.

#### Textual Amendments

**F171** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

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#### 43D Regulations about sections 41 and 43 and 43A to 43C **E+W**

- (1) The Secretary of State may by statutory instrument make regulations about the procedures to be followed and the fees payable—
  - (a) on registration applications;
  - (b) in relation to section 43B authorisations;
  - (c) on cancellation applications.
- (2) The Secretary of State may by statutory instrument make—
  - (a) regulations modifying the application of section 41 or 43 in relation to buildings that are already registered under section 43A;
  - (b) regulations about cases where a person makes applications under sections 41 and 43A, or gives or certifies authorisations under sections 43 and 43B, in respect of the same building at the same time (including provision modifying any requirement imposed by any of those sections or by regulations under subsection (1) of this section).
- (3) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (4) In this section—
 

“cancellation application” means an application under section 43C for the cancellation of the registration of a building;

“registration application” means an application under section 43A for the registration of a building;

“section 43B authorisation” means the authorisation of a person under section 43B to be present at the solemnization of marriages in a building registered under section 43A.]

#### Textual Amendments

**F171** Ss. 43A–43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 1 para. 2**; S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

#### 44 Solemnization of marriage in registered building. **E+W**

- (1) Subject to the provisions of this section, where [<sup>F172</sup>the notices of marriage and certificates] issued by a superintendent registrar state that a marriage between the persons named therein is intended to be solemnized in a registered building, the marriage may be solemnized in that building according to such form and ceremony as those persons may see fit to adopt:
 

Provided that no marriage shall be solemnized in any registered building without the consent of the minister or of one of the trustees, owners, deacons or managers thereof, or in the case of a registered building of the Roman Catholic Church, without the consent of the officiating minister thereof.
- (2) Subject to the provisions of this section, a marriage solemnized in a registered building shall be solemnized with open doors in the presence of two or more witnesses and in the presence of either—

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (a) a registrar of the registration district in which the registered building is situated, or
- (b) an authorised person whose name and address have been certified in accordance with [<sup>F173</sup>section 43 (in the case of the marriage of a man and a woman), or section 43B (in the case of the marriage of a same sex couple),] by the trustees or governing body of that registered building or of some other registered building in the same registration district.
- (3) Where a marriage is solemnized in a registered building each of the persons contracting the marriage shall, in some part of the ceremony and in the presence of the witnesses and the registrar or authorised person, make the following declaration:—
- “I do solemnly declare that I know not of any lawful impediment why I,*AB*, may not be joined in matrimony to*CD*”
- and each of them shall say to the other:—
- “I call upon these persons here present to witness that I,*AB*, do take thee,*CD*, to be my lawful wedded wife [*or husband*]”:
- [<sup>F174</sup>(3A) As an alternative to the declaration set out in subsection (3) of this section the persons contracting the marriage may make the requisite declaration either—
- (a) by saying “I declare that I know of no legal reason why I [*name*] may not be joined in marriage to [*name*]”; or
- (b) by replying “I am” to the question put to them successively “Are you [*name*] free lawfully to marry [*name*]?”;
- and as an alternative to the words of contract set out in that subsection the persons to be married may say to each other “I [*name*] take you [*or thee*] [*name*] to be my wedded wife [*or husband*]”.]
- (4) A marriage shall not be solemnized in a registered building without the presence of a registrar until duplicate marriage register books have been supplied by the Registrar General under Part IV of this Act to the authorised person or to the trustees or governing body of the building.
- (5) If the Registrar General is not satisfied with respect to any building registered or proposed to be registered for the solemnization of marriages therein that sufficient security exists for the due registration of marriages by an authorised person under Part IV of this Act and for the safe custody of marriage register books, he may in his discretion attach to the continuance of the registration, or to the registration, of the building a condition that no marriage may be solemnized therein without the presence of a registrar.

#### Textual Amendments

**F172** Words in s. 44(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 23; S.I. 2000/2698, art. 2

**F173** Words in s. 44(2)(b) substituted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 11; S.I. 2014/93, art. 3(k)(i)

**F174** S. 44(3A) substituted for s. 44(3) proviso (1.2.1997) by 1996 c. 34, s. 1(1); S.I. 1996/2506, art. 2

#### Modifications etc. (not altering text)

**C43** S. 44(3) applied by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 10(3)

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

*f<sup>F175</sup>Registration of shared buildings for marriage of same sex couples*

**Textual Amendments**

**F175** Ss. 44A-44D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 1 para. 3**; S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

**44A Building subject to Sharing of Church Buildings Act 1969: registration** **U.K.**

- (1) This section applies to a registration application relating to a building that is—
  - (a) subject to a sharing agreement, or
  - (b) used as mentioned in section 6(4) of the 1969 Act.
- (2) The registration application must be made in accordance with section 43A (as read with section 26A(3)).
- (3) But those provisions have effect subject to the following provisions of this section.
- (4) Each of the sharing churches is a relevant religious organisation for the purposes of section 26A(3).
- (5) A consent given under section 26A(3) (a “consent to marriages of same sex couples”) by the relevant governing authority of any of the sharing churches is therefore sufficient for the registration application to be made in compliance with section 26A(3) (and references to the consent of the relevant governing authority in section 43A are to be read accordingly).
- (6) But the registration application may not be made unless the relevant governing authorities of each of the sharing churches (other than those which have given consents to marriages of same sex couples) have given a separate written consent to the use of the shared building for the solemnization of marriages of same sex couples (a “consent to use”).
- (7) The registration application must also be accompanied by—
  - (a) a certificate, given by the applicant and dated not more than one month before the making of the application, that the relevant governing authorities mentioned in subsection (6) have given written consents to use, and
  - (b) copies of those consents.
- (8) The superintendent registrar must also send to the Registrar General—
  - (a) the certificate, and
  - (b) the copies of the consents,
 which accompany the application in accordance with subsection (7).
- (9) The Registrar General must not register the shared building unless and until subsection (8) and the requirements of section 43A have been complied with.
- (10) The Secretary of State may by statutory instrument make regulations containing such provision supplementing this section as the Secretary of State thinks appropriate.



*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### **44B Building subject to Sharing of Church Buildings Act 1969: cancellation** **U.K.**

- (1) This section applies to a cancellation application relating to a building that is—
  - (a) subject to a sharing agreement, or
  - (b) used as mentioned in section 6(4) of the 1969 Act.
- (2) The cancellation application must be made in accordance with section 43C.
- (3) But section 43C has effect subject to the following provisions of this section.
- (4) The cancellation application may be made either—
  - (a) by a proprietor or trustee of the building, or
  - (b) by the relevant governing authority of any of the sharing churches.
- (5) For that purpose, in relation to a sharing church, “relevant governing authority” means the person or persons recognised by the members of the sharing church as competent for the purpose of making an application under section 43C in the circumstances to which this section applies.
- (6) In a case where the cancellation application is made by a relevant governing authority in accordance with subsection (4)(b)—
  - (a) the application must be accompanied by a certificate, given by persons making the application, that they are the relevant governing authority of one of the sharing churches; and
  - (b) the superintendent registrar must (in addition to forwarding the application in accordance with section 43C(3)) send a copy of that certificate to the Registrar General.
- (7) The Secretary of State may by statutory instrument make regulations containing such provision supplementing this section as the Secretary of State thinks appropriate.

#### **44C Other shared places of worship: registration and cancellation** **U.K.**

- (1) The Secretary of State may by statutory instrument make regulations about—
  - (a) registration applications relating to other shared places of worship;
  - (b) cancellation applications relating to other shared places of worship;
  - (c) the sharing churches' use of other shared places of worship (in cases where those places are registered under section 43A) for the solemnization of marriages of same sex couples.
- (2) The provision that may be made under subsection (1)(a) or (b) includes provision about the procedures to be followed on registration applications or cancellation applications.
- (3) In this section “other shared place of worship” means a shared building—
  - (a) which has been certified as required by law as a place of religious worship, but
  - (b) to which sections 44A and 44B do not apply because the building is neither—
    - (i) subject to a sharing agreement, nor
    - (ii) used as mentioned in section 6(4) of the 1969 Act.

#### **44D Sections 44A to 44C: supplementary provision** **U.K.**

- (1) In sections 44A to 44C (and this section)—

“1969 Act” means the Sharing of Church Buildings Act 1969;

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“cancellation application” means an application under section 43C for the cancellation of the registration of a building;

“registration application” means an application under section 43A for the registration of a building;

“sharing agreement” has the meaning given in section 1 of the 1969 Act;

“shared building” means a building that is—

- (a) subject to a sharing agreement,
- (b) used as mentioned in section 6(4) of the 1969 Act, or
- (c) otherwise shared;

“shared building provisions” means sections 44A to 44C;

“sharing churches” means—

- (a) in the case of a building subject to a sharing agreement, the churches that have made the agreement;
- (b) in the case of a building used as mentioned in section 6(4) of the 1969 Act, the churches that so use it;
- (c) in the case of any other shared building, the religious organisations (whether Christian or of another faith) that share it.

(2) Regulations under any of the shared building provisions may provide for a registration application relating to a shared building to be made otherwise than by the proprietor or trustee of the building (whether or not the proprietor or trustee retains power to make such an application).

(3) Regulations under any of the shared building provisions may make provision about any of these cases—

- (a) the case where a building registered under section 43A becomes a shared building;
- (b) the case where a building registered under section 43A ceases to be a shared building;
- (c) the case where a building is registered under section 43A and there is a change in the churches which are sharing churches;

and the provision that may be made about such a case includes provision for the modification, suspension or cancellation of the registration under section 43A.

(4) Regulations under any of the shared building provisions may make provision about the use of shared buildings for the solemnization of—

- (a) marriages of same sex couples according to the usages of the Society of Friends (commonly called Quakers), and
- (b) marriages of same sex couples professing the Jewish religion according to the usages of the Jews.

(5) The provision that may be made about the use of shared buildings for the solemnization of such marriages includes—

- (a) provision about the giving of consent by the relevant governing authority for the purposes of a registration application or cancellation application (including provision for identifying the relevant governing authority);
- (b) provision corresponding to, or applying, any provision of section 43B (with or without modifications).

(6) Regulations under any of the shared buildings provisions may amend any England and Wales legislation.

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- (7) Subsections (2) to (6) do not limit the power under any of the shared building provisions to make regulations.
- (8) A statutory instrument containing regulations under any of the shared building provisions may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.]

### *Marriages in register offices*

#### **45 Solemnization of marriage in register office. E+W**

- (1) Where a marriage is intended to be solemnized on the authority of [<sup>F176</sup>certificates] of a superintendent registrar, the persons to be married may state in the [<sup>F177</sup>notices] of marriage that they wish to be married in the office of the superintendent registrar or one of the superintendent registrars, as the case may be, to whom notice of marriage is given, and where any such [<sup>F178</sup>notices have] been given and the [<sup>F179</sup>certificates] have been issued accordingly, the marriage may be solemnized in the said office, with open doors, in the presence of the superintendent registrar and a registrar of the registration district of that superintendent registrar 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) [<sup>F180</sup>or (3A)] of the last foregoing section in the case of marriages in registered buildings in the presence of a registrar.
- (2) No religious service shall be used at any marriage solemnized in the office of a superintendent registrar.

#### **Textual Amendments**

- F176** Word in s. 45(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **24(a)**; S.I. 2000/2698, **art. 2**
- F177** Word in s. 45(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **24(b)**; S.I. 2000/2698, **art. 2**
- F178** Words in s. 45(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **24(c)**; S.I. 2000/2698, **art. 2**
- F179** Word in s. 45(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **24(d)**; S.I. 2000/2698, **art. 2**
- F180** Words in s. 45(1) inserted (1.2.1997) by 1996 c. 34, s. **1(2)(a)**; S.I. 1996/2506, **art. 2**

#### **[<sup>F181</sup>45A Solemnization of certain marriages. U.K.]**

- (1) This section applies to marriages solemnized, otherwise than according to the rites of the Church of England, in pursuance of section 26(1)(dd) [<sup>F182</sup>or 26B(6)] of this Act at the place where a person usually resides.
- (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) [<sup>F183</sup>or (3A)] of section 44 of this Act in the case of marriages in registered buildings in the presence of a registrar.

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (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) [<sup>F183</sup>or (3A)] 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.]

#### Textual Amendments

**F181** S. 45A inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 11](#)

**F182** Words in s. 45A inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 7 para. 12](#); [S.I. 2014/93](#), art. 3(k)(i)

**F183** Words in s. 45A(2)(3) inserted (1.2.1997) by [1996 c. 34](#), s. 1(2)(a); [S.I. 1996/2506](#), art. 2

#### 46 Register office marriage followed by religious ceremony. E+W

- (1) If the parties to a [<sup>F184</sup>relevant marriage] desire to add the religious ceremony ordained or used by the church or persuasion of which they are members, they may present themselves, after giving notice of their intention so to do, to the clergyman or minister of the church or persuasion of which they are members, and the clergyman or minister, 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 church or chapel of which he is the regular minister the marriage service of the church or persuasion to which he belongs or nominate some other minister to do so.

[<sup>F185</sup>(1A) In this section “relevant marriage” means—

- (a) the marriage of a man and a woman solemnized in the presence of a superintendent registrar,
- (b) the marriage of a same sex couple solemnized in the presence of a superintendent registrar, and
- (c) a marriage which arises from the conversion of a civil partnership under regulations under section 9 of the [Marriage \(Same Sex Couples\) Act 2013](#).

(1B) This section does not authorise the marriage service of the Church of England to be read or celebrated in the case of a relevant marriage of a same sex couple.

(1C) This section does not authorise any other marriage service to be read or celebrated in the case of a relevant marriage of a same sex couple unless the relevant governing authority has given written consent to the reading or celebration of that service in the case of such marriages.

(1D) For that purpose—

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“relevant governing authority” means the person or persons recognised by the members of the relevant religious organisation as competent for the purpose of giving consent for the purposes of this section;

“relevant religious organisation” means the religious organisation whose marriage service is to be read or celebrated.]

- (2) Nothing in the reading or celebration of a marriage service under this section shall supersede or invalidate any marriage previously [<sup>F186</sup>solemnised in the presence of a superintendent registrar], and the reading or celebration shall not be entered as a marriage in any marriage register book kept under Part IV of this Act.
- (3) No person who is not entitled to solemnize marriages according to the rites of the Church of England shall by virtue of this section be entitled to read or celebrate the marriage service in any church or chapel of the Church of England.

#### Textual Amendments

- F184** Words in s. 46(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 13\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F185** S. 46(1A)-(1D) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 13\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F186** Words “solemnised in the presence of a superintendent registrar” substituted (E.W.) for words “solemnized in the office of a superintendant registrar” by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 12](#)

#### Modifications etc. (not altering text)

- C44** S. 46(2)(3) applied by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 11\(2\)](#)

### <sup>F187</sup> *Marriages on approved premises*

#### Textual Amendments

- F187** Ss. 46A, 46B and cross-heading inserted (24.2.1995) by [1994 c. 34, ss. 1\(2\), 3\(2\)](#); S.I. 1995/424, art. 2(1)(a)

### <sup>F188</sup> **46A Approval of premises.** **E+W**

- (1) The [<sup>F189</sup>Secretary of State] may by regulations make provision for and in connection with the approval by local authorities of premises for the solemnization of marriages in pursuance of section 26(1)(bb) of this Act.
- (2) The matters dealt with by the regulations may include—
  - (a) the kinds of premises in respect of which approvals may be granted;
  - (b) the procedure to be followed in relation to applications for approval;
  - (c) the considerations to be taken into account by a local authority in determining whether to approve any premises;
  - (d) the duration and renewal of approvals;
  - (e) the conditions that must or may be imposed by a local authority on granting or renewing an approval;

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- (f) the determination and charging by local authorities of fees in respect of applications for the approval of premises and in respect of the renewal of approvals;
  - (g) the circumstances in which a local authority must or may revoke an approval;
  - (h) the review of any decision to refuse an approval or the renewal of an approval, to impose conditions on granting or renewing an approval or to revoke an approval;
  - (i) the notification to the Registrar General of all approvals granted, renewed or revoked;
  - (j) the keeping by local authorities of registers of approved premises;
  - (k) the issue by the Registrar General of guidance supplementing the provision made by the regulations.
- (3) In this section “local authority” means a county council, metropolitan district council [<sup>F190</sup>London borough council or the Common Council of the City of London].
- (4) Regulations under this section may make different provision for different cases or circumstances.
- (5) Any regulations under this section shall be made by statutory instrument, subject to annulment in pursuance of a resolution of either House of Parliament.

#### Textual Amendments

**F188** S. 46A inserted (24.2.1995) by 1994 c. 34, s. 1(2); S.I. 1995/424, art. 2(1)(a)

**F189** Words in s. 46A(1) substituted (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 1(2), Sch. 2 para. 5(2)(a) (with art. 4)

**F190** Words in s. 46A(3) substituted (18.7.1996) by 1996 c. iv, s. 3(2) (with s. 5)

#### Modifications etc. (not altering text)

**C45** S. 46A: transfer of functions (1.4.1996) by S.I. 1996/273, art. 3(1), Sch. 1 para. 7

S. 46A: functions of local authority not to be responsibility of an executive of the authority (E.) (16.11.2000) by virtue of S.I. 2000/2853, reg. 2(1), Sch. 1 para. B36

**C46** S. 46A(1): transfer of functions (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 1(2), Sch. 1 para. 5(c) (with art. 4)

#### <sup>F191</sup>**46B Solemnization of marriage on approved premises.** E+W

- (1) Any marriage on approved premises in pursuance of section 26(1)(bb) of this Act shall be solemnized in the presence of—
- (a) two witnesses, and
  - (b) the superintendent registrar and a registrar of the registration district in which the premises are situated.
- (2) Without prejudice to the width of section 46A(2)(e) of this Act, the [<sup>F192</sup>Secretary of State] shall exercise his power to provide for the imposition of conditions as there mentioned so as to secure that members of the public are permitted to attend any marriage solemnized on approved premises in pursuance of section 26(1)(bb) of this Act.

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (3) Each of the persons contracting such a marriage shall make the declaration and use the form of words set out in section 44(3) [<sup>F193</sup>or (3A)] of this Act in the case of marriages in registered buildings <sup>F194</sup> . . . .
- (4) No religious service shall be used at a marriage on approved premises in pursuance of section 26(1)(bb) of this Act.]

#### Textual Amendments

- F191** S. 46B inserted (in force for specified purposes on 24.2.1995 and 1.4.1995 respectively) by 1994 c. 34, s. 1(2); S.I. 1995/424, art. 2(1)(a)(2)(b)
- F192** Words in s. 46B(2) substituted (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 1(2), Sch. 2 para. 5(2)(b) (with art. 4)
- F193** Words in s. 46B(3) inserted (1.2.1997) by 1996 c. 34, s. 1(2)(b); S.I. 1996/2506, art. 2
- F194** Words in s. 46B(3) omitted (1.2.1997) by virtue of 1996 c. 34, s. 1(2)(b); S.I. 1996/2506, art. 2

### *Marriages according to usages of Society of Friends*

#### 47 **Marriages according to usages of Society of Friends.** **E+W**

- (1) No person who is not a member of the Society of Friends shall be married according to the usages of that Society unless he or she is authorised to be so married under or in pursuance of a general rule of the said Society in England.
- (2) A marriage solemnized according to the said usages shall not be valid unless either—
  - (a) [<sup>F195</sup>each person] giving notice of marriage declares, either verbally or, if so required, in writing, that each of the parties to the marriage is either a member of the Society of Friends or is in profession with or of the persuasion of that Society; or
  - (b) there is produced to the superintendent registrar, at the time when notice of marriage is given, a certificate purporting to be signed by a registering officer of the Society of Friends in England to the effect that any party to the marriage who is not a member of the Society of Friends or in profession with or of the persuasion of that Society, is authorised to be married according to the said usages under or in pursuance of a general rule of the said Society in England.
- (3) Any such certificate as aforesaid shall be for all purposes conclusive evidence that any person to whom it relates is authorised to be married according to the usages of the said Society, and the entry of the marriage in a marriage register book under Part IV of this Act, or a certified copy thereof made under the said Part IV, shall be conclusive evidence of the production of such a certificate.
- (4) A copy of any general rule of the Society of Friends purporting to be signed by the recording clerk for the time being of the said Society in London shall be admitted as evidence of the general rule in all proceedings touching the validity of any marriage solemnized according to the usages of the said Society.

#### Textual Amendments

- F195** Words in s. 47(2)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 25; S.I. 2000/2698, art. 2

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

### Miscellaneous Provisions

#### 48 **Proof of certain matters not necessary to validity of marriages.** E+W

- (1) Where any marriage has been solemnized under the provisions of this Part of this Act, it shall not be necessary in support of the marriage to give any proof—
- (a) that before the marriage either of the parties thereto resided, or resided for any period, in the registration district stated in the [<sup>F196</sup>notices] of marriage to be that of his or her place of residence;
  - (b) that any person whose consent to the marriage was required by section three of this Act had given his consent;
  - (c) that the registered building in which the marriage was solemnized had been certified as required by law as a place of religious worship;
  - (d) that that building was the usual place of worship of either of the parties to the marriage; <sup>F197</sup> ...
  - [<sup>F198</sup>(da) that, in the case of a marriage under section 26B(2), (4) or (6), the relevant governing authority had given consent as mentioned in section 26B(2)(b), (4) (b) or (6)(d);]
  - (e) that the facts stated in a declaration made under subsection (1) of section thirty-five of this Act were correct; [<sup>F199</sup>or
  - (ea) that, in the case of a marriage under section 26A, the relevant governing authority had given consent as mentioned in section 26A(3);]
- nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.
- (2) A marriage solemnized in accordance with the provisions of this Part of this Act in a registered building which has not been certified as required by law as a place of religious worship shall be as valid as if the building had been so certified.

#### Textual Amendments

**F196** Word in s. 48(1)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, 26; S.I. 2000/2698, art. 2

**F197** Word in s. 48(1)(d) omitted (13.3.2014) by virtue of Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 14(a); S.I. 2014/93, art. 3(k)(i)

**F198** S. 48(1)(da) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 14(b); S.I. 2014/93, art. 3(k)(i)

**F199** S. 48(1)(ea) and word inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 14(c); S.I. 2014/93, art. 3(k)(i)

#### Modifications etc. (not altering text)

**C47** S. 48 applied with modifications by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 12

#### 49 **Void marriages.** E+W

If any persons knowingly and wilfully intermarry under the provisions of this Part of this Act—

- (a) without having given due notice of marriage to the superintendent registrar;



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- (b) without a certificate for marriage having been duly issued [<sup>F200</sup>,in respect of each of the persons to be married,] by the superintendent registrar to whom notice of marriage was given;
  - <sup>F201</sup>(c) .....
  - (d) on the authority of [<sup>F202</sup>certificates which are] void by virtue of subsection (2) of section thirty-three of this Act;
  - (e) in any place other than the church, chapel, registered building, office or other place specified in the [<sup>F203</sup>notices] of marriage and [<sup>F203</sup>certificates] of the superintendent registrar;
  - <sup>F204</sup>(ee) in the case of a marriage purporting to be in pursuance of section 26(1)(bb) of this Act, on any premises that at the time the marriage is solemnized are not approved premises;]
  - (f) in the case of a marriage in a registered building (not being a marriage in the presence of an authorised person), in the absence of a registrar of the registration district in which the registered building is situated; <sup>F205</sup> ...
  - (g) in the case of a marriage in the office of a superintendent registrar, in the absence of the superintendent registrar or of a registrar of the registration district of that superintendent registrar; <sup>F205</sup> [<sup>F206</sup> ...
  - <sup>F207</sup> [ in the case of a marriage on approved premises, in the absence of the superintendent registrar of the registration district in which the premises are situated or in the absence of a registrar of that district; 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;]
- the marriage shall be void.

#### Textual Amendments

- F200** Words in s. 49(b) inserted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **27(a)**; S.I. 2000/2698, **art. 2**
- F201** S. 49(c) repealed (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **27(b)**; S.I. 2000/2698, **art. 2**
- F202** Words in s. 49(d) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **27(c)**; S.I. 2000/2698, **art. 2**
- F203** Words in s. 49(e) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **27(d)**; S.I. 2000/2698, **art. 2**
- F204** S. 49(ee) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 3(a)**; S.I. 1995/424, **art. 2(2)(c)**
- F205** Word in s. 49(f)(g) omitted (1.4.1995) by virtue of 1994 c. 34, s. 1(3), **Sch. para. 3(b)**; S.I. 1995/424, **art. 2(2)(c)**
- F206** S. 49(h) and word “or” immediately preceding it inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 13**
- F207** S. 49(gg) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 3(c)**; S.I. 1995/424, **art. 2(2)(c)**

#### Modifications etc. (not altering text)

- C48** S. 49 applied (with modifications) by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 13

### <sup>F208</sup> **49A Void marriages: additional provision about same sex couples** **E+W**

- (1) If a same sex couple knowingly and wilfully intermarries under the provisions of this Part of this Act in the absence of the required consent, the marriage shall be void.

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (2) In this section, in relation to a marriage of a same sex couple, “required consent” means consent under—
- (a) section 26A(3), in a case where section 26A applies to the marriage (but section 44A does not apply to it);
  - (b) section 26A(3) and section 44A(6), in a case where section 26A and section 44A apply to the marriage;
  - <sup>F209</sup>(ba) [ section 26A(3) and under any regulations made under section 44C that require the consent to use of a building for the solemnization of marriages of same sex couples, in a case where section 26A and section 44C apply to the marriage;]
  - (c) section 26B(2)(b), in a case where section 26B(1), (2) and (3) apply to the marriage;
  - (d) section 26B(4)(b), in a case where section 26B(1), (4) and (5) apply to the marriage;
  - (e) section 26B(6)(d), in a case where section 26B(1), (6) and (7) apply to the marriage.]

**Textual Amendments**

**F208** S. 49A inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 15; S.I. 2014/93, art. 3\(k\)\(i\)](#)

**F209** S. 49A(2)(ba) inserted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\), art. 1\(2\), Sch. 1 para. 5\(4\)](#)

**50 Person to whom certificate to be delivered. E+W**

- (1) Where a marriage is intended to be solemnized on the authority of [<sup>F210</sup>certificates] of a superintendent registrar, <sup>F211</sup>. . . the certificates shall be delivered to the following person, that is to say:—
- (a) if the marriage is to be solemnized in a registered building [<sup>F212</sup>or at a person’s residence] in the presence of a registrar, that registrar;
  - (b) if the marriage is to be solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is to be solemnized;
  - (c) if the marriage is to be solemnized in the office of a superintendent registrar, the registrar in whose presence the marriage is to be solemnized;
  - <sup>F213</sup>(cc) if the marriage is to be solemnized on approved premises, the registrar in whose presence the marriage is to be solemnized;]
  - (d) if the marriage is to be solemnized according to the usages of the Society of Friends, the registering officer of that Society for the place where the marriage is to be solemnized;
  - (e) if the marriage is to be solemnized according to the usages of persons professing the Jewish religion, the officer of a synagogue by whom the marriage is required to be registered under Part IV of this Act;
  - (f) if the marriage is to be solemnized according to the rites of the Church of England, the officiating clergyman.

<sup>F214</sup>(2) . . . . .

- (3) Where a marriage is solemnized in a registered building without the presence of a registrar, the [<sup>F215</sup>certificates] shall be kept in the prescribed custody and shall be

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produced with the marriage register books kept by the authorised person under Part IV of this Act as and when required by the Registrar General.

#### Textual Amendments

- F210** Word in s. 50(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **28(a)**; S.I. 2000/2698, **art. 2**
- F211** Words in s. 50(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 28(a), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F212** Words inserted (E.W.) by **Marriage Act 1983** (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 14**
- F213** S. 50(1)(cc) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 4**; S.I. 1995/424, **art. 2(2)(c)**
- F214** S. 50(2) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 28(b), **Sch. 16**; S.I. 2000/2698, **art. 2**
- F215** Word in s. 50(3) substituted (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, **28(c)**; S.I. 2000/2698, **art. 2**

#### 51 Fees of registrars for attending marriages. **E+W**

[<sup>F216</sup>(1)] A registrar shall be entitled to receive from persons married under this Part of this Act in his presence <sup>F217</sup>. . . the sum of [<sup>F218</sup>£46.00][<sup>F218</sup>£86.00][<sup>F218</sup>£81.00][<sup>F218</sup>£88.00].

[<sup>F219</sup>(1A) In the case of persons married on approved premises in pursuance of section 26(1) (bb) of this Act—

- (a) subsection (1) of this section shall not apply, but
- (b) the superintendent registrar in whose presence the persons are married shall be entitled to receive from them a fee of an amount determined in accordance with regulations under section 46A of this Act by the local authority that approved the premises.]

[<sup>F220</sup>(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 [<sup>F221</sup>£84.00][<sup>F221</sup>£94.00]].

#### Textual Amendments

- F216** S. 51(1): s. 51 renumbered as s. 51(1) (E.W.) by **Marriage Act 1983** (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 15**
- F217** Words in s. 51(1) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 29, **Sch. 16**; S.I. 2000/2698, **art. 2**
- F218** S. 51(1): it is provided that from 1.9.2014 the fee of registrar for attending marriage (a) at register office is £46 (b) at registered building is £86 (c) at the place where a house-bound person usually resides is £81 and (d) at a place where a detained person usually resides is £88 by **The Registration of Births, Deaths and Marriages (Fees) Order 2010** (S.I. 2010/441), arts. 1(1), 2, Sch. (as amended (1.9.2014) by **The Registration of Births, Deaths and Marriages (Fees) (Amendment) Order 2014** (S.I. 2014/1790), arts. 1, 2)
- F219** S. 51(1A) inserted (24.2.1995) by 1994 c. 34, s. 1(3), **Sch. para. 5**; S.I. 1995/424, **art. 2(1)(b)**
- F220** S. 51(2) added (E.W.) by **Marriage Act 1983** (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 15**
- F221** S. 51(2): it is provided that from 1.9.2014 the fee of superintendent registrar attending marriage at the place where (a) a house-bound person usually resides is £84 and (b) where a detained person usually resides is £94 by **The Registration of Births, Deaths and Marriages (Fees) Order 2010** (S.I. 2010/441),

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arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)

## 52 Provision for marriages in Welsh language. E+W

The Registrar General shall furnish to every registrar in Wales and in every place in which the Welsh language is commonly used a true and exact translation into the Welsh language of the [<sup>F222</sup>declarations and forms of words] required to be used under section forty-four of this Act, and the said translation may be used in any place in which the Welsh language is commonly used in the same manner as is prescribed by the said section forty-four for the use of the [<sup>F222</sup>declarations and forms of words] in the English language.

### Textual Amendments

**F222** Words in s. 52 substituted (1.2.1997) by [1996 c. 34, s. 1\(3\)](#); [S.I. 1996/2506, art. 2](#)

## PART IV E+W

### REGISTRATION OF MARRIAGES

## 53 Persons by whom marriages are to be registered. E+W

Subject to the provisions of Part V of this Act, a marriage shall be registered in accordance with the provisions of this Part of this Act by the following person, that is to say,—

- (a) in the case of a marriage solemnized according to the rites of the Church of England, by 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, by the registering officer of that Society appointed for the district in which the marriage is solemnized;
- (c) in the case of a marriage solemnized according to the usages of persons professing the Jewish [<sup>F223</sup>religion—
  - (i) where the parties to the marriage are both members of the same synagogue, the marriage shall be registered by the secretary of that synagogue; and
  - (ii) where the parties to the marriage are members of different synagogues, the marriage shall be registered by the secretary of whichever of those synagogues the parties to the marriage nominate;]
- (d) in the case of a marriage solemnized in a registered building [<sup>F224</sup>or at a person's residence] in the presence of a registrar, by that registrar;
- (e) in the case of a marriage solemnized in a registered building without the presence of a registrar, by the authorised person in whose presence the marriage is solemnized;
- (f) in the case of a marriage solemnized in the office of a superintendent registrar, by the registrar in whose presence the marriage is solemnized.
- [<sup>F225</sup>(g) in the case of a marriage solemnized on approved premises in pursuance of section 26(1)(bb) of this Act, by the registrar in whose presence the marriage is solemnized.]

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#### Textual Amendments

- F223** Words in s. 53(c) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 16](#); S.I. 2014/93, art. 3(k)(i)
- F224** Words in s. 53(d) inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 16](#)
- F225** S. 53(g) added (1.4.1995) by [1994 c. 34, s. 1\(3\), Sch. para. 6](#); S.I. 1995/424, art. 2(2)(c)

#### 54 Provision of marriage register books by Registrar General. **E+W**

- (1) The Registrar General shall furnish to the rector, vicar or curate in charge of every church and chapel in which marriages may be solemnized according to the rites of the Church of England (hereafter in this Part of this Act referred to as the “incumbent”) and to every registering officer of the Society of Friends, secretary of a synagogue and registrar and, in the case of a registered building for which an authorised person has been appointed, to the authorised person or to the trustees or governing body of the building, such number of register books for making entries of marriages in the prescribed form, and such number of forms for making certified copies of those entries, as may be required for the purposes of this Part of this Act.
- (2) Marriage register books furnished as aforesaid shall be of durable materials, and the heads of information required to be known and registered in relation to marriages shall be printed on each side of every leaf thereof; and every page of a marriage register book, and every place of entry therein, shall be numbered progressively from the beginning to the end of the book, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

#### 55 Manner of registration of marriages. **E+W**

- (1) Every person who is required under this Part of this Act to register a marriage shall, immediately after the solemnization of the marriage, or, in the case of a marriage according to the usages of the Society of Friends, as soon as conveniently may be after the solemnization of the marriage, register in duplicate in two marriage register books the particulars relating to the marriage in the prescribed form:

Provided that—

- (a) where a registrar is required to register a marriage as aforesaid, the said particulars need not be registered in duplicate;
  - (b) before registering a marriage in accordance with the provisions of this Part of this Act, a registering officer of the Society of Friends and a secretary of a synagogue shall, whether or not he was present at the marriage, satisfy himself that the proceedings in relation to the marriage were conformable to the usages of the said Society or of persons professing the Jewish religion, as the case may be.
- (2) Every entry made in a marriage register book by virtue of this section by a clergyman, registering officer, secretary or authorised person shall be signed by the clergyman, registering officer, secretary or authorised person, as the case may be, and by the parties to the marriage and two witnesses, and every entry so made by a registrar shall be signed by the person by or before whom the marriage was solemnized, if any, and by the registrar, the parties to the marriage and two witnesses.

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- (3) Every entry made in a marriage register book by virtue of this section shall be made in consecutive order from the beginning to the end of each book and, in the case of an entry made otherwise than by a registrar, the number of the entry shall be the same in each duplicate marriage register book.
- [<sup>F226</sup>(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.]

**Textual Amendments**

**F226** S. 55(4)(5) added by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 17](#)

**Modifications etc. (not altering text)**

**C49** S. 55 extended by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), s. 15

**56 Power to ask for particulars of marriage. E+W**

Every person who is required under this Part of this Act to register a marriage may ask the parties to the marriage the particulars relating to the marriage which are required to be entered in the marriage register book.

**57 Quarterly returns to be made to superintendent registrar. E+W**

- (1) Every incumbent, registering officer of the Society of Friends, secretary of a synagogue, authorised person and registrar shall in the months of January, April, July and October—
- (a) make and deliver to the superintendent registrar, on forms supplied by the Registrar General, a true copy certified by him under his hand of all entries of marriages made in the marriage register book kept by him during the period of three months ending with the last day of the month immediately before the month in which the copy is required by this subsection to be made; or
  - (b) if no marriage has been registered in the said book during that period, deliver to the superintendent registrar a certificate of that fact under his hand, on a form supplied by the Registrar General.
- (2) The certified copies and certificates required to be delivered by a registrar under the last foregoing subsection shall be delivered to the superintendent registrar on such days in the months of January, April, July and October as may be appointed by the Registrar General, and shall be certified by the registrar in the prescribed form.
- [<sup>F227</sup>(2A) The duty imposed by subsection (1)(a) on a registrar may be discharged by making a copy in an approved electronic form of each entry in the marriage register book and

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delivering that copy to the superintendent registrar within the period of seven days beginning with the day on which the entry is made.

- (2B) A copy delivered by virtue of subsection (2A) is a certified copy for the purposes of this section if the registrar incorporates an electronic signature into it or associates an electronic signature with it.
- (2C) The duty imposed by subsection (1)(b) may be discharged by delivering the certificate in an approved electronic form.]
- (3) Any incumbent and any authorised person who is required by subsection (1) of this section to deliver to the superintendent registrar a certified copy of entries in the marriage register book or a certificate that no marriage has been registered, may deliver the copy or certificate to any registrar who is under the superintendence of that superintendent registrar, and every registrar who receives such a certified copy or certificate shall deliver it to the superintendent registrar; and a superintendent registrar may direct the registrars under his superintendence quarterly or more often, if he thinks fit or is ordered so to do by the Registrar General, to collect any such certified copies or certificates from every incumbent and authorised person within his registration district.
- (4) The superintendent registrar shall pay or cause to be paid to every incumbent and authorised person by whom a certified copy is delivered under subsection (1) of this section the sum of [<sup>F228</sup>£2.00] for every entry contained in the certified copy [<sup>F229</sup> and that sum shall be reimbursed to the superintendent registrar—
- (a) in the case of a registration district in the City of London, the Inner Temple and the Middle Temple, by the Common Council of the City of London;
  - (b) in any other case, by the council of the non-metropolitan county, metropolitan district or London borough in which his registration district is situated].
- (5) Where a certified copy is delivered to the superintendent registrar by a registrar under subsection (1) of this section, the superintendent registrar shall verify the copy and, if the copy is found to be correct, shall certify it under his hand to be a true copy; and where a certificate that no marriage has been registered is so delivered, the superintendent registrar shall countersign the certificate.
- [<sup>F230</sup>(5A) Where the certified copy is delivered in an approved electronic form by virtue of subsection (2A), the duty under subsection (5) to certify it as a true copy may be discharged by incorporating an electronic signature into it or associating an electronic signature with it.
- (5B) In this section, “electronic signature” has the meaning given in section 7(2) of the Electronic Communications Act 2000.]

<sup>F231</sup>(6) .....

#### Textual Amendments

**F227** S. 57(2A)-(2C) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **9(1)**

**F228** S. 57(4): it is confirmed that the fee payable from 1.9.2014 is £2.00 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)

**F229** Words substituted by [Local Government Act 1972 \(c. 70\)](#), **Sch. 29 para. 40**

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- F230** S. 57(5A)(5B) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **9(2)**
- F231** S. 57(6) repealed by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 2**

## 58 **Quarterly returns to be made by superintendent registrar to Registrar General.** **E+W**

- (1) Every superintendent registrar shall, four times in every year on such days as may be appointed by the Registrar General, send to the Registrar General all certified copies of entries in marriage register books which he has received during the three months immediately before the days so appointed respectively, and if it appears, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, the superintendent registrar shall as far as possible procure, consistently with the provisions of this Part of this Act, that the deficiency is remedied.
- (2) The certified copies sent to the Registrar General under the last foregoing subsection shall be kept in the General Register Office in such order and such manner as the Registrar General, under the direction of [<sup>F232</sup>the Secretary of State], may think fit <sup>F233</sup> ...
- [<sup>F234</sup>(2A) Where a superintendent registrar has received a certified copy of an entry in an approved electronic form by virtue of section 57(2A) and (2B), the duty imposed by subsection (1) to send the copy to the Registrar General is to be discharged by sending the copy to the Registrar General in an approved electronic form (but in any other case, that duty may not be discharged by sending the copy in an electronic form).
- (2B) The duty imposed by subsection (2) may be discharged by storing the copies in an approved electronic form.]

### Textual Amendments

- F232** Words in s. 58(2) substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 5(1)(c)** (with art. 4)
- F233** Words repealed by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 1 para. 12**, **Sch. 2**
- F234** S. 58(2A)(2B) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **10**

### Modifications etc. (not altering text)

- C50** S. 58: transfer of functions (1.4.1996) by [S.I. 1996/273](#), art. 3(1), **Sch. 1 para. 7**
- C51** Functions of Minister of Health now exercisable by Secretary of State: [S.I. 1968/1699](#)
- C52** S. 58(2): transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 5(d)** (with art. 4)

## 59 **Custody of register books.** **E+W**

[<sup>F235</sup>Subject to section 55(5) of this Act] every incumbent, registering officer of the Society of Friends, secretary of a synagogue, authorised person and registrar shall keep marriage register books safely until they are filled, so however that any register book kept by an authorised person shall be kept in accordance with regulations made under section seventy-four of this Act and any register book kept by a registrar shall, when not in use, be kept in the register box provided for the purpose by the Registrar General . . . <sup>F236</sup>



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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

**F235** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 18**

**F236** Words repealed by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 2**

### 60 Filled register books. **E+W**

- (1) Where any marriage register book required to be kept in duplicate under this Part of this Act is filled, one copy thereof shall be delivered to the superintendent registrar and the other copy—
  - (a) in the case of a register book kept by an incumbent, shall remain in the custody of the incumbent and be kept by him with the registers of baptisms and burials of the parish or other ecclesiastical district in which the marriages registered therein have been solemnized;
  - (b) in the case of a register book kept by a registering officer of the Society of Friends or by the secretary of a synagogue, shall remain in the custody of the members of the Society of Friends or of persons professing the Jewish religion, as the case may be, to be kept with the other registers and records of the said Society or of the said persons, and shall, for the purposes of this Act, be deemed to be in the keeping of the registering officer or secretary for the time being, as the case may be;
  - (c) in the case of a register book kept by an authorised person, shall be kept in prescribed custody.
- (2) Where a marriage register book kept by a registrar is filled, the registrar shall deliver it to the superintendent registrar to be kept by him with the records of his office.

### 61 Correction of errors in register book. **E+W**

- (1) A person required to register a marriage under this Part of this Act who discovers an error in the form or substance of an entry made in a marriage register book kept by him shall not be liable to any penalty by reason only that, within one month after the discovery of the error, he corrects the erroneous entry in the presence of the parties to the marriage to which the entry relates or, in the case of the death or absence of either of those parties, in the presence of the superintendent registrar and two other credible witnesses, by entry in the margin of the register book, without any alteration of the original entry.
- (2) Any such marginal entry as aforesaid shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made under the last foregoing subsection, and the person by whom the entry is made shall add the date when it is made.
- (3) Where any such marginal entry is made by a person who is required to register marriages in duplicate under this Part of this Act, that person shall make the like entry, attested in the like manner, in the duplicate marriage register book.
- (4) Any person who makes any such marginal entry as aforesaid shall make the like entry in the certified copy of the register book required to be made by him under this Part of this Act or, if a certified copy has already been delivered to the superintendent registrar, shall make and deliver to the superintendent registrar a separate certified copy of the original erroneous entry and of the marginal correction made therein.

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (5) Where a marriage to which an erroneous entry in a marriage register relates has been solemnized according to the rites of the Church of England and either of the parties to the marriage is dead or absent, the reference in subsection (1) of this section to the superintendent registrar and two other credible witnesses shall be construed as a reference either to those persons or to the church wardens or chapel wardens of the church or chapel in which the marriage was solemnized.

## 62 Disposal of register books on church ceasing to be used for solemnization of marriages. E+W

- (1) Where any church or chapel of the Church of England ceases to be used for the solemnization of marriages, whether by reason of demolition, revocation of a licence or otherwise, any marriage register books in the custody of the incumbent of that church or chapel shall forthwith be delivered to the incumbent of the church which is, or becomes, the parish church of the parish in which the disused church or chapel is situated.
- (2) Any incumbent to whom any marriage register books have been delivered under the last foregoing subsection—
- (a) shall, when he next delivers to the superintendent registrar under this Part of this Act a certified copy of the entries in the marriage register books of marriages solemnized in the parish church, deliver also a copy of all entries which have been made in the first mentioned marriage register books after the date of the last entry therein of which a certified copy has already been delivered to the superintendent registrar; and
  - (b) shall, unless the said first mentioned marriage register books are the only register books in use for the parish, forward such of the said books as have not been filled to the Registrar General in order that they may be formally closed.

## 63 Searches in register books. E+W

- (1) Every incumbent, registering officer of the Society of Friends, secretary of a synagogue and registrar by whom a marriage register book is kept shall at all reasonable hours allow searches to be made in any marriage register book in his keeping, and shall give a copy certified under his hand of any entry in such a book, on payment of the following fee [<sup>F237</sup>, payable, in the case of a fee previously payable to an incumbent, to the parochial church council of the parish,] that is to say—
- <sup>F238</sup>(a) .....
- (b) for every certified copy, the sum of [<sup>F239</sup>£4.00][<sup>F239</sup>£7.00][<sup>F239</sup>£10.00].
- (2) The last foregoing subsection shall apply in the case of a registered building for which an authorised person has been appointed with the substitution for the reference to the incumbent of a reference to the person having the custody of a marriage register book in accordance with regulations made under section seventy-four of this Act.

### Textual Amendments

**F237** Words in s. 63(1) inserted (1.7.2011) by [Ecclesiastical Fees \(Amendment\) Measure 2011 \(No. 2\)](#), s. 6(2), [Sch. 2 para. 2](#); 2011 No. 1, art. 2

**F238** S. 63(1)(a) repealed by [S.I. 1968/1242](#)

**F239** S. 63(1)(b): it is confirmed that the fee payable from 1.9.2014 for a certified copy of an entry issued under that subsection - (i) when application is made at the time of registering or to a registrar is £4.00,

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(ii) when application is made to a registrar after the time of registration is £7.00 and (iii) in any other case is £10.00 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)

**Modifications etc. (not altering text)**

**C53** S. 63 modified by [Parochial Registers and Records Measure 1978 \(No. 2\)](#), ss. 20(3), 27(3)

**64 Searches of indexes kept by superintendent registrars. E+W**

- (1) Every superintendent registrar shall cause indexes of the marriage register books in his office to be made and to be kept with the other records of his office, and the Registrar General shall supply to every superintendent registrar suitable forms for the making of such indexes.
- (2) Any person shall be entitled [<sup>F240</sup>at any time when the register office is required to be open for the transaction of public business] to search the said indexes, and to have a certified copy of any entry in the said marriage register books under the hand of the superintendent registrar, on payment to the superintendent registrar of the following fee, that is to say:—
  - (a) for every general search, the sum of [<sup>F241</sup>£18.00]
  - <sup>F242</sup>(b) .....
  - (c) for every certified copy, the sum of [<sup>F243</sup>£10.00]

**Textual Amendments**

**F240** Words in s. 64(2) substituted by [Registration Service Act 1953 \(c. 37\)](#), [Sch. 1 para. 14\(a\)](#)

**F241** S. 64(2)(a): it is confirmed that the fee payable from 1.9.2014 is £18 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)

**F242** S. 64(2)(b) repealed by [S.I. 1968/1242](#)

**F243** S. 64(2)(c): it is confirmed that the fee payable from 1.9.2014 is £10 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)

**65 Searches of indexes kept by Registrar General. E+W**

- (1) The Registrar General shall cause indexes of all certified copies of entries in marriage register books sent to him under this Part of this Act to be made and kept in the General Register Office.
- (2) Any person shall be entitled to search the said indexes [<sup>F244</sup>at any time when the General Register Office is open for that purpose], and to have a certified copy of any entry in the said certified copies of marriage register books, on payment to the Registrar General or to such other person as may be appointed to act on his behalf of the following fee, that is to say:—
  - <sup>F245</sup>(a) .....
  - <sup>F245</sup>(b) .....
  - (c) for every certified copy, the sum of [<sup>F246</sup>£9.25][<sup>F246</sup>£23.40].

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*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

- (3) The Registrar General shall cause all certified copies of entries given in the General Register Office to be sealed or stamped with the seal of that Office; and any certified copy of an entry purporting to be sealed or stamped with the said seal shall be received as evidence of the marriage to which it relates without any further or other proof of the entry, and no certified copy purporting to have been given in the said Office shall be of any force or effect unless it is sealed or stamped as aforesaid.

<sup>F247</sup>(4) .....

#### Textual Amendments

**F244** Words substituted by [Registration Service Act 1953 \(c. 37\)](#), [Sch. 1 para. 15\(a\)](#)

**F245** S. 65(2)(a)(b) repealed by [S.I. 1968/1242](#)

**F246** S. 65(2)(c): it is confirmed that the fee payable from 1.9.2014 for (i) standard service for certified copy of entry obtained from the Registrar General following a search of indexes kept at General Register Office is £9.25 and (ii) priority service for certified copy of entry obtained from the Registrar General following a search of indexes kept at General Register Office is £23.40 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.9.2014) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2014 \(S.I. 2014/1790\)](#), arts. 1, 2)

**F247** S. 65(4) repealed by [Registration Service Act 1953 \(c. 37\)](#), [Sch. 2](#)

#### 66 Sending documents by post. **E+W**

Any certificate, return or other document required by this Part of this Act to be delivered or sent to the Registrar General, a superintendent registrar or a registrar may be sent by post.

#### 67 Interpretation of Part IV. **E+W**

In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

“general search” means a search conducted during any number of successive hours not exceeding six, without the object of the search being specified;

“incumbent” has the meaning assigned to it by section fifty-four of this Act;

“particular search” means a search of the indexes covering a period not exceeding five years for a specified entry;

“registering officer of the Society of Friends” means a person whom the recording clerk of the Society of Friends certifies in writing under his hand to the Registrar General to be a registering officer in England of that Society;

“secretary of a synagogue” means—

- (a) a person whom the President of the London Committee of Deputies of the British Jews certifies in writing to the Registrar General to be the secretary of a synagogue in England of persons professing the Jewish religion;
- (b) the person whom twenty householders professing the Jewish religion and being members of the West London Synagogue of British Jews certify in writing to the Registrar General to be the secretary of that Synagogue;
- (c) [<sup>F248</sup> the person whom twenty householders professing the Jewish religion and being members of the Liberal Jewish Synagogue, St. John’s Wood,

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certify in writing to the Registrar General to be the secretary of that Synagogue;

- (d) a person whom the secretary of either the West London Synagogue of British Jews or the Liberal Jewish Synagogue, St. John's Wood, certifies in writing to be the secretary of some other synagogue of not less than twenty householders professing the Jewish religion, being a synagogue which is connected with the said West London Synagogue or with the said Liberal Jewish Synagogue, St. John's Wood, as the case may be, and has been established for not less than one year;]

“superintendent registrar” means—

- (a) in the case of a marriage registered by a clergyman, the superintendent registrar of the registration district in which <sup>F249</sup>is situated the church or chapel of which the incumbent keeps the marriage register book in which that marriage is registered;]
- (b) in the case of a marriage registered by a registering officer of the Society of Friends, the superintendent registrar of the registration district which is assigned by the Registrar General to that registering officer;
- (c) in the case of a marriage registered by the secretary of a synagogue, the superintendent registrar of the registration district which is assigned by the Registrar General to that secretary;
- (d) in the case of a marriage registered by an authorised person, the superintendent registrar of the registration district in which the registered building in which the marriage was solemnized is situated;
- (e) in the case of a Marriage registered by a registrar, the superintendent registrar of the registration district within which that registrar was appointed to act.

#### Textual Amendments

**F248** Paras. (c)(d) substituted for para. (c) by [Marriage \(Secretaries of Synagogues\) Act 1959 \(c. 13\), s. 1](#)

**F249** Words substituted by [Marriage Act 1983 \(c. 32, SIF 49:1\), s. 1\(7\), Sch. 1 para. 19](#)

## PART V **E+W**

### MARRIAGES IN NAVAL, MILITARY, AND AIR FORCE CHAPELS

#### Modifications etc. (not altering text)

**C54** Pt. V applied (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 1\(2\)\(b\), 21\(3\); S.I. 2014/93, art. 3\(a\)](#)

## 68 Solemnization of marriages in naval, military, and air force chapels. **E+W**

- (1) The use of any chapel to which this Part of this Act applies for the publication therein of banns of marriages to which this Part of this Act applies, and for the solemnization therein, whether according to the rites of the Church of England or otherwise, of such marriages, may be authorised under and subject to the provisions of this Part of this Act.

*Status: Point in time view as at 01/09/2014.*

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- [<sup>F250</sup>(1A) Nothing in this Part of this Act which applies to the marriage of same sex couples applies to marriage according to the rites of the Church of England.]
- (2) This Part of this Act shall apply only to chapels which are certified by the Admiralty to be naval chapels and to chapels which are certified by a Secretary of State to be military or air force chapels, and shall apply only to marriages between parties of whom one at least is a qualified person, that is to say a person who, at the relevant date—
- (a) is serving in [<sup>F251</sup>any of the regular armed forces of the Crown; or]
  - (b) has served in any force [<sup>F252</sup>included] in the last foregoing paragraph otherwise than with a commission granted or under an engagement entered into only for the purpose of a war or other national emergency; or
  - (c) is, as a member of a reserve of officers, a reserve force, the Territorial Army or the Auxiliary Air Force, called out on actual or permanent service or embodied; or
  - (d) ..... <sup>F253</sup>
  - (e) is a daughter [<sup>F254</sup>, son, step-daughter or step-son] of a person qualified under any of the foregoing paragraphs of this subsection.
- (3) For the purposes of the last foregoing subsection, the expression “relevant date” means—
- (a) in a case where notice is given under section eight of this Act before publications of banns, the date of the notice;
  - (b) in a case where banns are published without such notice, the date of the first publication of banns;
  - (c) in a case where an oath is taken under section sixteen of this Act for the purpose of obtaining a common licence, the date of taking the oath;
  - (d) in any other case, the date when notice of marriage is given to the superintendent registrar under section twenty-seven of this Act;
- <sup>F255</sup> .....
- (4) ..... <sup>F256</sup>
- (6) Nothing in this Part of this Act shall be taken to confer upon any person a right to be married in a chapel to which this Part of this Act applies.

#### Textual Amendments

**F250** S. 68(1A) inserted (21.1.2014 for specified purposes, 3.6.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), **ss. 6(2)**, 21(3); S.I. 2014/93, arts. 2(a), 5(a)

**F251** Words substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 20, **Sch. 3 para. 8**

**F252** Word substituted by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 20, **Sch. 3 para. 8**

**F253** S. 68(2)(d) repealed (with saving) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), **Sch. 5 Pt. I**

**F254** Words in s. 68(2)(e) inserted (1.10.2001) by 2001 c. 19, s. 34, **Sch. 6 Pt. 6 para. 31(a)**; S.I. 2001/3234, **art. 2**

**F255** Words in s. 68(3) repealed (1.10.2001) by 2001 c. 19, ss. 34, 38, Sch. 6 Pt. 6 para. 31(b), **Sch. 7 Pt. 7**; S.I. 2001/3234, **art. 2**

**F256** S. 68(4)(5) repealed (with saving) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), **Sch. 5 Pt. I**

#### Modifications etc. (not altering text)

**C55** S. 68(2) extended by [S.I. 1965/1536](#)

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**69** **Licensing of chapels for marriages according to rites of Church of England.** **E**  
**+W**

- (1) With respect to marriages according to the rites of the Church of England, the bishop of the diocese in which any chapel to which this Part of this Act applies is situated may, on the application of the Admiralty, in the case of a naval chapel, or of a Secretary of State, in the case of any other chapel, by licence authorise the publication of banns of marriages to which this Part of this Act applies, and the solemnization of such marriages, in the chapel, and while any such licence in respect of the chapel is in force—
- (a) any such banns or marriages which could lawfully be published or solemnized in the parish church of the parish in which the chapel is situated may be published or solemnized in the chapel; and
  - (b) the foregoing provisions of this Act relating to marriages according to the rites of the Church of England (excluding the provisions specified in Part I of the Fourth Schedule to this Act) shall apply in relation to the chapel, and in relation to the publication of banns therein, and in relation to marriages solemnized or intended to be solemnized therein according to those rites, as if the chapel were a parish church:

Provided that the provisions of this Act specified in Part II of the said Schedule shall apply subject to the modifications specified in that Part.

- (2) Where a licence has been issued in respect of a chapel under this section, the bishop of the diocese in which the chapel is situated may at any time, and shall on the application of the Admiralty or a Secretary of State, revoke the licence.
- (3) Upon the issue or revocation of a licence under this section, the registrar of the diocese shall register that fact and give notice thereof in writing to the Admiralty or a Secretary of State, as the case may be, who shall cause a copy of the notice to be published in the London Gazette and in some newspaper circulating in the diocese and to be sent to the Registrar General.
- (4) The Admiralty or any person authorised by them, in the case of a naval chapel licensed under this section, and a Secretary of State or any person authorised by him, in the case of any other chapel so licensed, shall appoint one or more clergymen for the purpose of registering marriages solemnized in the chapel according to the rites of the Church of England, and no marriage shall be solemnized in the chapel according to those rites except in the presence of a clergyman so appointed.
- (5) The provisions of this Act, and of any regulations made under section seventy-four of this Act, relating to the registration of marriages by [<sup>F257</sup>persons authorised under section 43] shall apply in relation to marriages solemnized according to the rites of the Church of England in a chapel licensed under this section as they apply in relation to marriages solemnized in a registered building without the presence of a registrar, subject to the following modifications:—
- (a) for any reference in those provisions to an authorised person there shall be substituted a reference to a clergyman appointed under this section, and
  - (b) for any reference in those provisions to the trustees or governing body of a registered building there shall be substituted a reference to the Admiralty or any person authorised by them, in the case of a naval chapel, and a reference to a Secretary of State or any person authorised by him, in the case of any other chapel.

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

#### Textual Amendments

**F257** Words in s. 69(5) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 17](#); S.I. 2014/93, art. 3(k)(i)

## 70 Registration of chapels for marriages otherwise than according to rites of Church of England. **E+W**

- (1) With respect to marriages otherwise than according to the rites of the Church of England, the Registrar General shall, on the application of the Admiralty, in the case of a naval chapel, or of a Secretary of State, in the case of any other chapel, register any chapel to which this Part of this Act applies for the solemnization therein of marriages to which this Part of this Act applies, and while any chapel is so registered—
- (a) any such marriages which could lawfully be solemnized in a [<sup>F258</sup>building registered under section 41] situated in the same registration district as the chapel, may be solemnized in the chapel; and
  - (b) the foregoing provisions of this Act relating to marriages otherwise than according to the rites of the Church of England and to the registration of such marriages (excluding the provisions specified in Part III of the Fourth Schedule to this Act) shall apply in relation to the chapel, and in relation to marriages solemnized or intended to be solemnized therein otherwise than according to those rites, as if the chapel were a [<sup>F259</sup>building registered under section 41]:

Provided that the provisions of this Act specified in Part IV of the said Schedule shall apply subject to the modifications specified in that Part.

- (2) The Registrar General shall, on the application of the Admiralty or a Secretary of State, as the case may be, cancel the registration of any chapel registered by him under this section.
- (3) Immediately after registering, or cancelling the registration of, any chapel under this section, the Registrar General shall cause notice of that fact to be published in the London Gazette and in some newspaper circulating in the registration district in which the chapel is situated and to be given to the superintendent registrar of that district, who shall record the registration or cancellation in such manner as may be prescribed by the Registrar General.

[<sup>F260</sup>(4) This section does not apply to the marriage of same sex couples.]

#### Textual Amendments

**F258** Words in s. 70(1)(a) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 18](#); S.I. 2014/93, art. 3(k)(i)

**F259** Words in s. 70(1)(b) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 18](#); S.I. 2014/93, art. 3(k)(i)

**F260** S. 70(4) inserted (21.1.2014 for specified purposes, 3.6.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 6\(3\), 21\(3\)](#); S.I. 2014/93, arts. 2(a), 5(a)

#### Modifications etc. (not altering text)

**C56** Functions of Admiralty now exercisable by a Secretary of State: [Defence \(Transfer of Functions\) Act 1964 \(c. 15\), s. 1\(2\)](#)



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[<sup>F261</sup>**70A Registration of chapels for marriages of same sex couples otherwise than according to rites of Church of England** **E+W**]

- (1) The Secretary of State may apply to the Registrar General for a chapel to which this Part applies to be registered for the solemnization of marriages of same sex couples.
- (2) Where an application is made under this section, subsections (1) to (3) of section 70 apply to the application as if it had been made under section 70.
- (3) Where a chapel is registered on an application under this section, subsections (1) to (3) of section 70 apply in relation to the chapel as if it had been registered on an application under section 70.
- (4) Any application for the cancellation of a registration is to be made by the Secretary of State.
- (5) The Secretary of State may by statutory instrument make regulations about—
  - (a) the registration of chapels under this section, and
  - (b) the cancellation of registrations.
- (6) The regulations may, in particular, make provision—
  - (a) as to the procedures to be followed by the Secretary of State in making an application for registration or an application for cancellation of a registration;
  - (b) as to the procedures to be followed by the Registrar General on an application for registration or an application for cancellation of a registration;
  - (c) as to consents required before an application for registration may be made (including such provision amending section 2 of the Marriage (Same Sex Couples) Act 2013 as the Secretary of State considers appropriate to secure that the giving of such a consent is an opt-in activity under that section).
- (7) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by resolution of, each House of Parliament.
- (8) In this section a reference to the cancellation of a registration is a reference to the cancellation, under section 70(2) (as applied by this section), of a registration under this section.]

**Textual Amendments**

**F261** [S. 70A](#) inserted (21.1.2014 for specified purposes, 3.6.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 6\(4\), 21\(3\); S.I. 2014/93, arts. 2\(a\), 5\(a\)](#)

**71 Evidence of marriages under Part V.** **E+W**

Where a marriage has been solemnized under this Part of this Act, it shall not be necessary, in support of the marriage, to give any proof—

- (a) that the chapel in which the marriage was solemnized was certified or licensed or registered in accordance with this Part of this Act; or
- (b) that either of the parties was a qualified person within the meaning of this Part of this Act; or

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- (c) in the case of a marriage according to the rites of the Church of England, that the marriage was solemnized in the presence of a clergyman duly appointed under this Part of this Act for the purpose of registering marriages; and no evidence shall be given to prove the contrary in any proceedings touching the validity of any such marriage.

## PART VI **E+W**

### GENERAL

#### 72 **Supplementary provisions as to marriages in usual places of worship. **E+W****

- (1) For the purposes of the following provisions of this Act, that is to say, subsection (4) of section six, paragraph (b) of subsection (1) of section fifteen and subsection (3) of section thirty-five, no parish church or authorised chapel shall be deemed to be the usual place of worship of any person unless he is enrolled on the church electoral roll of the area in which that church or chapel is situated, and where any person is enrolled on the church electoral roll of an area in which he does not reside that enrolment shall be sufficient evidence that his usual place of worship is a parish church or authorised chapel in that area.
- (2) Persons intending to be married shall have the like but no greater right of having their banns published and marriage solemnized by virtue of the said provisions in a parish church or authorised chapel which is the usual place of worship of one or both of them as they have of having their banns published and marriage solemnized in the parish church or public chapel of the parish or chapelry in which they or one of them resides.
- (3) Where any marriage has been solemnized by virtue of the said provisions it shall not be necessary in support of the marriage to give any proof of the actual enrolment of the parties or of one of them on the church electoral roll of the area in which the parish church or authorised chapel in which the marriage was solemnized was situated, nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.
- (4) In this section the expression “church electoral roll” means a church electoral roll provision for which is made in the Rules for the Representation of the Laity contained in the Schedule to the Representation of the <sup>M13</sup>Laity Measure, 1929.

#### **Modifications etc. (not altering text)**

C57 S. 72(4) amended by [Marriage \(Wales and Monmouthshire\) Act 1962 \(c. 32\), s. 1\(2\)](#)

#### **Marginal Citations**

M13 1929 No. 2.

#### 73 **Lists of licensed chapels and registered buildings. **E+W****

- (1) The registrar of every diocese shall, within fifteen days after the first day of January in every year, make out and send by post<sup>F262</sup>, or in an approved electronic form,] to the Registrar General at his office a list of all chapels within that diocese in which marriages may be solemnized according to the rites of the Church of England (being

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chapels which belong to the Church of England or have been licensed under Part V of this Act), and shall distinguish in that list which chapels have a parish, chapelry or other recognised ecclesiastical division annexed to them, which are chapels licensed under section twenty of this Act and which are chapels licensed under the said Part V, and, in the case of chapels licensed under the said section twenty, shall state in the list the district for which each chapel is licensed according to the description thereof in the licence.

- (2) The Registrar General shall in every year make out and cause to be printed a list of all chapels included in any list sent to him under the last foregoing subsection and of all registered buildings and shall state in that list the county and registration district within which each chapel or registered building is situated and the names and places of residence of the superintendent registrars, registrars and deputy registrars of each district<sup>F263</sup>; and the duty imposed by this subsection to make out a list may be discharged by making out a list in an approved electronic form.]
- (3) A copy of every list made by the Registrar General under the last foregoing subsection shall be sent to every registrar and superintendent registrar<sup>F264</sup>, and the duty imposed by this subsection may be discharged by sending a copy in an approved electronic form].

#### Textual Amendments

**F262** Words in s. 73(1) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(1)**

**F263** Words in s. 73(2) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(2)**

**F264** Words in s. 73(3) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(3)**

#### 74 <sup>F265</sup>**Regulations and approval of electronic forms etc.] E+W**

<sup>F266</sup>(1) The Registrar General, with the approval of <sup>F267</sup>the Secretary of State], may by statutory instrument make regulations—

- (a) prescribing the duties of . . . <sup>F268</sup> authorised persons under this Act;
- (b) prescribing any thing which by this Act is required to be prescribed.

<sup>F269</sup>(2) The Registrar General may approve forms of electronic communications or electronic storage for the purposes of a provision of this Act; and a reference in this Act to an approved electronic form is to a form approved under this subsection for the purposes of that provision.]

#### Textual Amendments

**F265** S. 74 title substituted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**

**F266** S. 74 renumbered as s. 74(1) (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**

**F267** Words in s. 74 substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 5(1)(d)** (with art. 4)

**F268** Words repealed by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 2**

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**F269** S. 74(2) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**

**Modifications etc. (not altering text)**

**C58** Functions of Minister of Health now exercisable by Secretary of State: [S.I. 1968/1699](#)

**C59** S. 74: transfer of functions (1.4.1996) by [S.I. 1996/273](#), art. 3(1), **Sch. 1 para. 7**

**C60** S. 74: transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 5(e)** (with art. 4)

**75 Offences relating to solemnization of marriages. E+W**

(1) Any person who knowingly and wilfully—

- <sup>F270</sup>(a) . . . . .
- (b) solemnizes a marriage according to the rites of the Church of England without banns of matrimony having been duly published (not being a marriage solemnized on the authority of a special licence, a common licence or [<sup>F271</sup>certificates] of a superintendent registrar);
- (c) solemnizes a marriage according to the said rites (not being a marriage by special licence [<sup>F272</sup> or a marriage in pursuance of section 26(1)(dd) of this Act]) in any place other than a church or other building in which banns may be published;
- (d) solemnizes a marriage according to the said rites falsely pretending to be in Holy Orders;

shall be guilty of felony and shall be liable to imprisonment for a term not exceeding fourteen years.

(2) Any person who knowingly and wilfully—

- (a) solemnizes a marriage (not being a marriage by special licence, 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) in any place other than—
- (i) a church or other building in which marriages may be solemnized according to the rites of the Church of England, or
- (ii) the registered building [<sup>F273</sup>office [<sup>F274</sup>, approved premises] or person's residence specified as the place where the marriage was to be solemnized] in the [<sup>F275</sup>notices of marriage and certificates] required under Part III of this Act;
- <sup>F276</sup>(aa) solemnizes a marriage purporting to be in pursuance of section 26(1)(bb) of this Act on premises that are not approved premises;]
- (b) solemnizes a marriage in any such registered building as aforesaid (not being a marriage in the presence of an authorised person) in the absence of a registrar of the district in which the registered building is situated;
- <sup>F277</sup>(bb) solemnizes a marriage in pursuance of section 26(1)(dd) [<sup>F278</sup> or 26B(6)] 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;]
- (c) solemnizes a marriage in the office of a superintendent registrar in the absence of a registrar of the district in which the office is situated;

*Status: Point in time view as at 01/09/2014.*

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- [<sup>F279</sup>(cc) solemnizes a marriage on approved premises in pursuance of section 26(1)(bb) of this Act in the absence of a registrar of the district in which the premises are situated;]
- (d) solemnizes a marriage on the authority of [<sup>F280</sup>certificates] of a superintendent registrar [<sup>F280</sup>before the expiry of the waiting period in relation to each notice of marriage]; or
- (e) solemnizes a marriage on the authority of [<sup>F281</sup>certificates] of a superintendent registrar after the expiration of [<sup>F282</sup>the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act];
- shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.
- <sup>F283</sup>[(2A) In subsection (2)(d) “the waiting period” has the same meaning as in section 31(4A).]
- (3) A superintendent registrar who knowingly and wilfully—
- <sup>F284</sup>[(a) issues any certificate for marriage before the expiry of 15 days from the day on which the notice of marriage was entered in the marriage notice book [<sup>F285</sup>, or in an approved electronic form by virtue of section 27(4A)];]
- (b) issues any certificate <sup>F286</sup>... for marriage after the expiration of [<sup>F287</sup>the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act];
- (c) issues any certificate the issue of which has been forbidden under section thirty of this Act by any person entitled to forbid the issue of such a certificate; or
- (d) solemnizes or permits to be solemnized in his office [<sup>F288</sup>or, in the case of a marriage in pursuance of [<sup>F289</sup>section 26(1)(bb) or (dd)] [<sup>F290</sup>or 26B(6)] of this Act, in any other place] any marriage which is void by virtue of any of the provisions of Part III of this Act;
- shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.
- (4) No prosecution under this section shall be commenced after the expiration of three years from the commission of the offence.
- (5) Any reference in subsection (2) of this section to a registered building shall be construed as including a reference to any chapel registered under section seventy [<sup>F291</sup>or 70A] of this Act.

#### Textual Amendments

- F270** S. 75(1)(a) repealed (1.10.2012) by Protection of Freedoms Act 2012 (c. 9), ss. 114(1)(b), 120, **Sch. 10 Pt. 11** (with s. 97); S.I. 2012/2234, art. 3(m)
- F271** Words in s. 75(1)(b) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **30(1)(2)**; S.I. 2000/2698, **art. 2**
- F272** Words inserted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(a)**
- F273** Words substituted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(b)**
- F274** Words in s. 75(2)(a)(ii) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(a)**; S.I. 1995/424, **art. 2(2)(c)**
- F275** Words in s. 75(2)(a)(ii) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **30(1)(3)(a)**; S.I. 2000/2698, **art. 2**
- F276** S. 75(2)(aa) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(b)**; S.I. 1995/424, **art. 2(2)(c)**
- F277** S. 75(2)(bb) inserted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(c)**

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- F278** Words in s. 75(2)(bb) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 19(2)**; S.I. 2014/93, art. 3(k)(i)
- F279** S. 75(2)(cc) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(c)**; S.I. 1995/424, art. 2(2)(c)
- F280** Words in s. 75(2)(d) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **30(1)(3)(b)**; S.I. 2000/2698, art. 2
- F281** Words in s. 75(2)(e) substituted (1.1.2001) by 1999 c. 33, s. 169(1), **Sch. 14 paras. 3, 30(1)(3)(c)**; S.I. 2000/2698, art. 2
- F282** Words in s. 75(2)(e) substituted (1.10.1997) by S.I. 1997/986, art. 2(4)
- F283** S. 75(2A) inserted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **30(1)(4)**; S.I. 2000/2698, art. 2
- F284** S. 75(3)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **30(1)(5)**; S.I. 2000/2698, art. 2
- F285** Words in s. 75(3)(a) inserted (16.11.2009) by The Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009 (S.I. 2009/2821), arts. 1(1), **13**
- F286** Words in s. 75(3)(b) repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 30(1)(6), **Sch. 16**; S.I. 2000/2698, art. 2
- F287** Words in s. 75(3)(b) substituted (1.10.1997) by S.I. 1997/986, art. 2(4)
- F288** Words inserted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(d)**
- F289** Words in s. 75(3)(d) substituted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(d)** S.I. 1995/424, art. 2(2)(c)
- F290** Words in s. 75(3)(d) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 19(3)**; S.I. 2014/93, art. 3(k)(i)
- F291** Words in s. 75(5) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 19(4)**; S.I. 2014/93, art. 3(k)(i)

**Modifications etc. (not altering text)**

- C61** S. 75(2)(a) excluded by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 16(4)

**76 Offences relating to registration of marriages. E+W**

- (1) Any person who refuses or without reasonable cause omits to register any marriage which he is required by this Act to register, and any person having the custody of a marriage register book or a certified copy of a marriage register book or part thereof who carelessly loses or injures the said book or copy or carelessly allows the said book or copy to be injured while in his keeping, shall be liable on summary conviction to a fine not exceeding [<sup>F292</sup>level 3 on the standard scale].
- (2) Where any person who is required under Part IV of this Act to make and deliver to a superintendent registrar a certified copy of entries made in the marriage register book kept by him, or a certificate that no entries have been made therein since the date of the last certified copy, refuses to deliver any such copy or certificate, or fails to deliver any such copy or certificate during any month in which he is required to do so, he shall be liable on summary conviction to a fine not exceeding [<sup>F292</sup>level 1 on the standard scale].
- (3) Any registrar who knowingly and wilfully registers any marriage which is void by virtue of any of the provisions of Part III of this Act shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.
- (4) The balance of any sum paid or recovered on account of a fine imposed under subsection (1) or subsection (2) of this section after making any such payments in respect of court or police fees as are mentioned in paragraphs (a), (b) and (c) of

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subsection (1) of section five of the <sup>M14</sup>Criminal Justice Administration Act, 1914, shall be paid—

- (a) in the case of a fine imposed under subsection (1) of this section, into the Exchequer; and
  - (b) in the case of fine imposed under subsection (2) of this section, to the Registrar General or such other person as may be appointed by the Treasury, for the use of His Majesty.
- (5) Subject as may be prescribed, a superintendent registrar may prosecute any person guilty of an offence under either of the said subsections committed within his district, and any costs incurred by the superintendent registrar in prosecuting such a person, being costs which are not otherwise provided for, shall be defrayed out of moneys provided by Parliament.
- (6) No prosecution under subsection (3) of this section shall be commenced after the expiration of three years from the commission of the offence.

#### Textual Amendments

**F292** Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\)](#), ss. **38, 46**

#### Marginal Citations

**M14** [1914 c. 58](#).

## 77 Offences by authorised persons. **E+W**

Any authorised person who refuses or fails to comply with the provisions of this Act or of any regulations made under section seventy-four thereof shall be guilty of an offence against this Act, and, unless the offence is one for which a specific penalty is provided under the foregoing provisions of this Part of this Act, shall be liable, on summary conviction, to a fine not exceeding ten pounds or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding fifty pounds, and shall upon conviction cease to be an authorised person.

## 78 Interpretation. **E+W**

(1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—

[<sup>F293</sup>“approved electronic form” has the meaning given by section 74(2);]

[<sup>F294</sup>“approved premises” means premises approved in accordance with regulations under section 46A of this Act as premises on which marriages may be solemnized in pursuance of section 26(1)(bb) of this Act;]

“authorised chapel” means—

- (a) in relation to a chapelry, a chapel of the chapelry in which banns of matrimony could lawfully be published immediately before the passing of the <sup>M15</sup>Marriage Act, 1823, or in which banns may be published and marriages may be solemnized by virtue of section two of the <sup>M16</sup>Marriages Confirmation Act, 1825, or of an authorisation given under section three of the Marriage Act, 1823;
- (b) in relation to an extra-parochial place, a church or chapel of that place in which banns may be published and marriages may be solemnized by

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virtue of section two of the Marriages Confirmation Act, 1825, or of an authorisation given under section three of the Marriage Act, 1823, or section twenty-one of this Act;

- (c) in relation to a district specified in a licence granted under section twenty of this Act, the chapel in which banns may be published and marriages may be solemnized by virtue of that licence;

[<sup>F295</sup>“authorised person” means—

- (a) in relation to a building registered under section 41, a person whose name and address have been certified in accordance with section 43;

- (b) in relation to a building registered under section 43A, a person whose name and address have been certified in accordance with section 43B;]

“brother” includes a brother of the half blood;

[<sup>F296</sup>“child of the family”, in relation to any person, means a child who has lived in the same household as that person and been treated by that person as a child of his family]

“clergyman” means a clerk in Holy Orders of the Church of England;

“common licence” has the meaning assigned to it by section five of this Act;

“ecclesiastical district,” in relation to a district other than a parish, means a district specified in a licence granted under section twenty of this Act, a chapelry or an extra-parochial place;

[<sup>F297</sup>“England and Wales legislation” has the same meaning as in the Marriage (Same Sex Couples) Act 2013;]

[<sup>F298</sup> “child” [<sup>F299</sup>, except where used to express a relationship,] means a person under the age of eighteen;];

“marriage notice book” has the meaning assigned to it by section twenty-seven of this Act;

“parish” means an ecclesiastical parish and includes a district constituted under the Church Building Acts, 1818 to 1884, notwithstanding that the district has not become a new parish by virtue of section fourteen of the <sup>M17</sup>New Parishes Act, 1856, or section five of the <sup>M18</sup>New Parishes Measure, 1943, being a district to which Acts of Parliament relating to the publication of banns of matrimony and the solemnization of marriages were applied by the said Church Building Acts as if the district had been an ancient parish, and the expression “parish church” shall be construed accordingly;

“prescribed” means prescribed by regulations made under section seventy-four of this Act;

“registered building” means a building registered under [<sup>F300</sup>section 41 or section 43A] of this Act;

“registrar” means a registrar of marriages;

“Registrar General” means the Registrar General of Births, Deaths and Marriages in England;

“registration district” means the district of a superintendent registrar;

“sister” includes a sister of the half blood;

“special licence” has the meaning assigned to it by section five of this Act;

“superintendent registrar” means a superintendent registrar of births, deaths and marriages;

“trustees or governing body,” in relation to Roman Catholic registered buildings, includes a bishop or vicar general of the diocese.



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F301(1A) .....

(2) Any reference in this Act to the Church of England shall, unless the context otherwise requires, be construed as including a reference to the Church in Wales.

[F302(3) For the purposes of this Act a person is house-bound if—

(a) [F303 each 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

(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 <sup>M19</sup>1983 (short term detentions), as a patient in a hospital; or

(b) in a prison or other place to which the Prison Act <sup>M20</sup>1952 applies,

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.]

[F304(6) If, for the purpose of any provision of this Act, a relevant governing authority has given written consent to marriages of same sex couples, the validity of that consent is not affected only because there is a change in the person or persons constituting that relevant governing authority.]

### Textual Amendments

**F293** Words in s. 78(1) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **14**

**F294** S. 78(1): definition of “approved premises” inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 8**; S.I. 1995/424, **art. 2(2)(c)**

**F295** Words in s. 78(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 20(2)(a)**; S.I. 2014/93, art. 3(k)(i)

**F296** Definition inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16\)](#), SIF 49:1), s. 1(4)(6), **Sch. 1 para. 7**

**F297** Words in s. 78(1) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 20(2)(b)**; S.I. 2014/93, art. 3(k)(i)

**F298** Definition substituted by [Family Law Reform Act 1987 \(c. 42\)](#), SIF 49:7), ss. 33(1), 34(2)(5), **Sch. 2 para. 10(a)**

**F299** Words in s. 78(1) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), **Sch. 27 para. 16**; S.I. 2005/3175, art. 2(2)

**F300** Words in s. 78(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), **Sch. 7 para. 20(2)(c)**; S.I. 2014/93, art. 3(k)(i)

**F301** S. 78(1A) (inserted by [Family Law Reform Act 1987 \(c. 42\)](#), SIF 49:7), ss. 33(1), 34(2)(5), **Sch. 2 para. 10(b)**) repealed (14.10.1991) by [Children Act 1989 \(c. 41\)](#), SIF 20), s. 108, Sch. 15 (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)**

**F302** S. 78(3)–(5) inserted by [Marriage Act 1983 \(c. 32\)](#), SIF 49:1), s. 1(7), **Sch. 1 para. 21**

**F303** Words in s. 78(3)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **31**; S.I. 2000/2698, **art. 2**

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**F304** S. 78(6) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 20\(3\)](#); S.I. 2014/93, art. 3(k)(i)

#### Marginal Citations

**M15** 1823 c. 76.  
**M16** 1825 c. 92.  
**M17** 1856 c. 104.  
**M18** 1943 No. 1.  
**M19** 1983 c. 20 (85).  
**M20** 1952 c. 52 (39:1).

## 79 Repeals and savings. **E+W**

- (1) The Acts specified in Part I of the Fifth Schedule to this Act, and the Measures of the Church Assembly specified in Part II of that Schedule, are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (2) Any banns published, licence or certificate issued, notice, consent, authorisation or direction given, Order in Council, rules, order, declaration, return, appointment or entry made, registration effected, caveat entered or other thing done under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force, and have effect as if published, issued, given, made, effected, entered or done under the corresponding provision of this Act.
- (3) Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- (4) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.
- (5) Nothing in this Act shall affect any law or custom relating to the marriage of members of the Royal Family.
- (6) Nothing in this Act shall affect the right of the Archbishop of Canterbury or any other person by virtue of the <sup>M21</sup>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.
- (7) Nothing in this Act shall affect the validity of any marriage solemnized before the commencement of this Act.
- (8) Nothing in this Act shall affect any authority given under section three of the <sup>M22</sup>Marriage Act, 1823, before the repeal thereof for the publication of banns and the solemnization of marriages in any chapel, or affect the operation of section four of that Act in relation to that chapel.
- (9) Nothing in this Act shall affect any right, title, estate, interest, will, claim, payment, commutation, composition, discharge, settlement or other thing, or the devolution or distribution of any property which, by virtue of section two of the <sup>M23</sup>Deceased Wife's Sister's Marriage Act, 1907, was not affected by the Marriage (Prohibited Degrees of Relationship) Acts, 1907 to 1931.
- (10) Nothing in this Act shall enable any proceedings to be taken in an ecclesiastical court which could not have been taken if this Act had not been passed.

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- (11) Nothing in this Act shall require any caution or security to be given which would not have required to be given if this Act had not been passed.
- (12) Nothing in this Act shall affect any power to extend a Measure of the Church Assembly to the Channel Islands or affect any such Measure which has been so extended.
- (13) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section thirty-eight of the <sup>M24</sup> Interpretation Act, 1889 (which relates to the effect of repeals).

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**Marginal Citations**

- M21** 1533 c. 21.  
**M22** 1823 c. 76.  
**M23** 1907 c. 47.  
**M24** 1889 c. 63.

**80 Short title, extent and commencement. E+W**

- (1) This Act may be cited as the Marriage Act, 1949.
- (2) Save as is otherwise expressly provided, this Act shall not extend to Scotland or to Northern Ireland.
- (3) The provisions of this Act specified in the Sixth Schedule to this Act shall not extend to Wales or Monmouthshire.
- (4) This Act shall come into force on the first day of January, nineteen hundred and fifty.

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## SCHEDULES

### [<sup>F305</sup>SCHEDULE 1 E+W

#### KINDRED AND AFFINITY

##### Textual Amendments

**F305** Sch. 1 substituted (5.12.2005 for the purposes of Sch. 1 Pts. 1, 2 only) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(b), [Sch. 27 para. 17](#); S.I. 2005/3175, art. 2(2)(5)

##### Modifications etc. (not altering text)

**C62** Sch. 1 modified (6.4.2010) by [The Human Fertilisation and Embryology \(Parental Orders\) Regulations 2010](#) (S.I. 2010/985), regs. 1(1), 5, [Sch. 4](#)

### PART 1 E+W

#### PROHIBITED DEGREES: KINDRED

- 1 (1) The list referred to in section 1(1) is—
- Adoptive child
  - Adoptive parent
  - Child
  - Former adoptive child
  - Former adoptive parent
  - Grandparent
  - Grandchild
  - Parent
  - Parent’s sibling
  - Sibling
  - Sibling’s child
- (2) In the list “sibling” means a brother, sister, half-brother or half-sister.

### PART 2 E+W

#### DEGREES OF AFFINITY REFERRED TO IN SECTION 1(2) AND (3)

- 2 The list referred to in section 1(2) is as follows—
- Child of former civil partner
  - Child of former spouse
  - Former civil partner of grandparent
  - Former civil partner of parent

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

Former spouse of grandparent  
Former spouse of parent  
Grandchild of former civil partner  
Grandchild of former spouse]

F306 **PART III** **E+W**

**Textual Amendments**

**F306** Sch. 1 Pt. 3 repealed (1.3.2007) by [The Marriage Act 1949 \(Remedial\) Order 2007 \(S.I. 2007/438\)](#), arts. 1(1), **3(a)(iii)** (with s. 1(2))

F306<sup>3</sup> . . . . .

F307 **SECOND**  
**SCHEDULE** **E+W**

Section 3.

F307 . . . . .

**Textual Amendments**

**F307** Sch. 2 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, **Sch.15** (with saving in [Sch. 14 para. 37](#), and with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); S.I. 1991/828, **art. 3(2)**

**THIRD SCHEDULE** **E+W**

Section 68.

F308 . . . . .

**Textual Amendments**

**F308** Sch. 3 repealed (with saving) by [Armed Forces Act 1981 \(c. 55, SIF 7:1\)](#), s. 28(2), **Sch. 5 Pt. I**

*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

## FOURTH SCHEDULE **E+W**

Sections 69, 70.

### PROVISIONS OF ACT WHICH ARE EXCLUDED OR MODIFIED IN THEIR APPLICATION TO NAVAL, MILITARY AND AIR FORCE CHAPELS

#### PART I **E+W**

##### EXCLUSION OF PROVISIONS RELATING TO MARRIAGES ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND

Subsection (4) of section six.

Paragraph (b) of subsection (I) of section fifteen.

The proviso to section seventeen.

Section eighteen.

Section twenty.

Subsection (3) of section thirty-five.

The proviso to subsection (1) of section forty-four.

Sections fifty-three to fifty-seven, fifty-nine and sixty, so far as those sections relate to the registration of marriages by clergymen and to the duties of incumbents in relation to marriage register books.

#### PART II **E+W**

##### MODIFICATION OF PROVISIONS RELATING TO MARRIAGES ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND

Subsection (1) of section six shall apply as if the chapel were the parish church of the parish in which the chapel is situated.

Subsection (3) of section seven shall apply as if for the reference to the parochial church council there were substituted, in relation to a naval chapel, a reference to the Admiralty and, in relation to any other chapel, a reference to a Secretary of State.

Section eight shall apply as if it required the notice in writing mentioned therein to include a statement that one at least of the persons to be married is a qualified person within the meaning of Part V of this Act, and to specify the person so qualified and the nature of his qualification.

Paragraph (a) of subsection (1) of section fifteen shall apply as if the chapel were the parish church of the parish in which the chapel is situated.

Subsection (1) of section sixteen shall apply as if it required the oath, which is to be taken thereunder, to include a statement that one at least of the persons to be married is a qualified person within the meaning of Part V of this Act and to specify the person so qualified and the nature of his qualification.

Subsection (3) of section twenty-seven shall apply as if it required the notice of marriage to include a statement that one at least of the persons to be married is a qualified person within

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the meaning of Part V of this Act and to specify the person so qualified and the nature of his qualification.

Section fifty shall apply as if for the reference to the officiating clergyman there were substituted a reference to the clergyman appointed under section sixty-nine of this Act for the purpose of registering marriages, in whose presence the marriage is solemnized.

### PART III **E+W**

#### EXCLUSION OF PROVISIONS RELATING TO MARRIAGES OTHERWISE THAN ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND

The proviso to section seventeen.

F309 . . .

#### Textual Amendments

**F309** Words in Sch. 4 Pt. 3 repealed (1.1.2001) by 1999 c. 33, s. 169(1)(3), Sch. 14 paras. 3, 32, Sch. 16; S.I. 2000/2698, art. 2

Section forty-one.

Section forty-two.

[<sup>F310</sup>The proviso to subsection (1) of section forty-three.]

#### Textual Amendments

**F310** Words in Sch. 4 Pt. 3 inserted by Marriage Acts Amendment Act 1958 (c. 29), s. 1(2)

[<sup>F311</sup>Sections 43A and 43C. ]

#### Textual Amendments

**F311** Words in Sch. 4 Pt. 3 inserted (3.6.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), Sch. 7 para. 21(2); S.I. 2014/93, art. 5(d)

The proviso to subsection (1) of section forty-four.

### PART IV **E+W**

#### MODIFICATION OF PROVISIONS RELATING TO MARRIAGES OTHERWISE THAN ACCORDING TO THE RITES OF THE CHURCH OF ENGLAND

Subsection (3) of section twenty-seven shall apply as if it required the notice of marriage to include a statement that one at least of the persons to be married is a qualified person within the meaning of Part V of this Act and to specify the person so qualified and the nature of his qualification.

*Status: Point in time view as at 01/09/2014.*

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Sections forty-three, [<sup>F312</sup>43B,] forty-four and fifty-four shall apply as if for any reference to the trustees or governing body of a building there were substituted a reference to the Admiralty or any person authorised by them, in the case of a naval chapel, and a reference to a Secretary of State or any person authorised by him, in the case of any other chapel.

**Textual Amendments**

**F312** Word in Sch. 4 Pt. 4 inserted (3.6.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 21\(3\)](#); S.I. 2014/93, art. 5(d)

FIFTH SCHEDULE **E+W**

Section 79.

ENACTMENTS REPEALED

**PART I E+W**

*Acts of Parliament repealed*

Session and Chapter	Short Title	Extent of Repeal
... F313	... F313	... F313
62 & 63 Vict. c.27.	The Marriages Validity Act, 1899.	The whole Act so far as it relates to marriages solemnized in England.
... F313	... F313	... F313
8 Edw. 7, c.26.	The Naval Marriages Act, 1908.	The whole Act so far as it relates to marriages solemnized in England.
... F313	... F313	... F313
2 & 3 Geo. 6, c.33.	The Marriage Act, 1939	Section one, so far as it relates to marriages solemnized in England
... F313	... F313	... F313

**Textual Amendments**

**F313** Entries repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\), Sch. 1](#)



*Status: Point in time view as at 01/09/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949. (See end of Document for details)*

**PART II** ..... F314 **E+W**

**Textual Amendments**

**F314** Entries repealed by [Statute Law Revision Act 1953 \(2 & 3 Eliz. 2 c. 5\)](#), **Sch. 1**

**SIXTH SCHEDULE** **E+W**

Section 80.

**PROVISIONS OF ACT WHICH DO NOT EXTEND TO WALES**

... F315

**Textual Amendments**

**F315** Words repealed by [Marriages \(Wales and Monmouthshire\) Act 1962 \(c. 32\)](#), **s. 1(1)**

Section ten.

... F315

Section nineteen.

Subsection (7) of section twenty.

... F316

**Textual Amendments**

**F316** Entry repealed as provided by [Marriage \(Wales\) Act 1986 \(c. 7, SIF 49:1\)](#), **s. 1**

... F315

**Status:**

Point in time view as at 01/09/2014.

**Changes to legislation:**

There are currently no known outstanding effects for the Marriage Act 1949.