



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

## PART II

MARRIAGE ACCORDING TO RITES OF THE CHURCH OF ENGLAND

### *Marriage by banns*

#### **6 Place of publication of banns.**

- (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:

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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)**

**C1** 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.**

- (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>F1</sup>during either the principal service or both the principal service and another service].
- [<sup>F2</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 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>F3</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 <sup>F4</sup>..., 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.
- [<sup>F5</sup>(3A) A register book of banns must be marked as follows—
- (a) every place of entry is to be numbered consecutively from the beginning to the end of the book on each side of every page, beginning with the number one;
  - (b) every entry is to be divided from the following entry by a printed line;
  - (c) every entry must contain—
    - (i) the names of the parties to the marriage,
    - (ii) the parish or other place where each party to the marriage resides, and
    - (iii) the dates on which the banns of matrimony in respect of the marriage were published.]
- (4) Any reference in [<sup>F6</sup>subsection (3)] 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

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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

- F1** 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)
- F2** S. 7(1A)(1B) inserted (19.12.2003) by [Church of England Marriage \(Amendment\) Measure 2012 \(No. 1\)](#), **ss. 2(2)(b)**, 3(2)
- F3** 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)
- F4** Words in s. 7(3) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), **Sch. 1 para. 3(2)** (with [Sch. 2](#))
- F5** S. 7(3A) inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), **Sch. 1 para. 3(3)** (with [Sch. 2](#))
- F6** Words in s. 7(4) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), [reg. 1\(2\)](#), **Sch. 1 para. 3(4)** (with [Sch. 2](#))

## 8 Notice to clergyman before publication of banns.

[<sup>F7</sup>(1)] 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 [<sup>F8</sup>delivered to him—

- (a) 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 [<sup>F9</sup>, and
- (b) specified evidence that both of the persons are relevant nationals.

(2) In this section “specified evidence” means evidence that is in accordance with regulations made under section 28G.]

#### Textual Amendments

- F7** S. 8(1): s. 8 renumbered as s. 8(1) (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(3)(a)**, 75(3); S.I. 2015/371, [art. 2\(2\)](#) (with [art. 5](#))
- F8** Words in s. 8 substituted (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(3)(b)**, 75(3); S.I. 2015/371, [art. 2\(2\)](#) (with [art. 5](#))
- F9** Words in s. 8 inserted (2.3.2015) by [Immigration Act 2014 \(c. 22\)](#), **ss. 57(3)(c)**, 75(3); S.I. 2015/371, [art. 2\(2\)](#) (with [art. 5](#))

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

- C2** 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
- C3** S. 8 applied (with modifications) (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 2(8)(a)**, 6(2) (with s. 1)

## 9 Persons by whom banns may be published.

(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.

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- (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.

- (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 [<sup>F10</sup>the Mission and Pastoral Measure 2011], 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 [<sup>F11</sup>the Mission and Pastoral Measure 2011], 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.

### Textual Amendments

- F10** Words in s. 10(1) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 1 para. 2\(2\)](#); S.I. 2019/97, [art. 2](#)
- F11** Words in s. 10(2) substituted (1.3.2019) by [Church Property Measure 2018 \(No. 8\)](#), s. 53(2), [Sch. 1 para. 2\(3\)](#); S.I. 2019/97, [art. 2](#)

### Modifications etc. (not altering text)

- C4** S. 10(1) amended by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#), ss. 29, 32, 40, [Sch. 3 para. 14\(1\)](#)
- C5** 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](#)

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## 11 Certificates of publication of banns.

- (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)

- C6 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
- C7 S. 11(2) applied (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 2(7)**, 6(2) (with s. 1)
- C8 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
- C9 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.

- (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.

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

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.**

- (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.

**Changes to legislation:**

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