



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART II U.K.

MARRIAGE ACCORDING TO RITES OF THE CHURCH OF ENGLAND

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 ^{M1}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)

- C1 S. 23 extended (with modifications) by [Pastoral Measure 1983 \(No. 1, SIF 21:4\)](#) ss. 27, 29, 40, Sch. 3 para. 14(4)

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

- C2** S. 23 extended (with modifications) (W.) by [Marriage \(Wales\) Act 1986 \(c. 7, SIF 49:1\), s. 1](#)
C3 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

- M1** 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.

25 Void marriages. E+W

[^{F1}(1) A marriage shall be void in any of the following cases.]

[^{F2}(2)] [^{F3}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) [^{F4}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 [^{F5}a marriage schedule] having been duly issued under Part III of this Act ^{F6}...; or
- (c) on the authority of a publication of banns which is void by virtue of ^{F7}... 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 [^{F8}a marriage schedule which is] void by virtue of subsection (2) of section thirty-three of this Act;
- (d) in the case of a marriage on the authority of [^{F9}a marriage schedule], in any place other than the church [^{F10}building or other place specified in the [^{F11}notices of marriage [^{F12}and (if so specified) in the marriage schedule]] as the place where the marriage is to be solemnized].

[^{F13}(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.

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

Textual Amendments

- F1** 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)
- F2** 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)
- F3** 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)
- F4** Words inserted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 3(a)**
- F5** Words in s. 25(2)(b) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(2)(a)** (with Sch. 2)
- F6** Words in s. 25(2)(b) omitted (4.5.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(2)(b)** (with Sch. 2)
- F7** Words in s. 25(2)(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022 \(c. 28\)](#), s. 7(1), **Sch. para. 1(3)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F8** Words in s. 25(2)(c) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(3)** (with Sch. 2)
- F9** Words in s. 25(2)(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(4)(a)** (with Sch. 2)
- F10** Words substituted by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 3(b)**
- F11** 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**
- F12** Words in s. 25(2)(d) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), **Sch. 1 para. 8(4)(b)** (with Sch. 2)
- F13** 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)

Changes to legislation:

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