



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART III U.K.

MARRIAGE UNDER SUPERINTENDENT REGISTRAR'S CERTIFICATE

Modifications etc. (not altering text)

- C1 Pt. III applied (S.) as to issue of certificates for marriage by [Marriage \(Scotland\) Act 1956 \(c. 70\)](#), s. 1(3)
- C2 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

[^{F1}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;

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- (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

F1 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\(a\)](#)

[^{F2}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

F2 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\(b\)](#)

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[^{F3}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.
- (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— <ol style="list-style-type: none">(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: <ol style="list-style-type: none">(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— <ol style="list-style-type: none">(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: <ol style="list-style-type: none">(i) the secretary is certified under paragraph (d) of the relevant definition by the secretary of the St. John's Wood Synagogue, and

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- (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;
- (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

F3 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 [^{F4}certificates] of a superintendent registrar ^{F5}. . . , notice of marriage in the prescribed form shall be given—

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

- (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 [F6 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 [F7 each] of those persons to the superintendent registrar of [the registration district in which he or she has resided] for that period.

F8(2)

(3) A notice of marriage shall state [F9 the name and surname, marital status, occupation [F10, place of residence and nationality] of each of the persons to be married][F9 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 [F11 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,][F12 the church or other building or premises in or on which] the marriage is to be solemnized and—

(a) F13 . . . 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;

F14(b)

(4) The superintendent registrar shall file all notices of marriage and keep them with the records of his office, and shall [F15 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.

[F16(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 [F17 £35.00] for every entry made in the marriage notice book [F18, or an approved electronic form,] under this section.

[F19(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 [F20 £47.00][F20 £68.00].

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Textual Amendments

- F4** 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](#)
- F5** 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](#)
- F6** Word in s. 27(1)(a) substituted (1.1.2001) by 1999 c. 33, [s. 161\(1\)\(a\)](#); S.I. 2000/2698, [art. 2](#)
- F7** Words in s. 27(1)(b) substituted (1.1.2001) by 1999 c. 33, [s. 161\(1\)\(b\)](#); S.I. 2000/2698, [art. 2](#)
- F8** 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](#)
- F9** 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\(2\)](#)
- F10** Words in s. 27(3) substituted (1.1.2001) by 1999 c. 33, [s. 161\(2\)](#); S.I. 2000/2698, [art. 2](#)
- F11** Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 5\(a\)](#)
- F12** 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\(2\)\(a\)](#)
- F13** 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](#)
- F14** 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](#)
- F15** Words inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 5\(b\)](#)
- F16** 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\(1\)](#)
- F17** 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)
- F18** 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\(2\)](#)
- F19** S. 27(7) inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 5\(c\)](#)
- F20** 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)

- C3** S. 27(4) applied by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\)](#), [s. 2\(2\)](#)

[^{F21}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) [^{F22}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, [^{F23}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, [^{F23}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—

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- (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) [^{F24}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 [^{F25}, 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 [^{F26}each] of them.
- [Where the particulars given in the notice of marriage are to be entered in an approved ^{F27}(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 ^{M1}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 ^{M2}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 ^{M3}1952 applies, the governor or other officer for the time being in charge of that prison or other place.]

Textual Amendments

- F21** S. 27A inserted (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 6](#)
- F22** 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)
- F23** 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](#)

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- F24** 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**
- F25** 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)**
- F26** 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**
- F27** 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

- M1** 1978 c. 30 (115:1).
M2 1983 c. 20 (85).
M3 1952 c. 52 (39:1).

[^{F28}**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 [^{F29}certificates] of a superintendent registrar.
- (2) The superintendent registrar shall not enter notice of the marriage in the marriage notice book [^{F30}, 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 ^{F31}(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 ^{F32}. . . unless a declaration is obtained ^{F33} . . . 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 [^{F34}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,

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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^{F35}, or in an approved electronic form by virtue of section (274A),] and may issue a certificate^{F36}. . . 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^{F32}. . . for the marriage is entered under that section on a ground other than the relationship of the persons to be married.]

Textual Amendments

- F28** 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](#)
- F29** 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](#)
- F30** 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\(1\)](#)
- F31** 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\(2\)](#)
- F32** 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](#)
- F33** 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](#))
- F34** 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](#))
- F35** 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\(3\)](#)
- F36** 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](#)

^{F37}**27C Provisions relating to section 1(5) marriages.** **E+W**

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Textual Amendments

- F37** 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))

^{F38}**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).

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

- (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

F38 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)

C4 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 ^{F39} . . . 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 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;
- [^{F40}(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 [^{F41}a child] and is not a widower [^{F42}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

F39 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](#)

F40 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](#)

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, Part III. (See end of Document for details)

F41 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**

F42 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)

C5 S. 28 (except s. 28(1)(b)) applied (with modifications) by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 2(3)

C6 S. 28(1) applied (with modifications) by Marriage (Scotland) Act 1956 (c. 70), s. 1(2)(c)

[^{F43}**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—
- relating to that person; or
 - 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 ^{F44}(1A) registrar to whom the notice of the marriage is given may require the relevant governing authority to produce evidence relating to the consent mentioned in section 26B(2)(b), (4)(b) or (6)(d).]

- (2) [^{F45}A requirement under subsection (1) or (1A)] may be imposed at any time—
- on or after the giving of the notice of marriage; but
 - before the superintendent registrar issues his certificate under section 31.

[^{F46}(3) “Specified evidence”, in relation to a person, means such evidence as may be specified in guidance issued by the Registrar General—

- of the person's name and surname,
- of the person's age,
- 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
- of the person's nationality.]]

Textual Amendments

F43 S. 28A and sidenote inserted (1.1.2001) by 1999 c. 33, s. 162(1); S.I. 2000/2698, art. 2

F44 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)

F45 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)

F46 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)

C7 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))

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C8 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 . . . ^{F47} may enter a caveat with the superintendent registrar against the issue of a certificate ^{F48} . . . 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 ^{F48} . . . 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 ^{F48} . . . , 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 ^{F48} . . . 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 ^{F48} . . . , the person applying therefor may appeal to the Registrar General who shall either confirm the refusal or direct that a certificate ^{F48} . . . shall be issued.
- (4) Any person who enters a caveat against the issue of a certificate ^{F48} . . . on grounds which the Registrar General declares to be frivolous and to be such that they ought not to obstruct the issue of the certificate ^{F48} . . . , 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 ^{F48} . . .

Textual Amendments

F47 Words repealed by [S.I. 1968/1242](#)

F48 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)

C9 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**

- [^{F49}(1)] Any person whose consent to a marriage intended to be solemnized on the authority of ^{F50} . . . 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

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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.

- [^{F51}(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

- F49** 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**
- F50** 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**
- F51** 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 [^{F52}certificates] of a superintendent registrar ^{F53}. . . , the superintendent registrar to whom notice of marriage has been given shall suspend or affix in some conspicuous place in his office, for [^{F54}15] 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.
- [^{F55}(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.]

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- (2) At the expiration of the said period of [^{F56}15] 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—
- [^{F57}(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 [^{F58}, 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 [^{F52}certificates] of a superintendent registrar [^{F59} . . . until after the expiration of the [^{F60}waiting period in relation to each notice of marriage].
- [^{F61}(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 [^{F62}, 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 twenty-seven of this Act, the superintendent registrar shall, when issuing a certificate under this section, give to [^{F63}the person by whom notice of marriage was given] printed instructions in the prescribed form for the due solemnization of the marriage.
- [^{F64}(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) [^{F65}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);

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- (c) may make different provision in relation to different cases;
 - (d) require the approval of [^{F66}the Secretary of State].
- (5F) [^{F67}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.]

^{F68}(6)

Textual Amendments

- F52** 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**
- F53** 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**
- F54** 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**
- F55** 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)**
- F56** 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**
- F57** S. 31(2)(a) substituted (1.1.2001) by 1999 c. 33, **s. 163(1)**; S.I. 2000/2698, **art. 2**
- F58** 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)**
- F59** 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**
- F60** 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**
- F61** S. 31(4A) inserted (1.1.2001) by 1999 c. 33, **s. 160(5)**; S.I. 2000/2698, **art. 2**
- F62** 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)**
- F63** 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**
- F64** S. 31(5A)-(5I) inserted (1.1.2001) by 1999 c. 33, **s. 160(6)**; S.I. 2000/2698, **art. 2**
- F65** 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)**
- F66** 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)
- F67** 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)
- F68** S. 31(6) repealed by S.I. 1968/1242

Modifications etc. (not altering text)

- C10** 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)
- C11** 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)

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C12 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)

[^{F69}**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.]

Textual Amendments
F69 S. 31A and sidenote inserted (1.1.2001) by [1999 c. 33, s. 163\(2\)](#); [S.I. 2000/2698, art. 2](#)

[^{F70}**32** **E+W**

Textual Amendments
F70 S. 32 repealed (1.1.2001) by [1999 c. 33, ss. 160\(3\), 169\(3\)](#), [Sch. 16](#); [S.I. 2000/2698, art. 2](#)

[^{F71}**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.

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- (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^{F72}, 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

- F71** 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
- F72** 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

^{F73}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.]

Textual Amendments

- F73** 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^{F74} . . . 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—
- ^{F75}(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;

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and where any such certificate [^{F76}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.

[^{F77}(2) A superintendent registrar may issue a certificate ^{F78} . . . 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.]

[^{F79}(2A) A superintendent registrar may issue a certificate ^{F80} . . . 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.]

[^{F81}(2B) A superintendent registrar may issue a certificate ^{F80} . . . 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 ^{F78} . . . 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 [^{F82}certificates]of a superintendent registrar issued under subsection (2) or subsection (3) of this section, [^{F83}each notice] of marriage given to the superintendent registrar and [^{F84}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

F74 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**

F75 S. 35(1)(a) substituted by **Marriage Act 1949 (Amendment) Act 1954 (c. 47), s. 2**

F76 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**

F77 S. 35(2) substituted by **Marriage Act 1949 (Amendment) Act 1954 (c. 47), s. 1**

F78 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**

F79 S. 35(2A) inserted (1.1.1995) by 1994 c. 34, **s. 2(1)**; S.I. 1994/3116, **art. 2(a)**

F80 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**

F81 S. 35(2B) inserted (1.4.1995) by 1994 c. 34, **s. 2(1)**; S.I. 1995/424, **art. 2(2)**

F82 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**

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F83 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**

F84 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**

F85 **36** **E+W**

Textual Amendments

F85 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 [^{F86}certificates] of a superintendent registrar ^{F87}. . . between parties of whom one is residing in Scotland and the other is residing in England, the following provisions shall have effect—

[^{F88}(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 [^{F89}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;

[^{F90}(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) ^{F91}

Textual Amendments

F86 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**

F87 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**

F88 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)

F89 Words inserted (E.W.) by **Marriage Act 1983 (c. 32, SIF 49:1)**, s. 1(7), **Sch. 1 para. 8**

F90 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)

F91 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)

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, Part III. (See end of Document for details)

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

(1) Where a marriage is intended to be solemnized in England on the authority of [^{F92}certificates] of a superintendent registrar ^{F93}. . . 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 [^{F94}, 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 [^{F95}church or other building in which][^{F95}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 ^{M4}Marriages (Ireland) Act, 1844, as amended by the ^{M5}Marriages (Ireland) Act, 1846, and the ^{M6}Marriage Law (Ireland) Amendment Act, 1863:

Provided that the registrar shall not issue a certificate until the expiration of [^{F96}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.

(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

- F92** 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**
- F93** 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**
- F94** 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**
- F95** 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**
- F96** 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

- M4** 1844 c. 81.
M5 1846 c. 72.
M6 1863 c. 27.

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, Part III. (See end of Document for details)

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 [^{F97}certificates] of a superintendent registrar ^{F98} . . . 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 [^{F99}but [^{F100}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 [^{F101}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 of this Act relating to notices of marriage and the issue of certificates for marriage shall apply accordingly.

Textual Amendments

- F97** 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**
- F98** 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**
- F99** Words inserted (E.W.) by **Marriage Act 1983** (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 10(a)**
- F100** 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)**
- F101** 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)

- C13** 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)**

[^{F102}39A Marriage of former civil partners one of whom has changed sex **U.K.**

- (1) This section applies if—
 - (a) a court—

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

- (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 —
- “(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

F102 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.

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, Part III. (See end of Document for details)

F103(2)

Textual Amendments

F103 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 [F104: marriage of a man and a woman]. E+W

- (1) Any proprietor or trustee of a F105 . . . 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.
- [F106(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.]
- [F107(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.]
- (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.
- [F108(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

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the delivery of the certificates under subsection (2) of this section, the sum of [^{F109}£123.00].

[^{F110}(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

- F104** 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)
- F105** Word repealed by Marriage (Registration of Buildings) Act 1990 (c. 33, SIF 49:1), **s. 1(1)**
- F106** 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)
- F107** S. 41(2) substituted by Marriage Acts Amendment Act 1958 (c. 29), **s. 1(1)(a)**
- F108** 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**
- F109** 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)
- F110** S. 41(7) substituted by Marriage (Registration of Buildings) Act 1990 (c. 33, SIF 49:1), **s. 1(1)**

Modifications etc. (not altering text)

- C14** 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**

42 [^{F111}**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 [^{F112}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 ^{F113} . . .

^{F114}(2)

(3) Where the Registrar General cancels the registration of any building, ^{F113} . . . , 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 ^{F113} . . . , in the manner provided by subsection (5) of the last foregoing section in the case of the ^{F113} . . . registration of a building.

[^{F115}(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.]

^{F114}(4)

(5) Where the registration of any building has been cancelled, ^{F113} . . . under this section, it shall not be lawful to solemnize any marriage in the disused building, unless the

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building has been registered again in accordance with the provisions of this Part of this Act.

Textual Amendments

- F111** 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)
- F112** 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)
- F113** Words repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)
- F114** S. 42(2)(4) repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)
- F115** 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 [^{F116}**Buildings registered under section 41: appointment of authorised persons**] **E+W**

- (1) For the purpose of enabling marriages to be solemnized in a [^{F117}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 [^{F117}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.
- [^{F118}(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.]
- [^{F119}(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.

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

Textual Amendments

- F116** 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)
- F117** 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)
- F118** 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)
- F119** 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)

[^{F120}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—
 - (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.

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

Textual Amendments

F120 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—
 - (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.

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, Part III. (See end of Document for details)

Textual Amendments

F120 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

F120 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)

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—

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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;

“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

F120 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 [^{F121}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—
- (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 [^{F122}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]”:

- [^{F123}(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

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- (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

- F121** 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**
- F122** 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)
- F123** 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)

- C15** S. 44(3) applied by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. **10(3)**

^{F124}Registration of shared buildings for marriage of same sex couples

Textual Amendments

- F124** 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).

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- (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.

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

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- (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;
 - “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

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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.
- (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 [F125certificates] of a superintendent registrar, the persons to be married may state in the [F126notices] 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 [F127notices have] been given and the [F128certificates] 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

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in subsection (3) [^{F129}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

- F125** 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**
- F126** 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**
- F127** 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**
- F128** 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**
- F129** Words in s. 45(1) inserted (1.2.1997) by 1996 c. 34, s. **1(2)(a)**; S.I. 1996/2506, **art. 2**

[^{F130} **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) [^{F131}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) [^{F132}or (3A)] of section 44 of this Act in the case of marriages in registered buildings in the presence of a registrar.
- (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) [^{F132}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

- F130** S. 45A inserted (E.W.) by **Marriage Act 1983 (c. 32, SIF 49:1)**, s. 1(7), **Sch. 1 para. 11**
- F131** 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)**
- F132** Words in s. 45A(2)(3) inserted (1.2.1997) by 1996 c. 34, s. **1(2)(a)**; S.I. 1996/2506, **art. 2**

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

(1) If the parties to a ^{F133}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.

^{F134}(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—

“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 ^{F135}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

F133 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)

F134 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)

F135 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](#)

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

Modifications etc. (not altering text)

C16 S. 46(2)(3) applied by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 11\(2\)](#)

[^{F136} Marriages on approved premises

Textual Amendments

F136 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\(1\)\(a\)](#)

^{F137}46A Approval of premises. E+W

- (1) The [^{F138}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;
 - (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 [^{F139}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

F137 S. 46A inserted (24.2.1995) by [1994 c. 34, s. 1\(2\)](#); S.I. 1995/424, [art. 2\(1\)\(a\)](#)

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F138 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](#))

F139 Words in s. 46A(3) substituted (18.7.1996) by [1996 c. iv, s. 3\(2\)](#) (with [s. 5](#))

Modifications etc. (not altering text)

C17 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](#)

C18 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](#))

F140 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 ^{F141}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.
- (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) [^{F142}or (3A)] of this Act in the case of marriages in registered buildings ^{F143} . . .
- (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

F140 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\(1\)\(a\)\(2\)\(b\)](#)

F141 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](#))

F142 Words in s. 46B(3) inserted (1.2.1997) by [1996 c. 34, s. 1\(2\)\(b\)](#); [S.I. 1996/2506](#), [art. 2](#)

F143 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—

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- (a) [^{F144}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

F144 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

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 [^{F145}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; ^{F146} ...
- [^{F147}(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; [^{F148}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);]

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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

- F145** 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**
- F146** 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)
- F147** 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)
- F148** 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)

- C19** 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;
- (b) without a certificate for marriage having been duly issued [^{F149}in respect of each of the persons to be married,] by the superintendent registrar to whom notice of marriage was given;
- ^{F150}(c)
- (d) on the authority of [^{F151}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 [^{F152}notices] of marriage and [^{F152}certificates] of the superintendent registrar;
- ^{F153}(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; ^{F154}...
- (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; ^{F154}^{F155}...
- ^{F156}[(gg) 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;]

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the marriage shall be void.

Textual Amendments

- F149** 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**
- F150** 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**
- F151** 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**
- F152** 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**
- F153** 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)**
- F154** 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)**
- F155** 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**
- F156** 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)

- C20** S. 49 applied (with modifications) by Marriage (Registrar General's Licence) Act 1970 (c. 34), **s. 13**

[^{F157} 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.
- (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;
 - [^{F158}(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

- F157** 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)**
- F158** 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)**

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

- (1) Where a marriage is intended to be solemnized on the authority of [^{F159}certificates] of a superintendent registrar, ^{F160} . . . 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 [^{F161}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;
 - [^{F162}(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.

^{F163}(2)

- (3) Where a marriage is solemnized in a registered building without the presence of a registrar, the [^{F164}certificates] shall be kept in the prescribed custody and shall be 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

- F159** 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**
- F160** 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**
- F161** Words inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 14**
- F162** 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)**
- F163** 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**
- F164** 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**

- [^{F165}(1)] A registrar shall be entitled to receive from persons married under this Part of this Act in his presence ^{F166} . . . the sum of [^{F167}£46.00][^{F167}£86.00][^{F167}£81.00][^{F167}£88.00].
- [^{F168}(1A) In the case of persons married on approved premises in pursuance of section 26(1) of this Act—
- (a) subsection (1) of this section shall not apply, but

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- (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.]

[^{F169}(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 [^{F170}£84.00][^{F170}£94.00]].

Textual Amendments

- F165** 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**
- F166** 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**
- F167** 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)
- F168** 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)**
- F169** S. 51(2) added (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), **Sch. 1 para. 15**
- F170** 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 \(S.I. 2010/441\)](#), 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 [^{F171}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 [^{F171}declarations and forms of words] in the English language.

Textual Amendments

- F171** Words in s. 52 substituted (1.2.1997) by [1996 c. 34, s. 1\(3\)](#); S.I. 1996/2506, **art. 2**

Status:

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Changes to legislation:

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