



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART III

MARRIAGE UNDER SUPERINTENDENT REGISTRAR'S CERTIFICATE

Marriages in registered buildings

41 Registration of buildings.

(1) Any proprietor or trustee of a . . . ^{F1} 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.

[^{F2}(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.

(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;

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- (b) give a certificate of the registration signed by him, on durable materials, to the proprietor or trustee by whom the certificates delivered to him under subsection (2) of this section were countersigned; and
 - (c) give public notice of the registration of the building by advertisement in some newspaper circulating in the county in which the building is situated and in the London Gazette.
- (6) For every entry, certificate and notice made or given under the last foregoing subsection the superintendent registrar shall be entitled to receive, at the time of the delivery of the certificates under subsection (2) of this section, the sum of [^{F3}£93.00]
- [^{F4}(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

F1 Word repealed by [Marriage \(Registration of Buildings\) Act 1990 \(c. 33, SIF 49:1\), s. 1\(1\)](#)

F2 [S. 41\(2\)](#) substituted by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)\(a\)](#)

F3 Fee in s. 41(6) substituted (1.4.1995) by [S.I. 1994/3257, art. 3, Sch. Pt. II](#) (which S.I. was revoked (1.4.1996) by [S.I. 1995/3162, art. 3](#)); and that same fee payable (1.4.1996) by virtue of [S.I. 1995/3162, art. 2, Sch.](#) (which S.I. was revoked (1.4.1997) by [S.I. 1996/3152, art. 3](#))

F4 [S. 41\(7\)](#) substituted by [Marriage \(Registration of Buildings\) Act 1990 \(c. 33, SIF 49:1\), s. 1\(1\)](#)

42 Cancellation of registration and substitution of another building.

- (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 registered building 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 . . . ^{F5}
- (2) ^{F6}
- (3) Where the Registrar General cancels the registration of any building, . . . ^{F5}, 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 . . . ^{F5}, in the manner provided by subsection (5) of the last foregoing section in the case of the . . . ^{F5} registration of a building.
- (4) ^{F6}
- (5) Where the registration of any building has been cancelled, . . . ^{F5} under this section, it shall not be lawful to solemnize any marriage in the disused building, unless the building has been registered again in accordance with the provisions of this Part of this Act.

Textual Amendments

F5 Words repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)

F6 [S. 42\(2\)\(4\)](#) repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)

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43 Appointment of authorised persons.

- (1) For the purpose of enabling marriages to be solemnized in a registered building 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 registered building, 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.

[^{F7}Provided that, in relation to a building which becomes registered after the thirty-first day of December, nineteen hundred and fifty-eight, the power conferred by this subsection to authorise a person to be present as aforesaid shall not be exercisable before the expiration of one year from the date of registration of the building or, where the congregation on whose behalf the building is registered previously used for the purpose of public religious worship another building of which the registration has been cancelled not earlier than one month before the date of registration aforesaid, one year from the date of registration of that other building.]

- (2) Any person whose name and address have been certified as aforesaid is in this Act referred to as an “authorised person”.
- (3) Nothing in this section shall be taken to relate or have any reference to marriages solemnized according to the usages of the Society of Friends or of persons professing the Jewish religion.

Textual Amendments

F7 Proviso added by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(2\)](#)

44 Solemnization of marriage in registered building.

- (1) Subject to the provisions of this section, where a notice of marriage and certificate 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 the last foregoing section by the trustees or governing body of that registered building or of some other registered building in the same registration district.

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- (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]”:

Provided that if the marriage is solemnized in the presence of an authorised person without the presence of a registrar, the persons to be married, instead of saying each to the other the last-mentioned form of words, may say:—

“I,*AB*, do take thee,*CD*, 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.

Modifications etc. (not altering text)

C1 S. 44(3) applied by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 10\(3\)](#)

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