



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

## PART III

### MARRIAGE UNDER SUPERINTENDENT REGISTRAR'S CERTIFICATE

#### *Miscellaneous Provisions*

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

- (1) Where any marriage has been solemnized under the provisions of this Part of this Act, it shall not be necessary in support of the marriage to give any proof—
- (a) that before the marriage either of the parties thereto resided, or resided for any period, in the registration district stated in the [<sup>F1</sup>notices] of marriage to be that of his or her place of residence;
  - (b) that any person whose consent to the marriage was required by section three of this Act had given his consent;
  - (c) that the registered building in which the marriage was solemnized had been certified as required by law as a place of religious worship;
  - (d) that that building was the usual place of worship of either of the parties to the marriage; or
  - (e) that the facts stated in a declaration made under subsection (1) of section thirty-five of this Act were correct;

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.

*Status: Point in time view as at 01/04/2012.*

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

#### Textual Amendments

**F1** 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

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

**C1** S. 48 applied with modifications by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 12

## 49 Void marriages.

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 [<sup>F2</sup>,in respect of each of the persons to be married,] by the superintendent registrar to whom notice of marriage was given;
- <sup>F3</sup>(c) . . . . .
- (d) on the authority of [<sup>F4</sup>certificates which are] void by virtue of subsection (2) of section thirty-three of this Act;
- (e) in any place other than the church, chapel, registered building, office or other place specified in the [<sup>F5</sup>notices] of marriage and [<sup>F5</sup>certificates] of the superintendent registrar;
- <sup>F6</sup>(ee) in the case of a marriage purporting to be in pursuance of section 26(1)(bb) of this Act, on any premises that at the time the marriage is solemnized are not approved premises;]
- (f) in the case of a marriage in a registered building (not being a marriage in the presence of an authorised person), in the absence of a registrar of the registration district in which the registered building is situated; <sup>F7</sup>...
- (g) in the case of a marriage in the office of a superintendent registrar, in the absence of the superintendent registrar or of a registrar of the registration district of that superintendent registrar; <sup>F7</sup><sup>F8</sup>...
- <sup>F9</sup>[ (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;]

the marriage shall be void.

#### Textual Amendments

**F2** 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

**F3** 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

**F4** 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

**F5** 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

**F6** 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)

*Status: Point in time view as at 01/04/2012.*

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- F7** 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)**
- F8** 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**
- F9** 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)**

- C2** S. 49 applied (with modifications) by **Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 13**

**50 Person to whom certificate to be delivered.**

- (1) Where a marriage is intended to be solemnized on the authority of [<sup>F10</sup>certificates] of a superintendent registrar, <sup>F11</sup> . . . the certificates shall be delivered to the following person, that is to say:—
- (a) if the marriage is to be solemnized in a registered building [<sup>F12</sup>or at a person’s residence] in the presence of a registrar, that registrar;
  - (b) if the marriage is to be solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is to be solemnized;
  - (c) if the marriage is to be solemnized in the office of a superintendent registrar, the registrar in whose presence the marriage is to be solemnized;
  - [<sup>F13</sup>(cc) if the marriage is to be solemnized on approved premises, the registrar in whose presence the marriage is to be solemnized;]
  - (d) if the marriage is to be solemnized according to the usages of the Society of Friends, the registering officer of that Society for the place where the marriage is to be solemnized;
  - (e) if the marriage is to be solemnized according to the usages of persons professing the Jewish religion, the officer of a synagogue by whom the marriage is required to be registered under Part IV of this Act;
  - (f) if the marriage is to be solemnized according to the rites of the Church of England, the officiating clergyman.

<sup>F14</sup>(2) . . . . .

- (3) Where a marriage is solemnized in a registered building without the presence of a registrar, the [<sup>F15</sup>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**

- F10** 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**
- F11** 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**
- F12** Words inserted (E.W.) by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 14**
- F13** 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)**
- F14** 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**
- F15** 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**

*Status: Point in time view as at 01/04/2012.*

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## 51 Fees of registrars for attending marriages.

[<sup>F16</sup>(1)] A registrar shall be entitled to receive from persons married under this Part of this Act in his presence <sup>F17</sup> . . . the sum of [<sup>F18</sup>£45.00][<sup>F18</sup>£84.00][<sup>F18</sup>£79.00][<sup>F18</sup>£86.00].

[<sup>F19</sup>(1A) In the case of persons married on approved premises in pursuance of section 26(1)(bb) of this Act—

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

[<sup>F20</sup>(2) A superintendent registrar shall be entitled to receive from persons married in his presence in pursuance of section 26(1)(dd) of this Act the sum of [<sup>F21</sup>£82.00][<sup>F21</sup>£93.00].

### Textual Amendments

- F16** 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](#)
- F17** 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](#)
- F18** S. 51(1): it is provided that from 1.4.2012 the fee of registrar for attending marriage (a) at register office is £45 and (b) at registered building is £84, at the place where a house-bound person usually resides is £79 and at a place where a detained person usually resides is £86 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.4.2012) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2012 \(S.I. 2012/760\)](#), arts. 1, 3, 4)
- F19** S. 51(1A) inserted (24.2.1995) by [1994 c. 34, s. 1\(3\)](#), [Sch. para. 5](#); [S.I. 1995/424](#), [art. 2\(1\)\(b\)](#)
- F20** S. 51(2) added (E.W.) by [Marriage Act 1983 \(c. 32, SIF 49:1\)](#), s. 1(7), [Sch. 1 para. 15](#)
- F21** S. 51(2): it is provided that from 1.4.2012 the fee of superintendent registrar attending marriage at the place where (a) a house-bound person usually resides is £82 and (b) where a detained person usually resides is £93 by [The Registration of Births, Deaths and Marriages \(Fees\) Order 2010 \(S.I. 2010/441\)](#), arts. 1(1), 2, Sch. (as amended (1.4.2012) by [The Registration of Births, Deaths and Marriages \(Fees\) \(Amendment\) Order 2012 \(S.I. 2012/760\)](#), arts. 1, 3, 4)

## 52 Provision for marriages in Welsh language.

The Registrar General shall furnish to every registrar in Wales and in every place in which the Welsh language is commonly used a true and exact translation into the Welsh language of the [<sup>F22</sup>declarations and forms of words] required to be used under section forty-four of this Act, and the said translation may be used in any place in which the Welsh language is commonly used in the same manner as is prescribed by the said section forty-four for the use of the [<sup>F22</sup>declarations and forms of words] in the English language.

### Textual Amendments

- F22** Words in s. 52 substituted (1.2.1997) by [1996 c. 34, s. 1\(3\)](#); [S.I. 1996/2506](#), [art. 2](#)

**Status:**

Point in time view as at 01/04/2012.

**Changes to legislation:**

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