



# Marriage Act 1949

## 1949 CHAPTER 76

### PART IV

#### REGISTRATION OF MARRIAGES

#### **53 Persons by whom marriages are to be registered**

Subject to the provisions of Part V of this Act, a marriage shall be registered in accordance with the provisions of this Part of this Act by the following person, that is to say,—

- (a) in the case of a marriage solemnized according to the rites of the Church of England, by the clergyman by whom the marriage is solemnized;
- (b) in the case of a marriage solemnized according to the usages of the Society of Friends, by the registering officer of that Society appointed for the district in which the marriage is solemnized ;
- (c) in the case of a marriage solemnized according to the usages of persons professing the Jewish religion, by the secretary of the synagogue of which the husband is a member;
- (d) in the case of a marriage solemnized in a registered building in the presence of a registrar, by that registrar;
- (e) in the case of a marriage solemnized in a registered building without the presence of a registrar, by the authorised person in whose presence the marriage is solemnized;
- (f) in the case of a marriage solemnized in the office of a superintendent registrar, by the registrar in whose presence the marriage is solemnized.

#### **54 Provision of marriage register books by Registrar General**

- (1) The Registrar General shall furnish to the rector, vicar or curate in charge of every church and chapel in which marriages may be solemnized according to the rites of the Church of England (hereafter in this Part of this Act referred to as the " incumbent ") and to every registering officer of the Society of Friends, secretary of a synagogue and registrar and, in the case of a registered building for which an authorised person

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has been appointed, to the authorised person or to the trustees or governing body of the building, such number of register books for making entries of marriages in the prescribed form, and such number of forms for making certified copies of those entries, as may be required for the purposes of this Part of this Act.

- (2) Marriage register books furnished as aforesaid shall be of durable materials, and the heads of information required to be known and registered in relation to marriages shall be printed on each side of every leaf thereof; and every page of a marriage register book, and every place of entry therein, shall be numbered progressively from the beginning to the end of the book, beginning with the number one, and every entry shall be divided from the following entry by a printed line.

## **55 Manner of registration of marriages**

- (1) Every person who is required under this Part of this Act to register a marriage shall, immediately after the solemnization of the marriage, or, in the case of a marriage according to the usages of the Society of Friends, as soon as conveniently may be after the solemnization of the marriage, register in duplicate in two marriage register books the particulars relating to the marriage in the prescribed form:

Provided that—

- (a) where a registrar is required to register a marriage as aforesaid, the said particulars need not be registered in duplicate;
- (b) before registering a marriage in accordance with the provisions of this Part of this Act, a registering officer of the Society of Friends and a secretary of a synagogue shall, whether or not he was present at the marriage, satisfy himself that the proceedings in relation to the marriage were conformable to the usages of the said Society or of persons professing the Jewish religion, as the case may be.
- (2) Every entry made in a marriage register book by virtue of this section by a clergyman, registering officer, secretary or authorised person shall be signed by the clergyman, registering officer, secretary or authorised person, as the case may be, and by the parties to the marriage and two witnesses, and every entry so made by a registrar shall be signed by the person by or before whom the marriage was solemnized, if any, and by the registrar, the parties to the marriage and two witnesses.
- (3) Every entry made in a marriage register book by virtue of this section shall be made in consecutive order from the beginning to the end of each book and, in the case of an entry made otherwise than by a registrar, the number of the entry shall be the same in each duplicate marriage register book.

## **56 Power to ask for particulars of marriage**

Every person who is required under this Part of this Act to register a marriage may ask the parties to the marriage the particulars relating to the marriage which are required to be entered in the marriage register book.

## **57 Quarterly returns to be made to superintendent registrar**

- (1) Every incumbent, registering officer of the Society of Friends, secretary of a synagogue, authorised person and registrar shall in the months of January, April, July and October—

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- (a) make and deliver to the superintendent registrar, on forms supplied by the Registrar General, a true copy certified by him under his hand of all entries of marriages made in the marriage register book kept by him during the period of three months ending with the last day Of the month immediately before the month in which the copy is required by this subsection to be made; or
  - (b) if no marriage has been registered in the said book during that period, deliver to the superintendent registrar a certificate of that fact under his hand, on a form supplied by the Registrar General.
- (2) The certified copies and certificates required to be delivered by a registrar under the last foregoing subsection shall be delivered to the superintendent registrar on such days in the months of January, April, July and October as may be appointed by the Registrar General, and shall be certified by the registrar in the prescribed form.
- (3) Any incumbent and any authorised person who is required by subsection (1) of this section to deliver to the superintendent registrar a certified copy of entries in the marriage register book or a certificate that no marriage has been registered, may deliver the copy or certificate to any registrar who is under the superintendence of that superintendent registrar, and every registrar who receives such a certified copy or certificate shall deliver it to the superintendent registrar ; and a superintendent registrar may direct the registrars under his superintendence quarterly or more often, if he thinks fit or is ordered so to do by the Registrar General, to collect any such certified copies or certificates from every incumbent and authorised person within his registration district.
- (4) The superintendent registrar shall pay or cause to be paid to every incumbent and authorised person by whom a certified copy is delivered under subsection (1) of this section the sum of sixpence for every entry contained in the certified copy; and that sum shall be reimbursed to the superintendent registrar by the council of the county or county borough in which his registration district is situated:

Provided that where a registration district is in the administrative county of London the said sum shall be reimbursed to the superintendent registrar by—

  - (a) in the case of a registration district in a metropolitan borough, the council of that borough;
  - (b) in the case of a registration district in the City of London, the Common Council of that City.
- (5) Where a certified copy is delivered to the superintendent registrar by a registrar under subsection (1) of this section, the superintendent registrar shall verify the copy and, if the copy is found to be correct, shall certify it under his hand to be a true copy; and where a certificate that no marriage has been registered is so delivered, the superintendent registrar shall countersign the certificate.
- (6) A superintendent registrar who is not a salaried officer shall be entitled to receive the sum of two pence for every entry in the certified copies delivered to him under this section, and shall four times in every year make out an account of the number of entries in the certified copies delivered to him during the preceding three months.

## **58 Quarterly returns to be made by superintendent registrar to Registrar General**

- (1) Every superintendent registrar shall, four times in every year on such days as may be appointed by the Registrar General, send to the Registrar General all certified copies of entries in marriage register books which he has received during the three

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months immediately before the days so appointed respectively, and if it appears, by interruption of the regular progression of numbers or otherwise, that the copy of any part of any book has not been duly delivered to him, the superintendent registrar shall as far as possible procure, consistently with the provisions of this Part of this Act, that the deficiency is remedied.

- (2) The certified copies sent to the Registrar General under the last foregoing subsection shall be kept in the General Register Office in such order and such manner as the Registrar General, under the direction of the Minister of Health, may think fit so that they may be most readily seen and examined.

## **59 Custody of register books**

Every incumbent, registering officer of the Society of Friends, secretary of a synagogue, authorised person and registrar shall keep marriage register books safely until they are filled, so however that any register book kept by an authorised person shall be kept in accordance with regulations made under section seventy-four of this Act and any register book kept by a registrar shall, when not in use, be kept in the register box provided for the purpose by the Registrar General in accordance with section fourteen of the Births and Deaths Registration Act, 1836.

## **60 Filled register books**

- (1) Where any marriage register book required to be kept in duplicate under this Part of this Act is filled, one copy thereof shall be delivered to the superintendent registrar and the other copy—
  - (a) in the case of a register book kept by an incumbent, shall remain in the custody of the incumbent and be kept by him with the registers of baptisms and burials of the parish or other ecclesiastical district in which the marriages registered therein have been solemnized;
  - (b) in the case of a register book kept by a registering officer of the Society of Friends or by the secretary of a synagogue, shall remain in the custody of the members of the Society of Friends or of persons professing the Jewish religion, as the case may be, to be kept with the other registers and records of the said Society or of the said persons, and shall, for the purposes of this Act, be deemed to be in the keeping of the registering officer or secretary for the time being, as the case may be;
  - (c) in the case of a register book kept by an authorised person, shall be kept in prescribed custody.
- (2) Where a marriage register book kept by a registrar is filled, the registrar shall deliver it to the superintendent registrar to be kept by him with the records of his office.

## **61 Correction of errors in register books**

- (1) A person required to register a marriage under this Part of this Act who discovers an error in the form or substance of an entry made in a marriage register book kept by him shall not be liable to any penalty by reason only that, within one month after the discovery of the error, he corrects the erroneous entry in the presence of the parties to the marriage to which the entry relates or, in the case of the death or absence of either of those parties, in the presence of the superintendent registrar and two other

credible witnesses, by entry in the margin of the register book, without any alteration of the original entry.

- (2) Any such marginal entry as aforesaid shall be signed by the person by whom the entry is made and shall be attested by the persons in whose presence the entry is required to be made under the last foregoing subsection, and the person by whom the entry is made shall add the date when it is made.
- (3) Where any such marginal entry is made by a person who is required to register marriages in duplicate under this Part of this Act, that person shall make the like entry, attested in the like manner, in the duplicate marriage register book.
- (4) Any person who makes any such marginal entry as aforesaid shall make the like entry in the certified copy of the register book required to be made by him under this Part of this Act or, if a certified copy has already been delivered to the superintendent registrar, shall make and deliver to the superintendent registrar a separate certified copy of the original erroneous entry and of the marginal correction made therein.
- (5) Where a marriage to which an erroneous entry in a marriage register relates has been solemnized according to the rites of the Church of England and either of the parties to the marriage is dead or absent, the reference in subsection (1) of this section to the superintendent registrar and two other credible witnesses shall be construed as a reference either to those persons or to the church wardens or chapel wardens of the church or chapel in which the marriage was solemnized.

## **62 Disposal of register books on church ceasing to be used for solemnization of marriages**

- (1) Where any church or chapel of the Church of England ceases to be used for the solemnization of marriages, whether by reason of demolition, revocation of a licence or otherwise, any marriage register books in the custody of the incumbent of that church or chapel shall forthwith be delivered to the incumbent of the church which is, or becomes, the parish church of the parish in which the disused church or chapel is situated.
- (2) Any incumbent to whom any marriage register books have been delivered under the last foregoing subsection—
  - (a) shall, when he next delivers to the superintendent registrar under this Part of this Act a certified copy of the entries in the marriage register books of marriages solemnized in the parish church, deliver also a copy of all entries which have been made in the first mentioned marriage register books after the date of the last entry therein of which a certified copy has already been delivered to the superintendent registrar; and
  - (b) shall, unless the said first mentioned marriage register books are the only register books in use for the parish, forward such of the said books as have not been filled to the Registrar General in order that they may be formally closed.

## **63 Searches in register books**

- (1) Every incumbent, registering officer of the Society of Friends, secretary of a synagogue and registrar by whom a marriage register book is kept shall at all reasonable hours allow searches to be made in any marriage register book in his keeping, and shall give a copy certified under his hand of any entry in such a book, on payment of the following fee, that is to say—

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- (a) for every search covering a period of not more than one year, the sum of one shilling, and for every search covering a period of more than one year, the sum of one shilling for the first year together with an additional sixpence for every additional year; and
  - (b) for every certified copy, the sum of two shillings and sixpence.
- (2) The last foregoing subsection shall apply in the case of a registered building for which an authorised person has been appointed with the substitution for the reference to the incumbent of a reference to the person having the custody of a marriage register book in accordance with regulations made under section seventy-four of this Act.

#### **64 Searches of indexes kept by superintendent registrars**

- (1) Every superintendent registrar shall cause indexes of the marriage register books in his office to be made and to be kept with the other records of his office, and the Registrar General shall supply to every superintendent registrar suitable forms for the making of such indexes.
- (2) Any person shall be entitled at all reasonable hours to search the said indexes, and to have a certified copy of any entry in the said marriage register books under the hand of the superintendent registrar, on payment to the superintendent registrar of the following fee, that is to say:—
- (a) for every general search, the sum of five shillings'.
  - (b) for every particular search, the sum of one shilling; and
  - (c) for every certified copy, the sum of two shillings and sixpence.

#### **65 Searches of indexes kept by Registrar General**

- (1) The Registrar General shall cause indexes of all certified copies of entries in marriage register books sent to him under this Part of this Act to be made and kept in the General Register Office.
- (2) Any person shall be entitled to search the said indexes between the hours of ten in the morning and four in the afternoon of every day, except Sundays, Christmas Day and Good Friday, and to have a certified copy of any entry in the said certified copies of marriage register books, on payment to the Registrar General or to such other person as may be appointed to act on his behalf of the following fee, that is to say :—
- (a) for every general search, the sum of twenty shillings;
  - (b) for every particular search, the sum of one shilling; and
  - (c) for every certified copy, the sum of two shillings and sixpence.
- (3) The Registrar General shall cause all certified copies of entries given in the General Register Office to be sealed or stamped with the seal of that Office; and any certified copy of an entry purporting to be sealed or stamped with the said seal shall be received as evidence of the marriage to which it relates without any further or other proof of the entry, and no certified copy purporting to have been given in the said Office shall be of any force or effect unless it is sealed or stamped as aforesaid.
- (4) Every sum received under this section by or on behalf of the Registrar General shall be accounted for by the Registrar General and paid by him, at such times as the Treasury from time to time may direct, into the Exchequer.

## **66 Sending documents by post**

Any certificate, return or other document required by this Part of this Act to be delivered or sent to the Registrar General, a superintendent registrar or a registrar may be sent by post.

## **67 Interpretation of Part IV**

In this Part of this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say:—

" general search " means a search conducted during any number of successive hours not exceeding six, without the object of the search being specified;

" incumbent " has the meaning assigned to it by section fifty-four of this Act;

" particular search " means a search of the indexes covering a period not exceeding five years for a specified entry;

" registering officer of the Society of Friends " means a person whom the recording clerk of the Society of Friends certifies in writing under his hand to the Registrar General to be a registering officer in England of that Society;

" secretary of a synagogue " means—

- (a) a person whom the President of the London Committee of Deputies of the British Jews certifies in writing to the Registrar General to be the secretary of a synagogue in England of persons professing the Jewish religion;
- (b) the person whom twenty householders professing the Jewish religion and being members of the West London Synagogue of British Jews certify in writing to the Registrar General to be the secretary of that Synagogue;
- (c) a person whom the secretary of the said Synagogue certifies in writing to be the secretary of some other synagogue of not less than twenty householders professing the Jewish religion, being a synagogue which is connected with the said West London Synagogue and has been established for not less than one year;

" superintendent registrar " means—

- (a) in the case of a marriage registered by a clergyman, the superintendent registrar of the registration district in which the church or chapel in which the marriage was solemnized is situated;
- (b) in the case of a marriage registered by a registering officer of the Society of Friends, the superintendent registrar of the registration district which is assigned by the Registrar General to that registering officer;
- (c) in the case of a marriage registered by the secretary of a synagogue, the superintendent registrar of the registration district which is assigned by the Registrar General to that secretary;
- (d) in the case of a marriage registered by an authorised person, the superintendent registrar of the registration district in which the registered building in which the marriage was solemnized is situated;
- (e) in the case of a marriage registered by a registrar, the superintendent registrar of the registration district within which that registrar was appointed to act.