



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

## PART I

### RESTRICTIONS ON MARRIAGE

#### **1 Marriages within prohibited degrees.**

- (1) A marriage solemnized [<sup>F1</sup>between a person and any person mentioned in the list in Part 1 of Schedule 1] shall be void.
- [<sup>F2</sup>(2) Subject to subsection (3) of this section, a marriage solemnized [<sup>F3</sup>between a person and any person mentioned in the list in Part 2 of Schedule 1] shall be void.
- (3) Any such marriage as is mentioned in subsection (2) of this section shall not be void by reason only of affinity if both the parties to the marriage have attained the age of twenty-one at the time of the marriage and the younger party has not at any time before attaining the age of eighteen been a child of the family in relation to the other party.
  - (4) Subject to subsection (5) of this section, a marriage solemnized between a man and any of the persons mentioned in the first column of Part III of the First Schedule to this Act or between a woman and any of the persons mentioned in the second column of the said Part III shall be void.
- (5) Any such marriage as is mentioned in subsection (4) of this section shall not be void by reason only of affinity if both the parties to the marriage have attained the age of twenty-one at the time of the marriage and the marriage is solemnized—
  - (a) In the case of a marriage between a man and the mother of a former wife of his, after the death of both the former wife and the father of the former wife;
  - (b) in the case of a marriage between a man and the former wife of his son, after the death of both his son and the mother of his son;
  - (c) in the case of a marriage between a woman and the father of a former husband of hers, after the death of both the former husband and the mother of the former husband;
  - (d) in the case of a marriage between a woman and a former husband of her daughter, after the death of both her daughter and the father of her daughter.]

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*Status: Point in time view as at 05/12/2005. This version of this provision has been superseded.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage Act 1949, Section 1. (See end of Document for details)*

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- (6) [<sup>F4</sup>Subsection (5) of this section and Parts 2 and 3 of the First Schedule to this Act have effect subject to the following modifications in the case of a party to a marriage whose gender has become the acquired gender under the Gender Recognition Act 2004 (“the relevant person”).]
- (7) [<sup>F4</sup>Any reference in those provisions to a former wife or former husband of the relevant person includes (respectively) any former husband or former wife of the relevant person.]
- (8) [<sup>F4</sup>And—
- (a) the reference in paragraph (b) of subsection (5) of this section to the relevant person’s son’s mother is to the relevant person’s son’s father if the relevant person is the son’s mother; and
  - (b) the reference in paragraph (d) of that subsection to the relevant person’s daughter’s father is to the relevant person’s daughter’s mother if the relevant person is the daughter’s father.]

#### **Textual Amendments**

- F1** Words in s. 1(1) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 13\(2\)](#); S.I. 2005/3175, art. 2(2)
- F2** S. 1(2)–(5) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986 \(c. 16, SIF 49:1\)](#), s. 1(6), [Sch. 1 para. 2](#); original s. 1(2)(3) repealed by [Marriage \(Enabling\) Act 1960 \(c. 29\)](#), [Sch. 1 para. 13\(3\)](#); S.I. 2005/3175, art. 2(2)
- F3** Words in s. 1(2) substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 13\(3\)](#); S.I. 2005/3175, art. 2(2)
- F4** S. 1(6)–(8) repealed (5.12.2005 for specified purposes) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 263(10)(b), [Sch. 27 para. 13\(6\)](#), [Sch. 30](#); S.I. 2005/3175, art. 2(2)(4)(6)(7)

**Status:**

Point in time view as at 05/12/2005. This version of this provision has been superseded.

**Changes to legislation:**

There are currently no known outstanding effects for the Marriage Act 1949, Section 1.