



# Marriage Act 1949

## 1949 CHAPTER 76

### PART III

#### MARRIAGE UNDER SUPERINTENDENT REGISTRAR'S CERTIFICATE

##### *Issue of certificates*

#### **37 One party resident in Scotland**

- (1) Where a marriage is intended to be solemnized in England on the authority of a certificate of a superintendent registrar without licence between parties of whom one is residing in Scotland and the other is residing in England, the following provisions shall have effect—
- (a) the party residing in Scotland may, subject to and in accordance with the provisions of section seven of the Marriage Notice (Scotland) Act, 1878, give notice of the intended marriage as if the parties were residing in different parishes or districts in Scotland and as if the marriage were intended to be contracted or celebrated in Scotland, and the provisions of that Act relating to notices of intended marriages and the granting of certificates of due publication thereof shall apply accordingly;
  - (b) the party residing in England may, subject to and in accordance with the provisions of sections twenty-seven 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;
  - (c) a certificate of due publication of a notice of the intended marriage granted in Scotland by virtue of paragraph (a) of this subsection shall, for the purpose of the 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.

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*Status: This is the original version (as it was originally enacted).*

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- (2) Where a marriage is intended to be solemnized as aforesaid between parties of whom one is residing in Scotland and the other is residing in England and a certificate of proclamation of banns in Scotland has been issued under the hand of the minister or session clerk of the parish in which the proclamation was made—
- (a) the superintendent registrar of the registration district in which the party residing in England is residing may accept notice of marriage given by that party, subject to and in accordance with the provisions of sections twenty-seven 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;
  - (b) the production of the certificate of proclamation of banns to the person by whom the marriage is to be solemnized 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.