
STATUTORY INSTRUMENTS

1997 No. 986

DEREGULATION

The Deregulation (Validity of Civil Preliminaries to Marriage) Order 1997

Made - - - - *18th March 1997*

Coming into force - - *1st October 1997*

Whereas:

- (a) the Chancellor of the Exchequer is of the opinion that certain provisions of the Marriage Act 1949⁽¹⁾ and which are the subject of this Order impose burdens affecting persons in the carrying on of a trade, business, profession or otherwise and that by amending the provisions concerned it is possible to remove or reduce the burdens without removing any necessary protection;
- (b) such organisations as appear to the Chancellor of the Exchequer to be representative of interests substantially affected by proposals to amend the provisions concerned and to make other provision, and such other persons as he considers appropriate, have been consulted;
- (c) it appears to the Chancellor of the Exchequer that it is appropriate, following the consultation, to proceed with the making of this Order;
- (d) a document setting out the proposals has been laid before Parliament as required by section 3 of the Deregulation and Contracting Out Act 1994⁽²⁾ and the period for Parliamentary consideration under section 4 of that Act has expired;
- (e) regard has been had to the representations made during that period;
- (f) a draft of this Order has been laid before Parliament with a statement giving details of those representations and the changes (if any) to the proposals in the light of those representations; and
- (g) a draft of this Order has been approved by resolution of each House of Parliament.

Now, therefore, the Chancellor of the Exchequer, in exercise of the powers conferred by sections 1 and 2(3) of the Deregulation and Contracting Out Act 1994, hereby makes the following Order—

(1) 1949 c. 76.
(2) 1994 c. 40.

Citation and commencement

1. This Order may be cited as the Deregulation (Validity of Civil Preliminaries to Marriage) Order 1997 and shall come into force on 1st October 1997.

Extension in period of validity of certificate and licence issued by superintendent registrar

2.—(1) The Marriage Act 1949 shall be amended in accordance with the following provisions of this Article.

(2) In section 33 (period of validity of certificate and licence)—

- (a) in subsection (1) for the words from “three” to the end there shall be substituted “the period which is the applicable period in relation to that marriage”; and
- (b) in subsection (2) for “the said period of three months” there shall be substituted “the applicable period”.

(3) At the end of that section there shall be inserted—

“(3) For the purposes of this section, the applicable period, in relation to a marriage, is the period beginning with the day on which the notice of marriage was entered in the marriage notice book and ending—

(a) in the case of a marriage which is to be solemnized in pursuance of any of the following provisions of this Act, namely—

- (i) section 26(1)(dd),
- (ii) section 37, and
- (iii) section 38,

on the expiry of three months; and

(b) in the case of any other marriage, on the expiry of twelve months.”.

(4) In section 75 (offences relating to solemnization of marriages), in each of the following provisions, namely—

- (a) subsection (2)(e), and
- (b) subsection (3)(b),

for the words from “three” to the end of the provision there shall be substituted “the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act”.

Transitional provision

3. The amendments made by Article 2(2) and (3) of this Order shall not apply to any certificate or licence issued by the superintendent registrar in relation to a marriage in respect of which the notice of marriage was entered in the marriage notice book before the day on which this Order comes into force.

18th March, 1997

Kenneth Clarke
Chancellor of the Exchequer

EXPLANATORY NOTE

(This note is not part of the Order)

This Order amends the Marriage Act 1949 so that a marriage may be solemnized up to twelve months after entry of notice given to a superintendent registrar in the marriage notice book (Article 2(2) and (3)). The relevant period was previously three months.

The extended period of validity of civil preliminaries to marriage does not apply to the marriage of a person who is housebound or detained, or to marriages where one of the parties is resident in Scotland or Northern Ireland (Article 2(3)).

The Order makes consequential amendments to the provisions on offences relating to solemnization of marriages (Article 2(4)) and transitional provision for notices entered in the marriage notice book prior to the date on which it comes into force (Article 3).