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STATUTORY INSTRUMENTS

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**2021 No. 411**

**The Registration of Marriages Regulations 2021**

**PART 4**

**Registration of marriages**

**Repeal of sections 53 to 62 of the 1949 Act**

6. Omit sections 53 to 62 of the 1949 Act (registration of marriages)(1).

**Registration of marriages**

7. In Part 4 of the 1949 Act, before section 63 (searches in register books), insert—

**“53A Register of marriages**

(1) The Registrar General must maintain a register for the recording of information relating to marriages and the registration of marriages, which is to be known as the “marriage register”.

(2) The marriage register must be accessible in electronic form.

(3) Where a marriage is registered under section 53D(10)(a), the entry must be available to—

(a) the Registrar General, and

(b) the superintendent registrar in whose registration district the marriage was solemnized,

immediately after the entry has been made.

(4) Subject to subsection (5), information entered in the marriage register under any provision of this Act other than sections 29(1) or 53D(10)(a) must not be made available to the Registrar General.

(5) Subsection (4) does not apply to information entered in the marriage register under section 27(4) where the superintendent registrar who entered the information has agreed that it may be made available.

**53B Signing of a marriage document**

- (1) This section applies to a marriage solemnized—

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(1) Section 53 was amended by paragraph 16 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage Act 1994 and paragraph 16 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013. Section 55 was amended by paragraph 17 of Schedule 1 to the Marriage Act 1983. Section 57 was amended by Schedule 2 to the Registration Service Act 1953, paragraph 40 of Schedule 29 to the Local Government Act 1972 (c.70), paragraph 14 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821. Section 58 was amended by paragraph 12 of Schedule 1 and Schedule 2 to the Registration Service Act 1953, S.I. 2008/678 and 2009/2821, and further had functions transferred by S.I. 1968/1699 and S.I. 1996/273. Section 59 was amended by Schedule 2 to the Registration Service Act 1953 and paragraph 18 of Schedule 1 to the Marriage Act 1983. Section 63 was amended by paragraph 15 of Schedule 15 to the Immigration Act 2016 and S.I. 1968/1242.

- (a) after the publication of banns,
- (b) on the authority of a special licence, or
- (c) on the authority of a common licence.

(2) Before the marriage document is signed, the clergyman by whom the marriage is to be or has been solemnized may ask the parties to the marriage questions regarding the contents of the marriage document.

(3) The parties to a marriage to which this section applies must sign the marriage document, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—

- (a) each other,
- (b) the clergyman by whom the marriage was solemnized, and
- (c) two witnesses.

(4) Immediately after the marriage document has been signed in accordance with subsection (3) it must also be signed in the presence of the parties to the marriage and each other by—

- (a) the clergyman by whom the marriage was solemnized, and
- (b) the two witnesses.

### **53C Signing of a marriage schedule**

(1) This section applies to a marriage solemnized on the authority of a marriage schedule.

(2) Before the marriage schedule is signed, the specified person may ask the parties to the marriage questions regarding the contents of the marriage schedule.

(3) In the case of a marriage according to the usages of the Society of Friends or according to the usages of the Jews, before the specified person signs the marriage schedule, the specified person must be satisfied that the proceedings in relation to the marriage were conformable to the usages of the said Society or (as the case may be) to the usages of the Jews.

(4) Subsections (2) and (3) apply whether or not the specified person was present at the marriage.

(5) The parties to a marriage to which this section applies must sign the marriage schedule, as soon as is reasonably practicable after the solemnization of the marriage, in the presence of—

- (a) each other,
- (b) the specified person,
- (c) (if different to the specified person) the person by or before whom the marriage was solemnized, and
- (d) two witnesses.

(6) Immediately after the marriage schedule has been signed in accordance with subsection (5), the specified person, the person by or before whom the marriage was solemnized (if different to the specified person) and the two witnesses must sign the marriage schedule in the presence of the parties to the marriage and each other.

(7) In the case of a marriage solemnized according to the usages of the Society of Friends or according to the usages of the Jews where the specified person is not present at the solemnization of the marriage—

- (a) the persons referred to in subsection (5)(a), (c) and (d) may sign the marriage schedule without being in the presence of the specified person;
  - (b) the specified person must sign the marriage schedule as soon as is convenient after the persons referred to in subsection (5)(a), (c) and (d) have signed the marriage schedule;
  - (c) the specified person may sign the marriage schedule without being in the presence of the persons referred to in subsection (5)(a), (c) and (d).
- (8) For the purposes of this Part, the specified person is—
- (a) in the case of a marriage solemnized according to the rites of the Church of England, 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, an officer of that Society;
  - (c) in the case of a marriage solemnized according to the usages of the Jews—
    - (i) where the parties to the marriage are both members of the same synagogue, a secretary of that synagogue, or
    - (ii) where the parties to the marriage are members of different synagogues, a secretary of whichever of those synagogues the parties to the marriage nominate;
  - (d) in the case of a marriage solemnized in the presence of a registrar, that registrar;
  - (e) in the case of a marriage solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is solemnized.

### **53D Registration of marriage**

- (1) Subsection (2) applies in the case of a marriage that is solemnized—
  - (a) after the publication of banns,
  - (b) on the authority of a special licence, or
  - (c) on the authority of a common licence.
- (2) Once the marriage document for the marriage is signed in accordance with section 53B, the clergyman who solemnized the marriage must ensure that the marriage document is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document was completed.
- (3) In the case of a marriage that is solemnized on the authority of a marriage schedule—
  - (a) where the marriage is attended by a registrar, that registrar must take custody of the marriage schedule once it is signed in accordance with section 53C;
  - (b) otherwise, once the marriage schedule is signed in accordance with section 53C, the specified person must ensure that it is delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage schedule was completed.
- (4) The duty imposed by subsections (2) or (3)(b) to ensure the marriage document or (as the case may be) marriage schedule is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (5) Subsection (6) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered to a registrar in the registration district in which the marriage was solemnized within 21 days beginning with the day on which the signing of the marriage document or marriage schedule was completed.

(6) A registrar in the registration district in which the marriage was solemnized may issue a notice, in any form, and with any content, that may be prescribed, to the specified person requiring them to deliver the marriage document or (as the case may be) marriage schedule to a registrar, in that registration district, within 8 days beginning with the day on which the notice is issued.

(7) Subsection (8) applies if the signed marriage document or (as the case may be) marriage schedule is not delivered in accordance with a notice issued under subsection (6).

(8) A registrar in the registration district in which the marriage was solemnized may issue a further notice, in any form, and with any content, that may be prescribed, to the specified person, requiring the personal attendance of the specified person at premises in the registration district in which the marriage was solemnized, for the purpose of—

- (a) delivering the signed marriage document or (as the case may be) marriage schedule to the registrar, or
- (b) if the specified person is not able to do so, explaining to the registrar why this is the case.

(9) A specified person who is issued with a notice under subsection (8) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.

(10) A registrar who has a signed marriage document or marriage schedule—

- (a) must, as soon as reasonably practicable, register the marriage by entering the particulars in the marriage document or marriage schedule into the marriage register;
- (b) may issue a certified copy of the entry in the marriage register.

(11) Information regarding a signed marriage document or marriage schedule may be provided by a registrar for the registration district in which the marriage was solemnized to a specified person in that registration district for the purposes of establishing—

- (a) whether the marriage document or marriage schedule is authentic, or
- (b) whether every marriage document signed under section 53B and every marriage schedule signed under section 53C in that registration district has been registered under subsection (10).

(12) Where a registrar has provided information to a specified person in accordance with subsection (11), that specified person may, for any of the purposes mentioned in that subsection, provide that registrar with information regarding any marriage document or marriage schedule signed or alleged to have been signed in the registration district concerned.

### **53E Registration of marriage where documentation lost or destroyed**

(1) This section applies where the Registrar General is satisfied that—

- (a) a marriage has been solemnized, and
- (b) the marriage document or (as the case may be) the marriage schedule in respect of the marriage has been lost or destroyed.

(2) In the case of a marriage document, the Registrar General may direct a relevant church official, in writing, to—

- (a) reproduce the marriage document, and
- (b) arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—

- (i) the relevant church official, and
  - (ii) the relevant original signatories.
- (3) The relevant church official to whom the direction is given under subsection (2) must—
  - (a) ensure that the reproduction, signed in accordance with subsection (2)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
  - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (4) In the case of a marriage schedule, the Registrar General may direct the superintendent registrar for the registration district in which the marriage was solemnized, in writing, to—
  - (a) reproduce the marriage schedule, and
  - (b) provide the reproduction to a relevant person and require them in writing to arrange, before the signing period expires and so far as reasonably practicable, for the reproduction to be signed by—
    - (i) the relevant person, and
    - (ii) the relevant original signatories.
- (5) If the relevant person to whom the reproduction is provided under subsection (4)(b) is not a registrar, the relevant person must—
  - (a) ensure that the reproduction, signed in accordance with subsection (4)(b), is delivered to a relevant registrar before the end of the period of 21 days beginning with the first day after the end of the signing period, and
  - (b) if any of the relevant original signatories have not signed the reproduction, explain to the registrar why that is so.
- (6) The duty imposed by subsection (3)(a) or (5)(a) to ensure a reproduction is delivered to a registrar may be discharged by sending a copy in an approved electronic form.
- (7) Subsection (8) applies if—
  - (a) the Registrar General gives a direction under subsection (2) or (4), and
  - (b) the reproduction is not in the possession of a relevant registrar at the end of the period of 21 days beginning with the first day after the end of the signing period.
- (8) A relevant registrar may issue a notice, in any form, and with any content, that may be prescribed, to (as the case may be)—
  - (a) the relevant church official to whom the direction was given, or
  - (b) the relevant person to whom the reproduction was provided,requiring the reproduction to be delivered to the registrar within 8 days beginning with the day on which the notice is issued.
- (9) Subsection (10) applies if the reproduction is not delivered in accordance with the notice issued under subsection (8).
- (10) A relevant registrar may issue a further notice, in any form, and with any content, that may be prescribed, to the relevant church official or (as the case may be) relevant person, requiring the personal attendance of the official or (as the case may be) relevant person at premises in the registration district in which the marriage was solemnized, for the purpose of—

- (a) delivering the reproduction, signed so far as is reasonably practicable by the original signatories, to the registrar, or
- (b) if the official or (as the case may be) relevant person is not able to do so, explaining why this is the case.

(11) A person who is issued with a notice under subsection (10) must comply with the requirements of the notice within 8 days beginning with the day on which the notice was issued.

(12) Where a registrar is satisfied that, so far as is reasonably practicable, a marriage document or marriage schedule reproduced under this section has been signed by the persons mentioned in subsection (2)(b) or (as the case may be) (4)(b), the reproduction is to be treated as a signed marriage document or (as the case may be) marriage schedule for all purposes under this Act (and see, in particular, subsections (10) to (12) of section 53D).

(13) In this section—

“relevant church official”, in relation to a marriage document, means—

- (a) the clergyman who solemnized the marriage, or
- (b) if the Registrar General is satisfied that clergyman is not available to carry out the direction under subsection (2), a person appointed by the bishop of the diocese to carry out such directions;

“relevant original signatories” means—

- (a) in relation to a marriage document, the parties to the marriage and the witnesses, who signed the first marriage document in accordance with section 53B;
- (b) in relation to a marriage schedule, the parties to the marriage, the person by or before whom the marriage was solemnized if different to the specified person in relation to the marriage and the two witnesses, who signed the first marriage schedule in accordance with section 53C;

“relevant person”, in relation to a marriage schedule, means—

- (a) the specified person in relation to the marriage,
- (b) if the superintendent registrar to whom the direction is given under subsection (4) is satisfied that the specified person is not available to arrange for the reproduction to be signed by the original signatories—
  - (i) in the case of a marriage solemnized according to the rites of the Church of England, a person appointed by the bishop of the diocese to carry out the functions of a relevant person under this section,
  - (ii) in the case of a marriage solemnized according to the usages of the Society of Friends, another officer of that Society in the registration district in which the marriage was solemnized,
  - (iii) in the case of a marriage solemnized according to the usages of the Jews where both parties to the marriage are members of the same synagogue, another secretary of that synagogue,
  - (iv) in the case of a marriage solemnized according to the usages of the Jews where the parties to the marriage are members of different synagogues, a secretary for either of those synagogues,
  - (v) in the case of a marriage solemnized in a registered building without the presence of a registrar, an authorised person in relation to that building or of some other registered building in the same registration district or a registrar of that district, or

- (c) if the superintendent registrar is satisfied that there is no person falling within paragraph (a) or (b) available to arrange for the reproduction to be signed by the original signatories, a registrar in the registration district in which the marriage was solemnized;

“relevant registrar” means a registrar in the registration district in which the marriage was solemnized;

“the signing period” means 28 days beginning with—

- (a) in the case of a marriage document, the day on which the Registrar General gives the direction under subsection (2);
- (b) in the case of a marriage schedule, the day on which the superintendent registrar provides the reproduction to a relevant person and requires them in writing to arrange for the reproduction to be signed under subsection (4)(b) (and if the superintendent registrar does those things on different days, the later of those two days).”.