

## SCHEDULE 1

### Consequential and related amendments

#### PART 1

##### Marriage Act 1949

###### **Amendment of Part 1 of the 1949 Act (restrictions on marriage)**

1.—(1) Section 3 of the 1949 Act (marriages of persons under eighteen)(1) is amended as follows.

(2) In subsection (1), for “certificates issued by a superintendent registrar under Part III of this Act” substitute “a marriage schedule”.

(3) In subsection (2)—

(a) for “references” (in the first place it appears) substitute “a reference”;

(b) for “references” (in the second place it appears) substitute “the reference”.

###### **Amendment of Part 2 of the 1949 Act (marriage according to the rites of the Church of England)**

2. In section 5(1)(d) of the 1949 Act (certificates method of authorising marriages according to the rites of the Church of England)(2), for “certificates issued by a superintendent registrar” substitute “a marriage schedule”.

3.—(1) Section 7 of the 1949 Act (time and manner of publication of banns)(3) is amended as follows.

(2) In subsection (3), omit “and marked in the manner directed by section fifty-four of this Act for the register book of marriages”.

(3) After subsection (3) insert—

“(3A) A register book of banns must be marked as follows—

(a) every place of entry is to be numbered consecutively from the beginning to the end of the book on each side of every page, beginning with the number one;

(b) every entry is to be divided from the following entry by a printed line;

(c) every entry must contain—

(i) the names of the parties to the marriage,

(ii) the parish or other place where each party to the marriage resides, and

(iii) the dates on which the banns of matrimony in respect of the marriage were published.”

(4) In subsection (4), for “the last foregoing subsection” substitute “subsection (3)”.

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(1) Section 3 was amended by paragraph 9 of Schedule 2 to the Family Law Reform Act 1987 (c. 42), paragraph 5 of Schedule 12 and Schedule 15 to the Children Act 1989 (c. 41), paragraph 4 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, paragraph 2, paragraph 3, paragraph 4 and paragraph 5 of Schedule 3 to the Adoption and Children Act 2002 (c. 38), paragraph 13 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) and paragraph 3 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 42 of Schedule 2 to the Children and Families Act 2014 (c. 6), and S.I. 2000/2698 .

(2) Section 5 was amended by paragraph 3 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986, paragraph 5 to Schedule 14 of the Immigration and Asylum Act 1999, section 57(2) of the Immigration Act 2014 and S.I. 2000/2698.

(3) Section 7 was amended by section 2(2) of the Church of England Marriage (Amendment) Measure 2012 (No. 1).

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4. In the italic heading before section 17 of the 1949 Act (marriage under superintendent registrar's certificate), for "superintendent registrar's certificate" substitute "marriage schedule".
5. In section 17 of the 1949 Act (marriage under superintendent registrar's certificate)(4)—
  - (a) in the heading for "superintendent registrar's certificate" substitute "marriage schedule";
  - (b) for "certificates of a superintendent registrar" substitute "a marriage schedule";
  - (c) for "and certificates" substitute "and (if so specified) in the marriage schedule".
6. In section 18 of the 1949 Act (publication of banns and solemnization of marriages during repair and rebuilding of churches), omit subsection (3).
7. After section 21 of the 1949 Act (authorising of publication of banns and solemnization of marriages in churches and chapels of extra-parochial places)(5), insert—

*"Issue of marriage document after publication of banns or the grant of a special or common licence*

**21A Issue of marriage document after publication of banns or the grant of a special or common licence**

- (1) This section applies to a marriage 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) Before the solemnization of the marriage, the clergyman who is to solemnize the marriage must issue a document, or ensure a document is issued and provided to the clergyman, in any form, and with any content, that may be prescribed.
  - (3) The document issued under subsection (2) is to be known as a "marriage document".
  - (4) The clergyman must retain the marriage document until it is delivered to a registrar in accordance with section 53D(2)."
- 8.—(1) Section 25 of the 1949 Act (void marriages)(6) is amended as follows.
- (2) In subsection (2)(b)—
    - (a) for "certificates" substitute "a marriage schedule";
    - (b) omit "by a superintendent registrar to whom due notice of marriage has been given".
  - (3) In subsection (2)(c), for "certificates of a superintendent registrar which are" substitute "a marriage schedule which is".
  - (4) In subsection (2)(d)—
    - (a) for "certificates of a superintendent registrar" substitute "a marriage schedule";
    - (b) for "and certificates" substitute "and (if so specified) in the marriage schedule".

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(4) Section 17 was amended by paragraph 2 of Schedule 1 to the Marriage Act 1983 and paragraph 6 of Schedule 14 to the Immigration and Asylum Act 1999.

(5) Section 21 was applied by section 6(4) of the Sharing of Church Buildings Act 1969 (c. 38).

(6) Section 25 was amended by paragraph 3 of Schedule 1 to the Marriage Act 1983, paragraph 7 of Schedule 14 to the Immigration and Asylum Act 1999 and paragraph 4 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

**Amendment of Part 3 of the 1949 Act (marriage under superintendent registrar’s certificate)**

**9.** In the heading of Part 3 of the 1949 Act (marriage under superintendent registrar’s certificate), for “Superintendent Registrar’s Certificate” substitute “marriage schedule”.

**10.** In the italic heading before section 26 of the 1949 Act (issue of certificates)(7), for “certificates” substitute “a marriage schedule”.

**11.** In the following sections of the 1949 Act, for “two certificates of a superintendent registrar” substitute “a marriage schedule”—

- (a) section 26(1) (marriage of a man and a woman; marriage of same sex couples for which no opt-in necessary);
- (b) section 26A(1) (opt-in to marriage of same sex couples: places of worship)(8);
- (c) section 26B(1) (opt-in to marriage of same sex couples: other religious ceremonies)(9).

**12.—**(1) Section 27 of the 1949 Act (notice of marriage)(10) is amended as follows.

(2) In subsection (1), for “certificates of a superintendent registrar” substitute “a marriage schedule”.

(3) For subsections (4) and (4A), substitute—

“(4) A superintendent registrar in receipt of a notice of marriage must, as soon as reasonably practicable—

- (a) file the notice of marriage and keep it with the records of the superintendent registrar’s office, and
- (b) record the notice of marriage by entering in the marriage register the particulars given in that notice together with the date of the notice.

(4A) A superintendent registrar must ensure that the following are open to inspection free of charge at all reasonable hours—

- (a) the particulars and date referred to in subsection (4)(b) in respect of notices given in the superintendent registrar’s registration district;
- (b) any marriage notice book that was required to be kept in the office of the superintendent registrar before the introduction of the marriage register on 4th May 2021;
- (c) particulars given in a notice of marriage, the date of the notice and the name of the person by whom the notice was given, where such information has been entered in an approved electronic form in the superintendent registrar’s registration district before the introduction of the marriage register on 4th May 2021.”.

**13.—**(1) Section 27ZA of the 1949 Act (entry of particulars in notice book: compliance with requirements)(11) is amended as follows.

(2) For the heading substitute “Circumstances in which a notice of marriage is not to be recorded in the marriage register”.

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(7) Section 26 was substituted by section 3 of the Marriage (Same Sex Couples) Act 2013.

(8) Section 26A was inserted by section 4(1) of the Marriage (Same Sex Couples) Act 2013.

(9) Section 26B was inserted by section 5 of the Marriage (Same Sex Couples) Act 2013.

(10) Section 27 was amended by section 161(1) of, and paragraph 8 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 5 of Schedule 1 to the Marriage Act 1983, paragraph 2 of the Schedule to the Marriage Act 1994, paragraph 14 of Schedule 27 to the Civil Partnership Act 2004 and paragraph 2 of Schedule 4 to the Immigration Act 2014, paragraph 9 of Schedule 15 to the Immigration Act 2016 and [S.I. 2009/2821](#).

(11) Section 27ZA was inserted by paragraph 3(1) of Schedule 4 to the Immigration Act 2014.

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(3) For “enter the particulars relating to a marriage in the marriage notice book in accordance with section 27(4), or in an approved electronic form by virtue of section 27(4A),” substitute “record a notice of marriage in the marriage register”.

(4) In paragraph (a), after “section 28B(1),” insert—  
“section 28B(1A);”.

**14.**—(1) Section 27A of the 1949 Act (additional information required in certain cases)(**12**) is amended as follows.

(2) In subsection (6), for “marriage notice book” substitute “marriage register”.

(3) Omit subsection (6A).

**15.**—(1) Section 27B of the 1949 Act (provisions relating to section 1(3) marriages)(**13**) is amended as follows.

(2) In subsection (1), for “certificates of a superintendent registrar” substitute “a marriage schedule”.

(3) In subsection (2), for “enter notice of the marriage in the marriage notice book, or in an approved electronic form by virtue of section 27(4A)” substitute “record notice of the marriage in the marriage register”.

(4) In subsection (3), for “marriage notice book” substitute “marriage register”.

(5) Omit subsection (3A).

(6) In subsection (4), for “the superintendent registrar shall not issue a certificate” substitute “a marriage schedule may not be issued”.

(7) In subsection (5), for the words from “marriage notice book” to “may issue a certificate” substitute “marriage register and a marriage schedule may be issued”.

(8) In subsection (6), for “certificate” substitute “marriage schedule”.

**16.** In section 27E(9)(c) of the 1949 Act (recording of additional information if party not relevant national)(**14**), at the end, insert “in the marriage register”.

**17.** In section 28 of the 1949 Act (declaration to accompany notice of marriage)(**15**), in subsection (1), for “certificate for marriage” substitute “marriage schedule”.

**18.** In section 28A(2) of the 1949 Act (power to require evidence of consent to marriages of same sex couples)(**16**), for paragraph (b) substitute—

“(b) before a marriage schedule is issued.”.

**19.**—(1) Section 29 of the 1949 Act (caveat against issue of certificate)(**17**) is amended as follows.

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(12) Section 27A was inserted by paragraph 6 of Schedule 1 to the Marriage Act 1983 and was amended by paragraph 9 of Schedule 14 to the Immigration and Asylum Act 1999, paragraph 5 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 3(2) of Schedule 4 to the Immigration Act 2014, and [S.I. 2009/2821](#).

(13) Section 27B was inserted by paragraph 5 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 amended by paragraph 10 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, paragraph 14 of Schedule 11 to the Crime and Courts Act 2013 (c. 22) and [S.I. 2009/2821](#).

(14) Section 27E was inserted by paragraph 4 of Schedule 4(1) to the Immigration Act 2014.

(15) Section 28 was amended by paragraph 9 of Schedule 2 to the Family Law Reform Act 1987, paragraph 11 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, paragraph 5 of Schedule 4 to the Immigration Act 2014 and [S.I. 2014/560](#).

(16) Section 28A was inserted by section 162(1) of the Immigration and Asylum Act 1999 and was amended by paragraph 15 of Schedule 27 to the Civil Partnership Act 2004, paragraph 7 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and paragraph 6 of Schedule 4 to the Immigration Act 2014.

(17) Section 29 was amended by paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999 and [S.I. 1968/1242](#).

(2) In the heading, for “certificate or licence” substitute “marriage schedule”.

(3) For subsection (1) substitute—

“(1) Any person may enter a caveat with any superintendent registrar against the issue of a marriage schedule in respect of any person named in the caveat and that superintendent registrar must ensure that the fact that it has been entered and the information in it are recorded in the marriage register as soon as reasonably practicable.”.

(4) In subsections (2), (3), (4) and (5), for “certificate” (in each place it appears) substitute “marriage schedule”.

(5) In subsection (2), for “until the superintendent registrar” substitute “until the relevant superintendent registrar”.

(6) After subsection (2) insert—

“(2A) For the purposes of subsection (2), the relevant superintendent registrar is the superintendent registrar who first records that a notice of marriage has been given by one of the parties to the marriage.”.

**20.** For section 30 of the 1949 Act (forbidding of issue of certificate)(**18**), substitute—

**“30 Forbidding of issue of marriage schedule**

(1) Any person whose consent is required under section 3 in respect of a marriage intended to be solemnized on the authority of a marriage schedule may, after notice of marriage has been given, forbid the issue of the marriage schedule by attending the office of any superintendent registrar in person and informing the superintendent registrar that they forbid the issue of the marriage schedule.

(2) A person informing the superintendent registrar under subsection (1) that they forbid the issue of a marriage schedule must provide the superintendent registrar with—

- (a) their name and place of residence;
- (b) the capacity, in relation to either of the parties to be married, in which they forbid the issue of the marriage schedule.

(3) When a superintendent registrar is informed under subsection (1) that a person forbids the issue of a marriage schedule, the superintendent registrar must—

- (a) as soon as reasonably practicable, record in the marriage register the fact that the person forbids the issue of the marriage schedule and the information provided under subsection (2);
- (b) ensure that the information recorded under paragraph (a) is open to inspection free of charge at all reasonable hours.

(4) Where the issue of a marriage schedule has been forbidden under subsection (1) the notice of marriage and all proceedings in relation to it are void unless a court has consented to the marriage concerned under section 3(1)(b).”.

**21.—**(1) Section 31ZA of the 1949 Act (notice of marriage: false information or evidence)(**19**) is amended as follows.

(2) In subsections (1) and (2), for “certificate” substitute “marriage schedule”.

(3) In subsection (3), for “certificates” substitute “a marriage schedule”.

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**(18)** Section 30 was amended by paragraph 13 of Schedule 14 to the Immigration and Asylum Act 1999 and [S.I. 2009/2821](#).

**(19)** Section 31ZA was inserted by paragraph 11(2) of Schedule 4 to the Immigration Act 2014.

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**22.**—(1) Section 31A of the 1949 Act (appeal on refusal under section 31(2)(a) or 31ZA)(**20**) is amended as follows.

(2) In subsection (1), for “certificate, the person applying for it” substitute “marriage schedule, the parties to the marriage”.

(3) In subsection (2)(b), for “certificate” substitute “marriage schedule”.

(4) In subsection (2A), for “certificate” (in both places it appears) substitute “marriage schedule”.

(5) In subsection (3)—

(a) in paragraph (a), for “certificate” substitute “marriage schedule”;

(b) in paragraph (b), for “certificate” substitute “marriage schedule”;

(c) in the words after paragraph (b), for “applicant for the certificate” substitute “parties making the appeal”.

(6) In subsection (3A)—

(a) in paragraph (a), for “certificate” substitute “marriage schedule”;

(b) in the words after paragraph (b), for “person making the appeal is” substitute “parties making the appeal are”.

(7) In subsection (4), for “certificate” substitute “marriage schedule”.

**23.**—(1) Section 33 of the 1949 Act (period of validity of certificate)(**21**) is amended as follows.

(2) In the heading, for “certificate” substitute “marriage schedule”.

(3) In subsection (1), for “certificates of a superintendent registrar” substitute “a marriage schedule”.

(4) In subsection (2)—

(a) in paragraph (a) for “certificates” substitute “marriage schedule”;

(b) in paragraph (b) for “those certificates” substitute “that marriage schedule”.

(5) In subsection (3), for “entered in the marriage notice book, or in an approved electronic form by virtue of section 27(4A),” substitute “recorded in the marriage register”.

(6) In subsection (4), for “given” (in the second place it appears) substitute “recorded in the marriage register”.

**24.** In section 34 of the 1949 Act (marriage normally to be solemnized in registration district in which one party resides)(**22**), for “certificate” substitute “marriage schedule”.

**25.**—(1) Section 35 of the 1949 Act (marriages in registration district in which neither party resides)(**23**) is amended as follows.

(2) In subsections (1), (2), (2A), (2B), (3), (3A) and (4), for “certificate” (in each place it appears) substitute “marriage schedule”.

(3) In subsection (1), omit “in respect of each of the persons to be married”.

(20) Section 31A was inserted by section 163(2) of the Immigration and Asylum Act 1999. Section 31A(1) was amended by paragraph 11(3)(b) of Schedule 4 to the Immigration Act 2014. Sections 31A(2A) and (3A) were inserted by paragraph 11(3)(c) and (d) of Schedule 4 to the Immigration Act 2014 respectively. Section 31A(4) was amended by paragraph 11(3)(e) of Schedule 4 to the Immigration Act 2014.

(21) Section 33 was substituted by paragraph 15 of Schedule 14 to the Immigration and Asylum Act 1999. Section 33(3) was amended by *S.I. 2009/2821*.

(22) Section 34 was substituted by paragraph 16 of Schedule 14 to the Immigration and Asylum Act 1999.

(23) Section 35 was amended by section 1 and section 2 of the Marriage Act 1949 (Amendment) Act 1954 (c. 47), section 2(1) of the Marriage Act 1994, paragraph 17 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999 and paragraph 12(1), paragraph 12(2) and paragraph 12(3) of Schedule 4 to the Immigration Act 2014.

(4) In subsection (2A), for “the office of another superintendent registrar” substitute “the superintendent registrar’s office”.

(5) In subsections (5) and (6)—

- (a) for “certificates of a superintendent registrar” substitute “a marriage schedule”;
- (b) omit “given to the superintendent registrar”;
- (c) for “each certificate issued by the superintendent registrar” substitute “the marriage schedule”.

**26.** In section 37(1) of the 1949 Act (one party resident in Scotland)(**24**)—

- (a) for “certificates of a superintendent registrar” substitute “a marriage schedule”;
- (b) in paragraph (b), for “certificates for marriage shall apply accordingly” substitute “a marriage schedule apply accordingly”;
- (c) for paragraph (c) substitute—
  - “(c) if a certificate is issued under section 7(2) of the Marriage (Scotland) Act 1977 that certificate must be provided for the purposes of section 31(3)(b) of this Act to the superintendent registrar in the registration district in which the marriage is to be solemnized before the marriage schedule is issued;
  - (ca) the superintendent registrar must, as soon as reasonably practicable, record in the marriage register the fact that the superintendent registrar has been provided with the certificate issued under section 7(2) of the Marriage (Scotland) Act 1977;”;
- (d) in paragraph (d), for “entered in a marriage notice book” substitute “recorded in the marriage register”.

**27.**—(1) Section 39 of the 1949 Act (issue of certificates on board Her Majesty’s ships)(**25**) is amended as follows.

(2) In subsection (1), for “certificates of a superintendent registrar” substitute “a marriage schedule”.

(3) In subsection (2)—

- (a) omit “and shall have the like force and effect as a certificate issued by a superintendent registrar under this Part of this Act”;
- (b) for “certificates from superintendent registrars and to such certificates shall apply in the case of certificates issued under this section” substitute “a marriage schedule and to the issue of a marriage schedule apply in relation to a notice and declaration under subsection (1) and the issue of a certificate under this section”.

(4) For subsection (3) substitute—

“(3) Subsections (4) to (6) apply where—

- (a) the party who is an officer, seaman or marine borne on the books of one of Her Majesty’s ships at sea has been issued with a certificate under this section, and
- (b) the superintendent registrar for the registration district in which the other party resides has received that certificate.

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(24) Section 37 was amended by paragraph 4 of Schedule 2 and Schedule 3 to the Marriage (Scotland) Act 1977, paragraph 19 of Schedule 14 to the Immigration and Asylum Act 1999 and paragraph 13 of Schedule 4 and Schedule 16 to the Immigration Act 2014.

(25) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.



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(4) That superintendent registrar may accept notice of marriage from that other party under section 27 and in accordance with this Part, as if both parties were residing in different registration districts.

(5) The superintendent registrar must then, as soon as reasonably practicable—

(a) file the certificate issued under this section and keep it with the records of the superintendent registrar’s office, and

(b) record in the marriage register—

(i) the fact that the certificate has been received, and

(ii) the date on which the certificate was received.

(6) The superintendent registrar must also ensure the information recorded under subsection (5)(b) is open to inspection free of charge at all reasonable hours.”.

**28.**—(1) Section 39A of the 1949 Act (marriage of former civil partners one of whom has changed sex)(**26**) is amended as follows.

(2) In subsection (4)—

(a) for “certificates” substitute “marriage schedule”;

(b) in paragraph (a), for “(4)” substitute “(3)”;

(c) for paragraph (b) substitute—

“(b) in subsection (2), for “The superintendent registrar for the registration district in which a marriage is to be solemnized must, once satisfied that any of the conditions in subsection (3) is met,” substitute “As soon as notice of the marriage has been given, the superintendent registrar for the registration district in which a marriage is to be solemnized must”.”.

(3) In subsection (5)—

(a) for “certificate” substitute “marriage schedule”;

(b) for “entered in the marriage notice book” substitute “recorded in the marriage register”.

(4) In subsection (6), omit “, (2A)”.

**29.** Omit section 40 of the 1949 Act (forms of certificate to be furnished by Registrar General)(**27**).

**30.**—(1) Section 44 of the 1949 Act (solemnization of marriage in registered building)(**28**) is amended as follows.

(2) In subsection (1), for “certificates issued by a superintendent registrar” substitute “the marriage schedule”.

(3) Omit subsection (4).

(4) In subsection (5), for “due registration of marriages by an authorised person under Part IV of this Act and for the safe custody of marriage register books” substitute “solemnization of marriages or signing of marriage schedules in accordance with the provisions of this Act”.

**31.** In section 45(1) of the 1949 Act (solemnization of marriage in register office)(**29**)—

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(26) Section 39A was inserted by [S.I. 2005/3129](#).

(27) Section 40 was amended by paragraph 22 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999.

(28) Section 44 was amended by section 1(1) of the Marriage Ceremony (Prescribed Words) Act 1996 (c. 34), paragraph 23 of Schedule 14 to the Immigration and Asylum Act 1999, and paragraph 11 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

(29) Section 45(1) was amended by section 1(2)(a) of the Marriage Ceremony (Prescribed Words) Act 1996, paragraph 24 of Schedule 14 to the Immigration and Asylum Act 1999 and [S.I. 2014/3168](#).



- (a) for “certificates of a superintendent registrar” substitute “a marriage schedule”;
- (b) for “certificates have” substitute “marriage schedule has”.

**32.**—(1) Section 46 of the 1949 Act (register office marriage followed by religious ceremony)(**30**) is amended as follows.

(2) In subsection (1D), in the definition of “relevant governing authority”, for “section 53(c)” substitute “section 53D”.

(3) In subsection (2), for “any marriage register book kept under Part IV of this Act” substitute “the marriage register”.

**33.**—(1) Section 47 of the 1949 Act (marriages according to usages of Society of Friends)(**31**) is amended as follows.

(2) In subsection (2)(b), for “a registering” substitute “an”.

(3) In subsection (3), for “the entry of the marriage in a marriage register book under Part IV of this Act, or a certified copy thereof made under the said Part IV,” substitute “a certified copy of the entry of the marriage in the marriage register made under Part 4 of this Act”.

**34.**—(1) Section 49 of the 1949 Act (void marriages)(**32**) is amended as follows.

(2) For paragraph (b) substitute—

“(b) without a marriage schedule having been duly issued by the superintendent registrar of the registration district in which the marriage was solemnized;”.

(3) In paragraph (d), for “certificates which are” substitute “a marriage schedule which is”.

(4) In paragraph (e), for “certificates of the superintendent registrar” substitute “(if so specified) in the marriage schedule”.

**35.**—(1) Section 50 of the 1949 Act (person to whom certificate to be delivered)(**33**) is amended as follows.

(2) In the heading, for “certificate” substitute “marriage schedule”.

(3) Before subsection (1), insert—

“(A1) This section applies where the parties to a marriage have been issued a marriage schedule under section 31(4).”.

(4) In subsection (1) —

(a) for “Where a marriage is intended to be solemnized on the authority of certificates of a superintendent registrar, the certificates shall be delivered to the following person, that is to say” substitute “The parties to the marriage must deliver the marriage schedule to the following person”;

(b) omit paragraphs (a), (c) and (cc);

(c) in paragraph (d), for “the registering” substitute “an”;

(d) in paragraph (e), for “is required to be registered under Part IV of this Act” substitute “schedule is required to be signed in accordance with section 53C”.

(5) Omit subsection (3).

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(30) Section 46 was amended by paragraph 13 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and [S.I. 2014/3168](#).

(31) Section 47 was amended by paragraph 25 of Schedule 14 to the Immigration and Asylum Act 1999.

(32) Section 49 was amended by paragraph 13 of Schedule 1 to the Marriage Act 1983, paragraph 3 of the Schedule to the Marriage Act 1994 and paragraph 27 of Schedule 14 to the Immigration and Asylum Act 1999.

(33) Section 50 was amended by paragraph 14 to Schedule 1 of the Marriage Act 1983, paragraph 4 of the Schedule to Marriage Act 1994, paragraph 28 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999.

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**Amendment of Part 4 of the 1949 Act (registration of marriages)**

**36.**—(1) Section 63 of the 1949 Act (searches in register books)(**34**) is amended as follows.

(2) In subsection (1)—

- (a) omit “registering”;
- (b) for “shall at all reasonable hours” substitute “may”;
- (c) omit “, and shall give a copy certified under his hand of any entry in such a book”.

(3) In subsection (2), for “having the custody of” substitute “responsible for keeping”.

**37.** For section 64 of the 1949 Act (searches of indexes kept by superintendent registrars)(**35**), substitute—

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

(1) Every superintendent registrar must—

- (a) cause indexes of all entries in the marriage register made under section 53D(10) (a) in respect of their registration district to be made and kept in their office, and
- (b) keep in their office indexes of the marriage register books kept in their office.

(2) A person is entitled—

- (a) to search the indexes of the entries in the marriage register and the indexes of the marriage register books kept at the office of a superintendent registrar at all reasonable hours, and
- (b) to obtain a certified copy under the hand of the superintendent registrar of an entry made in the marriage register under section 53D(10)(a) or of an entry made in a marriage register book.”.

**38.** In section 65 of the 1949 Act (searches of indexes kept by Registrar General)(**36**), for subsections (1) and (2) substitute—

“(1) The Registrar General must—

- (a) cause indexes of all entries in the marriage register made under section 53D(10) (a) to be made and kept in the General Register Office, and
- (b) keep in the General Register Office indexes of certified copies of marriage register books kept in the General Register Office.

(2) A person is entitled—

- (a) to search the indexes of entries in the marriage register and indexes of certified copies of marriage register books at any time when the General Register Office is open for that purpose, and
- (b) to obtain from the Registrar General a certified copy of an entry made in the marriage register under section 53D(10)(a) or a certified copy of an entry made in a certified copy of a marriage register book.”.

**39.**—(1) Section 65A of the 1949 Act (searches and records of information: additional provision)(**37**) is amended as follows.

**(34)** Section 63(1) was amended by paragraph 15 of Schedule 15 to the Immigration Act 2016.

**(35)** Section 64 was amended by paragraph 14(a) of Schedule 1 to the Registration Service Act 1953 and paragraph 16 of Schedule 15 to the Immigration Act 2016.

**(36)** Section 65 was amended by paragraph 15(a) of Schedule 1 and Schedule 2 to the Registration Service Act 1953 and paragraph 17 of Schedule 15 to the Immigration Act 2016.

**(37)** Section 65A was inserted by section 99(1) of the Deregulation Act 2015 (c. 20) and was amended by paragraph 18 of Schedule 15 to the Immigration Act 2016.

(2) In subsection (1)(a), after “whether” insert “the entries in the marriage register to which the Registrar General has access under section 53A(3) or”.

(3) In subsection (1)(b), for “an entry in the Registrar General’s certified copies” substitute “such an entry”.

(4) In subsection (8), after “entry” insert “in the marriage register under section 53D(10)(a) or”.

(5) In subsection (9), omit “sent to the Registrar General under this Part of this Act and”.

**40.—**(1) Section 67 of the 1949 Act (interpretation of Part 4)(**38**) is amended as follows.

(2) For the definition of “incumbent” substitute—

““incumbent” means the rector, vicar or curate in charge of a church or chapel in which marriages may be solemnized according to the rites of the Church of England;”.

(3) Omit the definition of “registering officer of the Society of Friends”.

(4) Insert the following definition at the appropriate place—

““specified person” has the meaning assigned to it by section 53C(8);”.

(5) Omit the definition of “superintendent registrar”.

#### **Amendment of Part 5 of the 1949 Act (marriages in naval, military, and air force chapels)**

**41.—**(1) Section 69 of the 1949 Act (licensing of chapels for marriages according to rites of Church of England)(**39**) is amended as follows.

(2) In subsection (4), for “registering marriages solemnized” substitute “solemnizing marriages”.

(3) In subsection (5), for “registration” substitute “solemnization”.

#### **Amendment of Part 6 of the 1949 Act (general)**

**42.—**(1) Section 71A(1) of the 1949 Act (fees)(**40**) is amended as follows.

(2) Omit paragraph (f).

(3) In paragraph (g)(ii)—

(a) after “relation to” insert “the marriage register or”;

(b) omit the “or” at the end.

(4) After paragraph (g)(iii), insert—

“, or

(iv) entries in the marriage register”.

(5) In paragraph (h), after “entry in” insert “the marriage register or”.

(6) After paragraph (i) insert—

“(ia) a correction to the marriage register or a marriage register book;”.

**43.—**(1) Section 74 of the 1949 Act (regulations and approval of electronic forms etc)(**41**) is amended as follows.

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(38) Section 67 was amended by section 1 of the Marriage (Secretaries of Synagogues) Act 1959 (c. 13) and paragraph 19 of Schedule 1 to the Marriage Act 1983.

(39) Section 69 was amended by paragraph 17 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.

(40) Section 71A was inserted by paragraph 1 of Schedule 15 to the Immigration Act 2016.

(41) Section 74 was amended by Schedule 2 to the Registration Services Act 1953, paragraph 15 of Schedule 4 to the Immigration Act 2014, paragraph 19 of Schedule 15 to the Immigration Act 2016, S.I. 2008/678 and S.I. 2009/2821.

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(2) In subsection (1), after paragraph (b), insert—

“;

(c) making provision in relation to—

- (i) corrections to or the re-issue of a marriage schedule or marriage document before the marriage is solemnized;
- (ii) the keeping of a signed marriage schedule or signed marriage document after the particulars set out in it have been entered in the marriage register;
- (iii) corrections to entries entered under this Act in the marriage register or a marriage register book;
- (iv) the keeping of marriage register books in which the particulars of a marriage have been entered under this Act;
- (v) the keeping in a church or chapel of records of marriages solemnized according to the rites of the Church of England in the church or chapel”.

(3) After subsection (1) insert—

“(1A) For the purposes of subsection (1)(c) “provision in relation to” the keeping of a book, document or other record includes, in particular, provision about—

- (a) who is to be responsible for keeping the book, document or other record and how it is to be stored;
- (b) the circumstances in which the book, document or other record must or may be annotated;
- (c) the circumstances in which the book, document or other record must or may be sent to the Registrar General or a superintendent registrar.”.

**44.**—(1) Section 75 of the 1949 Act (offences relating to solemnization of marriages)<sup>(42)</sup> is amended as follows.

(2) In subsection (1)(b), for “certificates of a superintendent registrar” substitute “a marriage schedule”.

(3) In subsection (2)—

- (a) in paragraph (a)(ii), for “certificates” substitute “(if so specified) in the marriage schedule”;
- (b) in paragraph (d), for the words from “certificates” to “notice of marriage” substitute “a marriage schedule when none of the conditions in section 31(3) is met”;
- (c) in paragraph (e), for “certificates of a superintendent registrar” substitute “a marriage schedule”.

(4) Omit subsection (2A).

(5) In subsection (3)—

(a) for paragraph (a), substitute—

“(a) issues a marriage schedule when none of the conditions in section 31(3) is met.”;

(b) in paragraph (b), for “any certificate for marriage” substitute “a marriage schedule”;

<sup>(42)</sup> Section 75 was amended by paragraph 20 of Schedule 1 to the Marriage Act 1983, paragraph 7 of the Schedule to the Marriage Act 1994, paragraph 30 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, part 11 of Schedule 10 of the Protection of Freedoms Act 2012 (c. 9), paragraph 19 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 16 of Schedule 4 to the Immigration Act 2014, S.I. 1997/986 and S.I. 2009/2821.

- (c) in paragraph (c)—
  - (i) for “any certificate” substitute “a marriage schedule”;
  - (ii) for “such a certificate” substitute “a marriage schedule”.

**45.**—(1) Section 76 of the 1949 Act (offences relating to registration of marriages)(**43**) is amended as follows.

- (2) Omit subsection (2).
  - (3) In subsection (4)—
    - (a) omit “or subsection (2)”;
    - (b) in paragraph (a), omit “in the case of a fine imposed under subsection (1) of this section,”;
    - (c) omit paragraph (b), and the “and” preceding it.
  - (4) In subsection (5), for “either of the said subsections” substitute “subsection (1)”.
- 46.** After section 76 of the 1949 Act insert—

**“76A Offence of failing to attend premises in compliance with a section 53D(8) or section 53E(10) notice**

(1) A person who, without reasonable cause, fails to attend premises in compliance with a notice issued under section 53D(8) or section 53E(10) commits an offence.

(2) A person who commits an offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.”.

**47.**—(1) In section 78 of the 1949 Act (interpretation)(**44**), subsection (1) is amended as follows.

- (2) After the definition of “England and Wales legislation” insert—

““marriage document” has the meaning assigned to it by section 21A(3);”.
- (3) For the definition of “marriage notice book” substitute—

““marriage notice book” means a book furnished to a superintendent registrar by the Registrar General before 4th May 2021 for the purposes of entering, before that date, the particulars given in every notice of marriage;”.
- (4) After the definition of “marriage notice book” insert—

““marriage schedule” has the meaning assigned to it by section 31(2);

“marriage register” has the meaning assigned to it by section 53A(1);

“marriage register book” means a marriage register book used for the purposes of registering marriages that were solemnized before 4th May 2021 in England or Wales;

“officer of the Society of Friends” means a person whom the recording clerk of the Society of Friends in London certifies in writing under their hand to the Registrar General to be an officer in England and Wales of that Society;”.

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(43) Section 76 was amended by the sections 37, 38 and 46 of the Criminal Justice Act 1982.

(44) Section 78 was amended by paragraph 20(2)(b) of Schedule 7 to the Marriage (Same Sex Couples) Act 2013. There are further amendments to section 78 which are not relevant to these Regulations.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

**Amendment of Schedule 3A to the 1949 Act (modifications if proposed marriage referred under section 28H)**

**48.**—(1) Schedule 3A to the 1949 Act (modifications if proposed marriage referred under section 28H)(45) is amended as follows.

- (2) In the italic heading before paragraph 2 for “certificate” substitute “marriage schedule”.
- (3) In paragraph 2 (events for issue of certificate)—
  - (a) in sub-paragraphs (1) and (8), for “certificate” substitute “marriage schedule”;
  - (b) in sub-paragraphs (2)(a), (3)(b), (4)(a) and (c), (5)(b), (6) and (7)(a) and (c), after “the superintendent registrar” insert “or (as the case may be) superintendent registrars”.
- (4) In paragraph 3 (extension of waiting period to 70 days where marriage to be investigated)—
  - (a) omit sub-paragraph (2);
  - (b) in sub-paragraph (4), omit “and (5C)”;
  - (c) omit sub-paragraph (6);
  - (d) in sub-paragraph (7)(a)—
    - (i) for “entered in the marriage book” substitute “recorded in the marriage register”;
    - (ii) omit “or is entered in an approved electronic form by virtue of section 27(4A) of that Act.”.
- (5) In paragraph 4 (effect of reducing statutory period), in sub-paragraphs (1)(b), (2) and (4), for “certificate” (in each place it appears) substitute “marriage schedule”.

**Amendment of Schedule 4 to the 1949 Act (provisions of Act which are excluded or modified in their application to naval, military and air force chapels)**

**49.**—(1) Schedule 4 to the 1949 Act (provisions of Act which are excluded or modified in their application to naval, military and air force chapels)(46) is amended as follows.

- (2) In Part 1 (exclusion of provisions relating to marriages according to the rites of the Church of England), omit “Sections fifty-three to fifty-seven, fifty-nine and sixty, so far as those sections relate to the registration of marriages by clergymen and to the duties of incumbents in relation to marriage register books.”.
- (3) In Part 2 (modification of provisions relating to marriages according to the rites of the Church of England), in the entry relating to section 50, omit “for the purpose of registering marriages”.
- (4) In Part 4 (modification of provisions relating to marriages otherwise than according to the rites of the Church of England), in the final entry, for “, forty-four and fifty-four” substitute “and 44”.

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(45) Schedule 3A was inserted by paragraph 9 of Schedule 4 to the Immigration Act 2014.

(46) Schedule 4 was amended by section 1(2) of the Marriage Acts Amendment Act 1958 (c. 29), paragraph 32 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999 and paragraph 21 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013.