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*Changes to legislation: There are currently no known outstanding effects for the Marriage (Prohibited Degrees of Relationship) Act 1986, Paragraph 4. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 1

#### AMENDMENTS OF MARRIAGE ACT 1949

- 4 In section 16 (common Licences)—
- (a) after subsection (1) there shall be inserted the following subsections—
- “(1A) A common licence shall not be granted for the solemnization of a marriage mentioned in subsection (2) of section 1 of this Act unless—
- (a) the person having authority to grant the licence is satisfied by the production of evidence that both the persons to be married have attained the age of twenty-one; and
- (b) he has received a declaration in writing made by each of those persons specifying their affinal relationship and declaring that the younger of those persons has not at any time before attaining the age of eighteen been a child of the family in relation to the other.
- (1B) In the case of a marriage mentioned in subsection (4) of section 1 of this Act which by virtue of subsection (5) of that section is valid only if at the time of the marriage both the parties to the marriage have attained the age of twenty-one and the death has taken place of two other persons related to those parties in the manner mentioned in the said subsection (5), a common licence shall not be granted for the solemnization of the marriage unless the person having authority to grant the licence is satisfied by the production of evidence—
- (a) that both the parties to the marriage have attained the age of twenty-one; and
- (b) that both those other persons are dead.”;
- (b) in subsection (2) at the beginning there shall be inserted the words “Subject to subsection (2A) of this section”; and
- (c) after subsection (2) there shall be inserted the following subsections—
- “(2A) Where in the case of a marriage mentioned in subsection (2) of section 1 of this Act a caveat is entered under subsection (2) of this section on the ground that the persons to be married have not both attained the age of twenty-one or that one of those persons has at any time before attaining the age of eighteen been a child of the family in relation to the other, then, notwithstanding that the caveat is withdrawn by the person who entered it, no licence shall be issued unless the judge has certified that he has examined into that ground of objection and is satisfied that that ground ought not to obstruct the grant of the licence.

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(2B) In the case of a marriage mentioned in subsection (2) of section 1 of this Act, one of the persons to be married may apply to the ecclesiastical judge out of whose office the licence is to issue for a declaration that, both those persons having attained the age of twenty-one and the younger of those persons not having at any time before attaining the age of eighteen been a child of the family in relation to the other, there is no impediment of affinity to the solemnization of the marriage; and where any such declaration is obtained the common licence may be granted notwithstanding that no declaration has been made under the said subsection (1A).”

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