



Immigration and Asylum Act 1999

1999 CHAPTER 33

PART IX

REGISTRAR'S CERTIFICATES: PROCEDURE

163 Refusal to issue certificate

(1) In the Marriage Act 1949, in section 31(2) (issue of marriage certificate), for paragraph (a) substitute—

“(a) the superintendent registrar is not satisfied that there is no lawful impediment to the issue of the certificate; or”.

(2) In the 1949 Act, after section 31, insert—

“31A Appeal on refusal under section 31(2)(a)

(1) If, relying on section 31(2)(a), a superintendent registrar refuses to issue a certificate, the person applying for it may appeal to the Registrar General.

(2) On such an appeal, the Registrar General must—

- (a) confirm the refusal; or
- (b) direct that a certificate be issued.

(3) If—

- (a) relying on section 31(2)(a), a superintendent registrar refuses to issue a certificate as a result of a representation made to him, and
- (b) on an appeal against the refusal, the Registrar General declares the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate,

the person making the representation is liable for the costs of the proceedings before the Registrar General and for damages recoverable by the applicant for the certificate.

Status: This is the original version (as it was originally enacted).

- (4) For the purpose of enabling a person to recover any such costs and damages, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has declared the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate.”
- (3) In the Marriages (Ireland) Act 1844, in section 16 (issue of marriage certificate), for “provided that no lawful impediment be shown to the satisfaction of the registrar why such certificate should not issue” substitute “unless the registrar is not satisfied that there is no lawful impediment to the issue of the certificate”.
- (4) In the 1844 Act, after section 16, insert—

“16A Appeal on refusal under section 16

- (1) If the registrar refuses to issue a certificate under section 16 on the ground that he is not satisfied that there is no lawful impediment to the issue of the certificate, the party by whom the notice was given may appeal to the Registrar General.
- (2) On such an appeal, the Registrar General must—
- (a) confirm the refusal; or
 - (b) direct that a certificate be issued.
- (3) If—
- (a) the registrar refuses to issue a certificate under section 16 on the ground specified in subsection (1) as a result of a representation made to him, and
 - (b) on an appeal against the refusal, the Registrar General declares the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate,
- the person making the representation is liable for the costs of the proceedings before the Registrar General and for damages recoverable by the applicant for the certificate.
- (4) For the purpose of enabling a person to recover any such costs and damages, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office is evidence that the Registrar General has declared the representation to have been frivolous and to be such that it ought not to obstruct the issue of a certificate.”