



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART II

MARRIAGE ACCORDING TO RITES OF THE CHURCH OF ENGLAND

Marriage by Common Licence

15 Places in which marriages may be solemnized by common licence.

- (1) Subject to the provisions of this Part of this Act, a common licence shall not be granted for the solemnization of a marriage in any church or chapel other than—
 - (a) the parish church of the parish, or an authorised chapel of the ecclesiastical district, in which one of the persons to be married has had his or her usual place of residence for fifteen days immediately before the grant of the licence; or
 - (b) a parish church or authorised chapel which is the usual place of worship of the persons to be married or of one of them.
- (2) For the purposes of this section, any parish in which there is no parish church or chapel belonging thereto or no church or chapel in which divine service is usually solemnized every Sunday, and any extra-parochial place which has no authorised chapel, shall be deemed to belong to any adjoining parish or chapelry.

Modifications etc. (not altering text)

- C1** S. 15 excluded (E.) (1.10.2008) by [Church of England Marriage Measure 2008 \(No. 1\)](#), **ss. 2(1), 5(2)**; [2008 No. 2](#), Instrument made by Archbishops
- C2** S. 15 excluded (18.3.2010) by [Marriage \(Wales\) Act 2010 \(c. 6\)](#), **ss. 3(1), 6(2)** (with s. 1)

16 Provisions as to common licences.

- (1) A common licence shall not be granted unless one of the persons to be married has sworn before a person having authority to grant such a licence—

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- (a) that he or she believes that there is no impediment of kindred or alliance or any other lawful cause, nor any suit commenced in any court, to bar or hinder the solemnization of the marriage in accordance with the licence;
- (b) that one of the persons to be married has had his or her usual place of residence in the parish or other ecclesiastical district in which the marriage is to be solemnized for fifteen days immediately before the grant of the licence or that the parish church or authorised chapel in which the marriage is to be solemnized is the usual place of worship of those persons or of one of them;

^{F1}(c)

^{F2}(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.]

^{F3}(1B)

^{F4}(1C) A common licence shall not be granted unless the persons to be married deliver to the person granting the licence specified evidence that both of the persons are relevant nationals.

(1D) For that purpose “specified evidence” means evidence that is in accordance with regulations made under section 28G.]

(2) [^{F5}Subject to subsection (2A) of this section] if any caveat is entered against the grant of a common licence, the caveat having been duly signed by or on behalf of the person by whom it is entered and stating his place of residence and the ground of objection on which the caveat is founded, no licence shall be granted until the caveat or a copy thereof is transmitted to the ecclesiastical judge out of whose office the licence is to issue, and the judge has certified to the registrar of the diocese that he has examined into the matter of the caveat and is satisfied that it ought not to obstruct the grant of the licence, or until the caveat is withdrawn by the person who entered it.

^{F6}(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.

(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

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declaration is obtained the common licence may be granted notwithstanding that no declaration has been made under the said subsection (1A).]

- (3) Where a marriage is not solemnized within three months after the grant of a common licence, the licence shall be void and no clergyman shall solemnize the marriage on the authority thereof.
- (4) No surrogate deputed by an ecclesiastical judge who has power to grant common licences shall grant any such licence until he has taken an oath before that judge, or a commissioner appointed under the seal of that judge, faithfully to execute his office according to law, to the best of his knowledge, . . . ^{F7}.

Textual Amendments

- F1** S. 16(1)(c) omitted (27.2.2023) by virtue of [Marriage and Civil Partnership \(Minimum Age\) Act 2022](#) (c. 28), s. 7(1), **Sch. para. 1(2)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F2** S. 16 (1A)(1B) inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) (c. 16, SIF 49:1), s. 1(4)(6), **Sch. 1 para. 4(a)**
- F3** S. 16(1B) repealed (1.3.2007) by [The Marriage Act 1949 \(Remedial\) Order 2007](#) (S.I. 2007/438), arts. 1(1), **3(a)(i)** (with art. 1(2))
- F4** S. 16(1C)(1D) inserted (2.3.2015) by [Immigration Act 2014](#) (c. 22), **ss. 57(4)**, 75(3); S.I. 2015/371, art. 2(2) (with art. 5)
- F5** Words inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) (c. 16, SIF 49:1), s. 1(4)(6), **Sch. 1 para. 4(b)**
- F6** S. 16(2A)(2B) by [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) (c. 16, SIF 49:1), s. 1(4)(6), **Sch. 1 para. 4(c)**
- F7** Words repealed by [Statute Law \(Repeals\) Act 1975](#) (c. 10), s. 1(1), **Sch. Pt. VI**

Modifications etc. (not altering text)

- C3** S. 16(1)(b) modified (18.3.2010) by [Marriage \(Wales\) Act 2010](#) (c. 6), **ss. 3(1)**, 6(2) (with s. 1)
- C4** S. 16(4) amended by [Statute Law \(Repeals\) Act 1975](#) (c. 10), **s. 1(3)**

Changes to legislation:

There are currently no known outstanding effects for the Marriage Act 1949, Cross Heading: Marriage by Common Licence.