



# Marriage Act 1949

## 1949 CHAPTER 76

### 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.

#### **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—
  - (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

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*Status: This is the original version (as it was originally enacted).*

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- 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;
- (c) where one of the persons to be married is an infant and is not a widower or widow, that the consent of the person or persons whose consent to the marriage is required under section three of this Act has been obtained, that the necessity of obtaining any such consent has been dispensed with under that section, that the court has consented to the marriage under that section, or that there is no person whose consent to the marriage is so required.
- (2) 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.
- (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, and has given security by his bond in the sum of one hundred pounds to the bishop of the diocese for the due and faithful execution of his office.