



# Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

## PART III

MARRIAGE UNDER [<sup>F1</sup>MARRIAGE SCHEDULE]

### *Marriages in registered buildings*

#### **41 Registration of buildings [<sup>F1</sup>: marriage of a man and a woman].**

- (1) Any proprietor or trustee of a <sup>F2</sup> . . . building, which has been certified as required by law as a place of religious worship may apply to the superintendent registrar of the registration district in which the building is situated for the building to be registered for the solemnization of marriages therein.

[<sup>F3</sup>(1A) A reference in this section to the solemnization of marriage is a reference to the solemnization of marriage of a man and a woman.]

[<sup>F4</sup>(2) Any person making such an application as aforesaid shall deliver to the superintendent registrar a certificate, signed in duplicate by at least twenty householders and dated not earlier than one month before the making of the application, stating that the building is being used by them as their usual place of public religious worship and that they desire that the building should be registered as aforesaid, and both certificates shall be countersigned by the proprietor or trustee by whom they are delivered.]

- (3) The superintendent registrar shall send both certificates delivered to him under the last foregoing subsection to the Registrar General who shall register the building in a book to be kept for that purpose in the General Register Office.

[<sup>F5</sup>(3A) The duty imposed by subsection (3) to register the building in a book may be discharged by registering the building in an approved electronic form.]

- (4) The Registrar General shall endorse on both certificates sent to him as aforesaid the date of the registration, and shall keep one certificate with the records of the General Register Office and shall return the other certificate to the superintendent registrar who shall keep it with the records of his office.

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- (5) On the return of the certificate under the last foregoing subsection, the superintendent registrar shall—
  - (a) enter the date of the registration of the building in a book to be provided for that purpose by the Registrar General;
  - (b) give a certificate of the registration signed by him, on durable materials, to the proprietor or trustee by whom the certificates delivered to him under subsection (2) of this section were countersigned; and
  - (c) give public notice of the registration of the building by advertisement in some newspaper circulating in the county in which the building is situated and in the London Gazette.

<sup>F6</sup>(6) .....

<sup>F7</sup>(7) A building may be registered for the solemnization of marriages under this section whether it is a separate building or forms part of another building.]

**Textual Amendments**

- F1** Words in s. 41 title inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 8\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F2** Word repealed by [Marriage \(Registration of Buildings\) Act 1990 \(c. 33, SIF 49:1\), s. 1\(1\)](#)
- F3** S. 41(1A) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 8\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F4** S. 41(2) substituted by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)\(a\)](#)
- F5** S. 41(3A) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\), arts. 1\(1\), 8](#)
- F6** S. 41(6) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\), s. 94\(1\), Sch. 15 para. 11](#); S.I. 2016/603, reg. 3(w)
- F7** S. 41(7) substituted by [Marriage \(Registration of Buildings\) Act 1990 \(c. 33, SIF 49:1\), s. 1\(1\)](#)

**Modifications etc. (not altering text)**

- C1** Pt. 3 applied (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), ss. 1\(2\)\(a\), 21\(3\)](#); S.I. 2014/93, art. 3(a)
- C2** S. 41 modified (13.3.2014) by [The Marriage of Same Sex Couples \(Registration of Buildings and Appointment of Authorised Persons\) Regulations 2014 \(S.I. 2014/106\), regs. 1, 9](#)

**42** [<sup>F8</sup>**Cancellation of registration under section 41: building no longer used**]

(1) Where, on an application made by or through the superintendent registrar of the registration district in which the building is situated, it is shown to the satisfaction of the Registrar General that a [<sup>F9</sup>building registered under section 41] is no longer used for the purpose of public religious worship by the congregation on whose behalf it was registered, he shall cause the registration to be cancelled<sup>F10</sup> . . .

<sup>F11</sup>(2) .....

(3) Where the Registrar General cancels the registration of any building,<sup>F10</sup> . . . , under this section, he shall inform the superintendent registrar who shall enter that fact and the date thereof in the book provided for the registration of buildings, and shall certify and publish the cancellation<sup>F10</sup> . . . , in the manner provided by subsection (5) of the last foregoing section in the case of the<sup>F10</sup> . . . registration of a building.

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[<sup>F12</sup>(3A) In a case where—

- (a) the registration of a building is cancelled under this section, and
- (b) the building is also registered under section 43A,

the Registrar General must also cancel the registration under section 43A.]

<sup>F11</sup>(4) . . . . .

(5) Where the registration of any building has been cancelled, <sup>F10</sup> . . . under this section, it shall not be lawful to solemnize any marriage in the disused building, unless the building has been registered again in accordance with the provisions of this Part of this Act.

**Textual Amendments**

- F8** S. 42 title substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 9\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F9** Words in s. 42(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 9\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F10** Words repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)
- F11** S. 42(2)(4) repealed by [Marriage Acts Amendment Act 1958 \(c. 29\), s. 1\(1\)](#)
- F12** S. 42(3A) inserted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\), art. 1\(2\), Sch. 1 para. 5\(3\)](#)

**43 [<sup>F13</sup>Buildings registered under section 41: appointment of authorised persons]**

(1) For the purpose of enabling marriages to be solemnized in a [<sup>F14</sup>building registered under section 41] without the presence of a registrar, the trustees or governing body of that building may authorise a person to be present at the solemnization of marriages in that building and, where a person is so authorised in respect of any [<sup>F14</sup>building registered under section 41], the trustees or governing body of that building shall, within the prescribed time and in the prescribed manner, certify the name and address of the person so authorised to the Registrar General and to the superintendent registrar of the registration district in which the building is situated.

[<sup>F15</sup>(1A) The power conferred by this section may only be exercised after the end of the relevant one year period (and, if that period has ended before the date of the registration under section 41, the power may accordingly be exercised immediately).

(1B) The relevant one year period is the period of one year beginning with the date of the registration of the building under section 41 (the “new registration”).

(1C) But if—

- (a) there is any earlier registration of the building under section 43A which is still in force at the date of the new registration, or
  - (b) there has been any earlier qualifying registration of a previous building,
- the relevant one year period is the period of one year beginning with the date of that registration (or the earlier of those dates).

(1D) For that purpose there is a qualifying registration of a previous building if—

- (a) the congregation on whose behalf the new registration is made previously used another building for the purpose of public religious worship,
- (b) that building was registered under section 41 or 43A, and

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- (c) that registration was cancelled not more than one month before the date of the new registration.]

<sup>F16</sup>(2) .....

- (3) Nothing in this section shall be taken to relate or have any reference to marriages solemnized according to the usages of the Society of Friends or of persons professing the Jewish religion.

#### **Textual Amendments**

- F13** S. 43 title substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 10\(2\)](#); S.I. 2014/93, art. 3(k)(i)
- F14** Words in s. 43(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 10\(3\)](#); S.I. 2014/93, art. 3(k)(i)
- F15** S. 43(1A)-(1D) substituted for words in s. 43(1) (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 10\(4\)](#); S.I. 2014/93, art. 3(k)(i)
- F16** S. 43(2) omitted (13.3.2014) by virtue of [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 10\(5\)](#); S.I. 2014/93, art. 3(k)(i)

#### **[<sup>F17</sup>43A Registration of buildings: marriage of same sex couples**

- (1) A building that has been certified as required by law as a place of religious worship may be registered under this section for the solemnization of marriages of same sex couples.
- (2) Any application for registration of a building under this section is to be made—
- (a) by a proprietor or trustee of the building;
  - (b) to the superintendent registrar of the registration district in which the building is situated.
- (3) An application for registration of a building under this section must be accompanied by—
- (a) a certificate, given by the applicant and dated not earlier than one month before the making of the application, that the persons who are the relevant governing authority in relation to the building have given written consent to marriages of same sex couples as mentioned in section 26A(3),
  - (b) a copy of that consent, and
  - (c) if the building is not already registered under section 41, a certificate of use for religious worship.
- (4) The superintendent registrar must send to the Registrar General—
- (a) the certificate or certificates, and
  - (b) the copy of the consent,
- which accompany an application under this section.
- (5) The Registrar General must then register the building.
- (6) A building may be registered for the solemnization of marriages under this section whether it is a separate building or forms part of another building.

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- (7) In this section, in relation to an application under this section, “certificate of use for religious worship” means a certificate given by at least twenty householders and dated not earlier than one month before the making of the application, stating that they—
- (a) use the building as their usual place of public religious worship, and
  - (b) wish the building to be registered under this section.

#### **Textual Amendments**

**F17** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

### **43B Buildings registered under section 43A: appointment of authorised persons**

- (1) For the purpose of enabling marriages to be solemnized in a building registered under section 43A without the presence of a registrar, the trustees or governing body of that building may authorise a person to be present at the solemnization of marriages in that building.
- (2) Where a person is so authorised in respect of any building registered under section 43A, the trustees or governing body of that building must certify the name and address of the person so authorised to—
  - (a) the Registrar General, and
  - (b) the superintendent registrar of the registration district in which the building is situated.
- (3) The power conferred by this section may only be exercised after the end of the relevant one year period (and, if that period has ended before the date of the registration under section 43A, the power may accordingly be exercised immediately).
- (4) The relevant one year period is the period of one year beginning with the date of the registration of the building under section 43A (the “new registration”).
- (5) But if—
  - (a) there is any earlier registration of the building under section 41 which is still in force at the date of the new registration, or
  - (b) there has been any earlier qualifying registration of a previous building,the relevant one year period is the period of one year beginning with the date of that registration (or the earlier of those dates).
- (6) For that purpose there is a qualifying registration of a previous building if—
  - (a) the congregation on whose behalf the new registration is made previously used another building for the purpose of public religious worship,
  - (b) that building was registered under section 41 or 43A, and
  - (c) that registration was cancelled not more than one month before the date of the new registration.
- (7) A reference in this section to the solemnization of marriage is a reference to the solemnization of marriage of a same sex couple.

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- (8) Nothing in this section is to be taken to relate or have any reference to marriages solemnized according to the usages of the Society of Friends or of persons professing the Jewish religion.

**Textual Amendments**

**F17** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

**43C Cancellation of registration under section 43A**

- (1) The registration of a building under section 43A may be cancelled under this section.
- (2) Any application under this section is to be made—
- (a) by a proprietor or trustee of the building;
  - (b) to the superintendent registrar of the registration district in which the building is situated.
- (3) The superintendent registrar must forward any application under this section to the Registrar General; and the Registrar General must then cancel the registration of the building.
- (4) This section is subject (in particular) to sections 44A to 44C (registration of shared buildings for marriage of same sex couples) and regulations made under any of those sections.

**Textual Amendments**

**F17** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 1 para. 2](#); S.I. 2013/2789, art. 2(a); S.I. 2014/93, art. 3(g)

**43D Regulations about sections 41 and 43 and 43A to 43C**

- (1) The Secretary of State may by statutory instrument make regulations about the procedures to be followed<sup>F18</sup>... —
- (a) on registration applications;
  - (b) in relation to section 43B authorisations;
  - (c) on cancellation applications.
- (2) The Secretary of State may by statutory instrument make—
- (a) regulations modifying the application of section 41 or 43 in relation to buildings that are already registered under section 43A;
  - (b) regulations about cases where a person makes applications under sections 41 and 43A, or gives or certifies authorisations under sections 43 and 43B, in respect of the same building at the same time (including provision modifying any requirement imposed by any of those sections or by regulations under subsection (1) of this section).

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(3) A statutory instrument containing regulations made under this section is subject to annulment in pursuance of a resolution of either House of Parliament.

(4) In this section—

“cancellation application” means an application under section 43C for the cancellation of the registration of a building;

“registration application” means an application under section 43A for the registration of a building;

“section 43B authorisation” means the authorisation of a person under section 43B to be present at the solemnization of marriages in a building registered under section 43A.]

#### Textual Amendments

**F17** Ss. 43A-43D inserted (31.10.2013 for specified purposes, 13.3.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\)](#), [Sch. 1 para. 2](#); [S.I. 2013/2789, art. 2\(a\)](#); [S.I. 2014/93, art. 3\(g\)](#)

**F18** Words in s. 43D(1) omitted (12.7.2016) by virtue of [Immigration Act 2016 \(c. 19\), s. 94\(1\)](#), [Sch. 15 para. 12](#); [S.I. 2016/603, reg. 3\(w\)](#)

#### 44 Solemnization of marriage in registered building.

(1) Subject to the provisions of this section, where [<sup>F19</sup>the notices of marriage and [<sup>F20</sup>the marriage schedule]] state that a marriage between the persons named therein is intended to be solemnized in a registered building, the marriage may be solemnized in that building according to such form and ceremony as those persons may see fit to adopt:

Provided that no marriage shall be solemnized in any registered building without the consent of the minister or of one of the trustees, owners, deacons or managers thereof, or in the case of a registered building of the Roman Catholic Church, without the consent of the officiating minister thereof.

(2) Subject to the provisions of this section, a marriage solemnized in a registered building shall be solemnized with open doors in the presence of two or more witnesses and in the presence of either—

(a) a registrar of the registration district in which the registered building is situated, or

(b) an authorised person whose name and address have been certified in accordance with [<sup>F21</sup>section 43 (in the case of the marriage of a man and a woman), or section 43B (in the case of the marriage of a same sex couple),] by the trustees or governing body of that registered building or of some other registered building in the same registration district.

(3) Where a marriage is solemnized in a registered building each of the persons contracting the marriage shall, in some part of the ceremony and in the presence of the witnesses and the registrar or authorised person, make the following declaration:—

“I do solemnly declare that I know not of any lawful impediment why I, *AB*, may not be joined in matrimony to *CD*”

and each of them shall say to the other:—



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“I call upon these persons here present to witness that I, *AB*, do take thee, *CD*, to be my lawful wedded wife [*or husband*]”:

<sup>F22</sup>(3A) As an alternative to the declaration set out in subsection (3) of this section the persons contracting the marriage may make the requisite declaration either—

- (a) by saying “I declare that I know of no legal reason why I [*name*] may not be joined in marriage to [*name*]”; or
- (b) by replying “I am” to the question put to them successively “Are you [*name*] free lawfully to marry [*name*]?”;

and as an alternative to the words of contract set out in that subsection the persons to be married may say to each other “I [*name*] take you [*or thee*] [*name*] to be my wedded wife [*or husband*]”.]

<sup>F23</sup>(4) .....

- (5) If the Registrar General is not satisfied with respect to any building registered or proposed to be registered for the solemnization of marriages therein that sufficient security exists for the <sup>F24</sup>solemnization of marriages or signing of marriage schedules in accordance with the provisions of this Act], he may in his discretion attach to the continuance of the registration, or to the registration, of the building a condition that no marriage may be solemnized therein without the presence of a registrar.

#### Textual Amendments

- F19** Words in s. 44(1) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **23**; S.I. 2000/2698, **art. 2**
- F20** Words in s. 44(1) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 30(2)** (with Sch. 2)
- F21** Words in s. 44(2)(b) substituted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 11**; S.I. 2014/93, art. 3(k)(i)
- F22** S. 44(3A) substituted for s. 44(3) proviso (1.2.1997) by 1996 c. 34, s. 1(1); S.I. 1996/2506, **art. 2**
- F23** S. 44(4) omitted (4.5.2021) by virtue of The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 30(3)** (with Sch. 2)
- F24** Words in s. 44(5) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 30(4)** (with Sch. 2)

#### Modifications etc. (not altering text)

- C3** S. 44(3) applied by Marriage (Registrar General's Licence) Act 1970 (c. 34), s. 10(3)



**Changes to legislation:**

There are currently no known outstanding effects for the Marriage Act 1949, Cross Heading: Marriages in registered buildings.