



Marriage Act 1949

1949 CHAPTER 76

PART III

MARRIAGE UNDER SUPERINTENDENT REGISTRAR'S CERTIFICATE

Issue of certificates

26 Marriages which may be solemnized on authority of superintendent registrar's certificate

- (1) Subject to the provisions of this Part of this Act, the following marriages may be solemnized on the authority of a certificate of a superintendent registrar—
 - (a) a marriage in a registered building according to such form and ceremony as the persons to be married see fit to adopt;
 - (b) a marriage in the office of a superintendent registrar;
 - (c) a marriage according to the usages of the Society of Friends (commonly called Quakers);
 - (d) a marriage between two persons professing the Jewish religion according to the usages of the Jews;
 - (e) a marriage according to the rites of the Church of England.
- (2) A marriage on the authority of a certificate of a superintendent registrar may be either by a licence issued by the superintendent registrar or without a licence:

Provided that a superintendent registrar shall not issue a licence for a marriage in any church or chapel in which marriages may be solemnized according to the rites of the Church of England, or in any church or chapel belonging to the Church of England or licensed for the celebration of divine worship according to the rites and ceremonies of the Church of England.

27 Notice of marriage

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar without licence, notice of marriage in the prescribed form shall be given—
 - (a) if the persons to be married have resided in the same registration district for the period of seven days immediately before the giving of the notice, by either of those persons to the superintendent registrar of that district;
 - (b) if the persons to be married have not resided in the same registration district for the said period of seven days as aforesaid, by either of those persons to the superintendent registrar of each registration district in which one of them has resided for that period.
- (2) Where a marriage is intended to be solemnized as aforesaid by licence, then, whether the persons to be married reside in the same or in different registration districts, notice of marriage in the prescribed form shall be given by either of those persons to the superintendent registrar of the registration district in which one of them has resided for the period of fifteen days immediately before the giving of the notice, and it shall not be required that notice of marriage shall be given to more than one superintendent registrar.
- (3) A notice of marriage shall state the name and surname, marital status, occupation and place of residence of each of the persons to be married and the church or other building in which the marriage is to be solemnized and—
 - (a) in the case of a marriage intended to be solemnized without licence, shall state the period, not being less than seven days, during which each of the persons to be married has resided in his or her place of residence;
 - (b) in the case of a marriage intended to be solemnized by licence, shall state the period, not being less than fifteen days, during which one of the persons to be married has resided in the district in which notice of marriage is given:

Provided that if either of the persons to be married has resided in the place stated in the notice for more than one month, the notice may state that he or she has resided there for more than one month.

- (4) The superintendent registrar shall file all notices of marriage and keep them with the records of his office, and shall also forthwith enter the particulars given in every such notice, together with the date of the notice and the name of the person by whom the notice was given, in a book (in this Act referred to as " the marriage notice book ") furnished to him for that purpose by the Registrar General, and the marriage notice book shall be open for inspection free of charge at all reasonable hours.
- (5) If the persons to be married wish to be married in the presence of a registrar in a registered building for which an authorised person has been appointed, they shall, at the time when notice of marriage is given to the superintendent registrar under this section, give notice to him that they require a registrar to be present at the marriage,
- (6) The superintendent registrar shall be entitled to a fee of one shilling for every entry made in the marriage notice book under this section.

28 Declaration to accompany notice of marriage

- (1) No certificate or licence for marriage shall be issued by a superintendent registrar unless the notice of marriage is accompanied by a solemn declaration in writing, in

the body or at the foot of the notice, made and signed at the time of the giving of the notice by the person by whom the notice is given and attested as mentioned in subsection (2) of this section—

- (a) that he or she believes that there is no impediment of kindred or alliance or other lawful hindrance to the marriage;
 - (b) in the case of a marriage intended to be solemnized without licence, that the persons to be married have for the period of seven days immediately before the giving of the notice had their usual places of residence within the registration district or registration districts in which notice is given, or, in the case of a marriage intended to be solemnized by licence, that one of the persons to be married has for the period of fifteen days immediately before the giving of the notice had his or her usual place of residence within the registration district in which notice is given;
 - (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) Any such declaration as aforesaid shall be signed by the person giving the notice of marriage in the presence of the superintendent registrar to whom the notice is given or his deputy, or in the presence of a registrar of births and deaths or of marriages for the registration district in which the person giving the notice resides or his deputy, and that superintendent registrar, deputy superintendent registrar, registrar or deputy registrar, as the case may be, shall attest the declaration by adding thereto his name, description and place of residence.

29 Caveat against grant of certificate or licence

- (1) Any person on payment of a fee of five shillings may enter a caveat with the superintendent registrar against the issue of a certificate or licence for the marriage of any person named therein.
- (2) If any caveat is entered as aforesaid, the caveat having been signed by or on behalf of the person by whom it was entered and stating his place of residence and the ground of objection on which the caveat is founded, no certificate or licence shall be issued until the superintendent registrar has examined into the matter of the caveat and is satisfied that it ought not to obstruct the issue of the certificate, or licence, or until the caveat has been withdrawn by the person who entered it; and if the superintendent registrar is doubtful whether to issue a certificate or licence he may refer the matter of the caveat to the Registrar General.
- (3) Where a superintendent registrar refuses, by reason of any such caveat as aforesaid, to issue a certificate or licence, the person applying therefor may appeal to the Registrar General who shall either confirm the refusal or direct that a certificate or licence shall be issued.
- (4) Any person who enters a caveat against the issue of a certificate or licence on grounds which the Registrar General declares to be frivolous and to be such that they ought not to obstruct the issue of the certificate or licence, shall be liable for the costs of the proceedings before the Registrar General and for damages recoverable by the person against whose marriage the caveat was entered.

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

- (5) For the purpose of enabling any person to recover any such costs and damages as aforesaid, a copy of the declaration of the Registrar General purporting to be sealed with the seal of the General Register Office shall be evidence that the Registrar General has declared the caveat to have been entered on grounds which are frivolous and such that they ought not to obstruct the issue of the certificate or licence.

30 Forbidding of issue of certificate

Any person whose consent to a marriage intended to be solemnized on the authority of a certificate of a superintendent registrar is required under section three of this Act may forbid the issue of such a certificate by writing, at any time before the issue of the certificate, the word " forbidden " opposite to the entry of the notice of marriage in the marriage notice book, and by subscribing thereto his name and place of residence and the capacity, in relation to either of the persons to be married, in which he forbids the issue of the certificate; and where the issue of a certificate has been so forbidden, the notice of marriage and all proceedings thereon shall be void:

Provided that where, by virtue of paragraph (b) of the proviso to subsection (1) of the said section three, the court has consented to a marriage and the consent of the court has the same effect as if it had been given by a person whose consent has been refused, that person shall not be entitled. to forbid the issue of a certificate for that marriage under this section, and the notice of marriage and the proceedings thereon shall not be void by virtue of this section.

31 Marriage under certificate without licence

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar without licence, the superintendent registrar to whom notice of marriage has been given shall suspend or affix in some conspicuous place in his office, for twenty-one successive days next after the day on which the notice was entered in the marriage book, the notice of marriage, or an exact copy signed by him of the particulars thereof as entered in the marriage notice book.
- (2) At the expiration of the said period of twenty-one days the superintendent registrar, on the request of the person by whom the notice of marriage was given, shall issue a certificate in the prescribed form unless—
- (a) any lawful impediment to the issue of the certificate has been shown to the satisfaction of the superintendent registrar; of
 - (b) the issue of the certificate has been forbidden under the last foregoing section by any person authorised in that behalf.
- (3) Every such certificate shall set out the particulars contained in the notice of marriage and the day on which the notice was entered in the marriage notice book and shall contain a statement that the issue of the certificate has not been forbidden as aforesaid.
- (4) No marriage shall be solemnized on the production of a certificate of a superintendent registrar without licence until after the expiration of the said period of twenty-one days.
- (5) Where a marriage is to be solemnized in a registered building for which an authorised person has been appointed and no notice requiring a registrar to be present at the marriage has been given to the superintendent registrar under subsection (5) of section twenty-seven of this Act, the superintendent registrar shall, when issuing a certificate

under this section, give to one of the persons to be married printed instructions in the prescribed form for the due solemnization of the marriage.

- (6) A superintendent registrar shall be entitled to receive a fee of one shilling for every certificate issued by him under this section.

32 Marriage under certificate by licence

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar by licence, the person by whom notice of marriage is given shall state in the notice that the marriage is intended to be solemnized by licence, and the notice shall not be suspended in the office of the superintendent registrar.
- (2) Where a notice of marriage containing such a statement as aforesaid has been received by a superintendent registrar, then, after the expiration of one whole day next after the day on which the notice was entered in the marriage notice book, the superintendent registrar, on the request of the person by whom the notice was given, shall issue a certificate and a licence in the prescribed form unless—
- (a) any lawful impediment to the issue of the certificate has been shown to the satisfaction of the superintendent registrar; or
 - (b) the issue of the certificate has been forbidden under section thirty of this Act by any person authorised in that behalf.
- (3) Every such certificate shall set out the particulars contained in the notice of marriage and the day on which the notice was entered in the marriage notice book, and shall contain a statement that the issue of the certificate has not been forbidden as aforesaid.
- (4) Where a marriage is to be solemnized in a registered building for which an authorised person has been appointed and no notice requiring a registrar to be present at the marriage has been given to the superintendent registrar under subsection (5) of section twenty-seven of this Act, the superintendent registrar shall, when issuing a certificate and licence under this section, give to one of the persons to be married printed instructions in the prescribed form for the due solemnization of the marriage.
- (5) A superintendent registrar shall be entitled to receive for every certificate issued by him under this section a fee of one shilling, and for every licence so issued the sum of one pound and ten shillings over and above the amount paid for the stamps necessary on the issue of the licence.
- (6) A superintendent registrar shall not issue a licence under this section until he has given security by his bond in the sum of one hundred pounds to the Registrar General for the due and faithful execution of his office.

33 Period of validity of certificate and licence

- (1) A marriage may be solemnized on the authority of a certificate of a superintendent registrar, whether by licence or without licence, at any time within three months from the day on which the notice of marriage was entered in the marriage notice book.
- (2) If the marriage is not solemnized within the said period of three months, the notice of marriage and the certificate, and any licence which may have been granted thereon, shall be void, and no person shall solemnize the marriage on the authority thereof.

34 Marriages normally to be solemnized in registration district in which one of parties resides

Subject to the provisions of the next following section, a superintendent registrar shall not issue a certificate for the solemnization of a marriage in a building which is not within a registration district in which one of the persons to be married has resided, in the case of a marriage without licence, for the period of seven days immediately before the giving of the notice of marriage or, in the case of a marriage by licence, for the period of fifteen days immediately before the giving of that notice.

35 Marriages in registration district in which neither party resides

(1) A superintendent registrar may issue a certificate, or if the marriage is to be by licence, a certificate and a licence, for the solemnization of a marriage in a registered building which is not within a registration district in which either of the persons to be married resides, where the person giving the notice of marriage declares by endorsement thereon in the prescribed form—

- (a) the religious appellation of the body of christians to which he or she professes to belong and the form, rite or ceremony which the persons to be married desire to adopt in solemnizing their marriage;
- (b) that, to the best of his or her belief, there is not within the registration district in which one of them resides any registered building in which marriage is solemnized according to that form, rite or ceremony;
- (c) the registration district nearest to the residence of that person in which there is a registered building in which marriage may be so solemnized; and
- (d) the registered building in that district in which the marriage is intended to be solemnized;

and where any such certificate or certificate and licence is issued, the marriage may be solemnized in the registered building stated in the notice.

(2) A superintendent registrar may issue a certificate or, if the marriage is to be by licence, a certificate and a licence, for the solemnization of a marriage in a registered building which is the usual place of worship of the persons to be married, or of one of them, notwithstanding that the building is not within a registration district in which either of those persons resides, so long as the building is not more than two miles beyond the limits of the registration district, or one of the registration districts, in which notice of marriage has been given.

(3) A superintendent registrar may issue a certificate for the solemnization of a marriage in any parish church or authorised chapel which is the usual place of worship of the persons to be married, or of one of them, notwithstanding that the church or chapel is not within a registration district in which either of those persons resides.

(4) A superintendent registrar may issue a certificate or, if the marriage is to be by licence, a certificate and a licence, for the solemnization of a marriage according to the usages of the Society of Friends or in accordance with the usages of persons professing the Jewish religion, notwithstanding that the building or place in which the marriage is to be solemnized is not within a registration district in which either of the persons to be married resides.

(5) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar issued under subsection (2) or subsection (3) of this section, the notice of marriage given to the superintendent registrar and the certificate issued by

the superintendent registrar shall state, in addition to the description of the registered building or, as the case may be, the parish church or authorised chapel, in which the marriage is to be solemnized, that it is the usual place of worship of the persons to be married or of one of them and, in the latter case, shall state the name of the person whose usual place of worship it is.

36 Superintendent registrar to issue licences only for marriages to be solemnized in his registration district

Subject to the provisions of the last foregoing section, a superintendent registrar shall not issue a licence for the solemnization of a marriage—

- (a) in a registered building which is not within his registration district;
- (b) in the office of any other superintendent registrar.

37 One party resident in Scotland

(1) Where a marriage is intended to be solemnized in England on the authority of a certificate of a superintendent registrar without licence between parties of whom one is residing in Scotland and the other is residing in England, the following provisions shall have effect—

- (a) the party residing in Scotland may, subject to and in accordance with the provisions of section seven of the Marriage Notice (Scotland) Act, 1878, give notice of the intended marriage as if the parties were residing in different parishes or districts in Scotland and as if the marriage were intended to be contracted or celebrated in Scotland, and the provisions of that Act relating to notices of intended marriages and the granting of certificates of due publication thereof shall apply accordingly;
- (b) the party residing in England may, subject to and in accordance with the provisions of sections twenty-seven and twenty-eight of this Act, give notice of the intended marriage as if both parties were residing in different registration districts in England, and the provisions of this Part of this Act relating to notices of marriage and the issue of certificates for marriage shall apply accordingly;
- (c) a certificate of due publication of a notice of the intended marriage granted in Scotland by virtue of paragraph (a) of this subsection shall, for the purpose of the marriage, have the like force and effect in all respects as a certificate for marriage issued by a superintendent registrar under this Part of this Act;
- (d) for the purposes of section thirty-three of this Act the notice given in Scotland shall be deemed to have been entered in a marriage notice book by a superintendent registrar in England on the day on which it was given.

(2) Where a marriage is intended to be solemnized as aforesaid between parties of whom one is residing in Scotland and the other is residing in England and a certificate of proclamation of banns in Scotland has been issued under the hand of the minister or session clerk of the parish in which the proclamation was made—

- (a) the superintendent registrar of the registration district in which the party residing in England is residing may accept notice of marriage given by that party, subject to and in accordance with the provisions of sections twenty-seven and twenty-eight of this Act, as if both parties were residing in different registration districts in England, and the provisions of this Part of this Act relating to notices of marriage and the issue of certificates for marriage shall apply accordingly;

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

- (b) the production of the certificate of proclamation of banns to the person by whom the marriage is to be solemnized shall be as valid for authorising that person to solemnize the marriage as the production of a certificate for marriage of a superintendent registrar of a registration district in England would be in the case of a person residing in that district.

38 One party resident in Northern Ireland

- (1) Where a marriage is intended to be solemnized in England on the authority of a certificate of a superintendent registrar without licence between parties of whom one is residing in Northern Ireland and the other is residing in England, the party residing in Northern Ireland may give notice of marriage in the form used for that purpose in Northern Ireland or to the like effect to the registrar of the district in Northern Ireland in which he or she has resided for not less than seven days immediately before the giving of the notice.

- (2) Any such notice as aforesaid shall state the name and surname, marital status, occupation, age and place of residence of each of the persons to be married and the period, not being less than seven days, during which each of them has resided in that place and the church or other building in which the marriage is to be solemnized :

Provided that if either of the persons to be married has resided in the place stated in the notice for more than one month, the notice may state that he or she has resided there for more than one month.

- (3) Any such notice as aforesaid shall be dealt with, and a certificate for marriage issued by the registrar, in the manner prescribed by the Marriages (Ireland) Act, 1844, as amended by the Marriages (Ireland) Act, 1846, and the Marriage Law (Ireland) Amendment Act, 1863:

Provided that the registrar shall not issue a certificate until the expiration of twenty-one days from the day on which the notice was entered in the marriage notice book required to be kept under the said Marriages (Ireland) Act, 1844.

- (4) The production to the person by whom the marriage is to be solemnized of a certificate issued under the last foregoing subsection shall be as valid for authorising that person to solemnize the marriage as the production of a certificate for marriage of a superintendent registrar of a registration district in England would be in the case of a person residing in that district.

39 Issue of certificates on board His Majesty's ships

- (1) Where a marriage is intended to be solemnized in England on the authority of a certificate of a superintendent registrar without licence between parties of whom one is residing in England and the other is an officer, seaman, or marine borne on the books of one of His Majesty's ships at sea, the last-mentioned party may give notice of his intention to the captain or other officer commanding the ship, together with the name and address of the other party to the marriage, and such other information as may be necessary to enable the captain or other officer to fill up a certificate under this section, and shall at the same time make and sign such a declaration as is required by section twenty-eight of this Act, and the captain or other officer may attest the declaration and thereupon issue a certificate to the officer, seaman or marine giving the notice.

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

- (2) A certificate issued under this section shall be in such form as may be prescribed by the Admiralty and shall have the like force and effect as a certificate issued by a superintendent registrar under this Part of this Act, and all provisions of this Act (including penal provisions) relating to notices and declarations for obtaining certificates from superintendent registrars and to such certificates shall apply in the case of certificates issued under this section, subject to such adaptations therein as may be made by His Majesty by Order in Council.
- (3) Where a marriage is intended to be solemnized in England as aforesaid and a certificate has been issued to one of the parties under this section, the superintendent registrar of the registration district in which the other party is residing may accept notice of marriage given by that party, subject to and in accordance with the provisions of sections twenty-seven and twenty-eight of this Act, as if both parties were residing in different registration districts in England, and the provisions of this Part of this Act relating to notices of marriage and the issue of certificates for marriage shall apply accordingly.

40 Forms of certificates to be issued by Registrar General

- (1) The Registrar General shall furnish to every superintendent registrar a sufficient number of forms of certificates for marriage.
- (2) In order to distinguish the certificates to be issued for marriages by licence from the certificates to be issued for marriages without licence, a watermark in the form of the word " licence," in Roman letters, shall be laid and manufactured in the substance of the paper on which the certificates to be issued for marriage by licence are written or printed, and every certificate to be issued for marriage by licence shall be printed- with red ink and every certificate to be issued for marriage without licence shall be printed with black ink, and such other distinctive marks between the two kinds of certificates as the Registrar General may from time to time think fit shall be used.

Marriages in registered buildings

41 Registration of buildings

- (1) Any proprietor or trustee of a separate 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.
- (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, stating that the building has been used by them for at least one year immediately before the application as their usual place of public religious worship and that they desire that the building should be registered as aforesaid, and each certificate 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.
- (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

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

Register Office and shall return the other certificate to the superintendent registrar who shall keep it with the records of his office.

- (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.
- (6) For every entry, certificate and notice made or given under the last foregoing subsection the superintendent registrar shall be entitled to receive, at the time of the delivery of the certificates under subsection (2) of this section, the sum of three pounds.
- (7) For the purpose of being registered for the solemnization of marriages under this section, any building which has been used for one year immediately before registration for public religious worship as a Roman Catholic chapel exclusively shall be deemed to be a separate building, notwithstanding that it is under the same roof as another building, or forms part only of a building.

42 Cancellation of registration and substitution of another building

- (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 registered building 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, and if it is proved to his satisfaction that instead of using that building the congregation use for the said purpose some other separate building which has been certified as required by law as a place of public religious worship, he may register the said other building in substitution for the disused building, notwithstanding that the said other building has not been used as a place of public religious worship for one year immediately before the application.
- (2) Any application made under the last foregoing subsection for the registration of a building in substitution for a disused building shall be accompanied by a certificate, signed in duplicate by at least twenty householders, stating that the first-mentioned building is used by them as their usual place of worship and that they desire that that building should be registered in substitution for the disused building, and each certificate shall be countersigned by the proprietor or trustee of the first-mentioned building.
- (3) Where the Registrar General cancels the registration of any building, or registers any building in substitution for another, 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, or the substitution and registration, in the manner provided by subsection (5) of the last foregoing section in the case of the original registration of a building.

- (4) Where any building is registered under this section in substitution for another, the superintendent registrar shall be entitled to receive, at the time of the delivery of the certificates under subsection (2) of this section, the sum of three pounds.
- (5) Where the registration of any building has been cancelled, or any building has been registered in substitution for another, 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.

43 Appointment of authorised persons

- (1) For the purpose of enabling marriages to be solemnized in a registered building 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 registered building, 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.
- (2) Any person whose name and address have been certified as aforesaid is in this Act referred to as an " authorised person ".
- (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.

44 Solemnization of marriage in registered building

- (1) Subject to the provisions of this section, where a notice of marriage and certificate issued by a superintendent registrar 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 the last foregoing section 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:—

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

“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:—

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

Provided that if the marriage is solemnized in the presence of an authorised person without the presence of a registrar, the persons to be married, instead of saying each to the other the last-mentioned form of words, may say:—

“I, *AB*, do take thee, *CD*, to be my wedded wife [or husband]”.

- (4) A marriage shall not be solemnized in a registered building without the presence of a registrar until duplicate marriage register books have been supplied by the Registrar General under Part IV of this Act to the authorised person or to the trustees or governing body of the building.
- (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 due registration of marriages by an authorised person under Part IV of this Act and for the safe custody of marriage register books, 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.

Marriages in register offices

45 Solemnization of marriage in register office

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar, the persons to be married may state in the notice of marriage that they wish to be married in the office of the superintendent registrar or one of the superintendent registrars, as the case may be, to whom notice of marriage is given, and where any such notice has been given and the certificate or certificate and licence, as the case may be, has or have been issued accordingly, the marriage may be solemnized in the said office, with open doors, in the presence of the superintendent registrar and a registrar of the registration district of that superintendent registrar and in the presence of two witnesses, and the persons to be married shall make the declarations and use the form of words set out in subsection (3) of the last foregoing section in the case of marriages in registered buildings in the presence of a registrar.
- (2) No religious service shall be used at any marriage solemnized in the office of a superintendent registrar.

46 Register office marriage followed by religious ceremony

- (1) If the parties to a marriage solemnized in the office of a superintendent registrar desire to add the religious ceremony ordained or used by the church or persuasion of which they are members, they may present themselves, after giving notice of their intention so to do, to the clergyman or minister of the church or persuasion of which they are members, and the clergyman or minister, upon the production of a certificate of their marriage before the superintendent registrar and upon the payment of the customary

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

fees (if any), may, if he sees fit, read or celebrate in the church or chapel of which he is the regular minister the marriage service of the church or persuasion to which he belongs or nominate some other minister to do so.

- (2) Nothing in the reading or celebration of a marriage service under this section shall supersede or invalidate any marriage previously solemnized in the office of a superintendent registrar, and the reading or celebration shall not be entered as a marriage in any marriage register book kept under Part IV of this Act.
- (3) No person who is not entitled to solemnize marriages according to the rites of the Church of England shall by virtue of this section be entitled to read or celebrate the marriage service in any church or chapel of the Church of England.

Marriages according to usages of Society of Friends

47 Marriages according to the usages of the Society of Friends

- (1) No person who is not a member of the Society of Friends shall be married according to the usages of that Society unless he or she is authorised to be so married under or in pursuance of a general rule of the said Society in England.
- (2) A marriage solemnized according to the said usages shall not be valid unless either—
 - (a) the person giving notice of marriage declares, either verbally or, if so required, in writing, that each of the parties to the marriage is either a member of the Society of Friends or is in profession with or of the persuasion of that Society; or
 - (b) there is produced to the superintendent registrar, at the time when notice of marriage is given, a certificate purporting to be signed by a registering officer of the Society of Friends in England to the effect that any party to the marriage who is not a member of the Society of Friends or in profession with or of the persuasion of that Society, is authorised to be married according to the said usages under or in pursuance of a "general rule of the said Society in England.
- (3) Any such certificate as aforesaid shall be for all purposes conclusive evidence that any person to whom it relates is authorised to be married according to the usages of the said Society, and the entry of the marriage in a marriage register book under Part IV of this Act, or a certified copy thereof made under the said Part IV, shall be conclusive evidence of the production of such a certificate.
- (4) A copy of any general rule of the Society of Friends purporting to be signed by the recording clerk for the time being of the said Society in London shall be admitted as evidence of the general rule in all proceedings touching the validity of any marriage solemnized according to the usages of the said Society.

Miscellaneous Provisions

48 Proof of certain matters not necessary to validity of marriages

- (1) Where any marriage has been solemnized under the provisions of this Part of this Act, it shall not be necessary in support of the marriage to give any proof—
 - (a) that before the marriage either of the parties thereto resided, or resided for any period, in the registration district stated in the notice of marriage to be that of his or her place of residence;

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

- (b) that any person whose consent to the marriage was required by section three of this Act had given his consent;
- (c) that the registered building in which the marriage was solemnized had been certified as required by law as a place of religious worship;
- (d) that that building was the usual place of worship of either of the parties to the marriage; or
- (e) that the facts stated in a declaration made under subsection (1) of section thirty-five of this Act were correct;

nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.

- (2) A marriage solemnized in accordance with the provisions of this Part of this Act in a registered building which has not been certified as required by law as a place of religious worship shall be as valid as if the building had been so certified.

49 Void marriages

If any persons knowingly and wilfully intermarry under the provisions of this Part of this Act—

- (a) without having given due notice of marriage to the superintendent registrar;
- (b) without a certificate for marriage having been duly issued by the superintendent registrar to whom notice of marriage was given;
- (c) without a licence having been so issued, in a case in which a licence is necessary;
- (d) on the authority of a certificate which is void by virtue of subsection (2) of section thirty-three of this Act;
- (e) in any place other than the church, chapel, registered building, office or other place specified in the notice of marriage and certificate of the superintendent registrar;
- (f) in the case of a marriage in a registered building (not being a marriage in the presence of an authorised person), in the absence of a registrar of the registration district in which the registered building is situated; or
- (g) in the case of a marriage in the office of a superintendent registrar, in the absence of the superintendent registrar or of a registrar of the registration district of that superintendent registrar;

the marriage shall be void.

50 Person to whom certificate to be delivered

- (1) Where a marriage is intended to be solemnized on the authority of a certificate of a superintendent registrar, the certificate or, if notice of marriage has been given to more than one superintendent registrar, the certificates shall be delivered to the following person, that is to say:—
 - (a) if the marriage is to be solemnized in a registered building in the presence of a registrar, that registrar;
 - (b) if the marriage is to be solemnized in a registered building without the presence of a registrar, the authorised person in whose presence the marriage is to be solemnized;
 - (c) if the marriage is to be solemnized in the office of a superintendent registrar, the registrar in whose presence the marriage is to be solemnized;

- (d) if the marriage is to be solemnized according to the usages of the Society of Friends, the registering officer of that Society for the place where the marriage is to be solemnized;
 - (e) if the marriage is to be solemnized according to the usages of persons professing the Jewish religion, the officer of a synagogue by whom the marriage is required to be registered under Part IV of this Act;
 - (f) if the marriage is to be solemnized according to the rites of the Church of England, the officiating clergyman.
- (2) In the application of the last foregoing subsection to a marriage solemnized otherwise than according to the rites of the Church of England, the reference therein to a certificate shall, if the marriage is by licence, be construed as a reference to the certificate and licence.
- (3) Where a marriage is solemnized in a registered building without the presence of a registrar, the certificate or certificate and licence, as the case may be, shall be kept in the prescribed custody and shall be produced with the marriage register books kept by the authorised person under Part IV of this Act as and when required by the Registrar General.

51 Fees of registrars for attending marriages

A registrar shall be entitled to receive from persons married under this Part of this Act in his presence the sum of ten shillings if the marriage is by licence and, in any other case, the sum of five shillings.

52 Provision for marriages in Welsh language

The Registrar General shall furnish to every registrar in Wales and in every place in which the Welsh language is commonly used a true and exact translation into the Welsh language of the declaration and form of words required to be used under section forty-four of this Act, and the said translation may be used in any place in which the Welsh language is commonly used in the same manner as is prescribed by the said section forty-four for the use of the declaration and form of words in the English language.