



Marriage Act 1949

1949 CHAPTER 76 12 13 and 14 Geo 6

PART VI

GENERAL

[^{F1}71A Fees

- (1) The Secretary of State may by regulations provide for fees to be payable to such persons as may be prescribed in respect of—
- (a) the giving of notice of a marriage to a superintendent registrar;
 - (b) an application for the reduction of the waiting period in relation to a notice of marriage (see section 31(5A));
 - (c) the registration for the solemnization of marriages of a building certified as required by law as a place of religious worship, or the cancellation of such a registration;
 - (d) the authorisation of a person to be present at the solemnization of marriages in such a building;
 - (e) the presence of a superintendent registrar or registrar at a marriage (except in a case falling within section 51(1A));
 - ^{F2}(f)
 - (g) the carrying out of a search of—
 - (i) any marriage register book,
 - (ii) any index kept in relation to [^{F3}the marriage register or] such a book,
^{F4}...
 - (iii) certified copies of entries in such a book [^{F5}, or
 - (iv) entries in the marriage register]
 - (h) the provision of a certified copy, or other record of information, relating to an entry in [^{F6}the marriage register or] a marriage register book;
 - (i) the issue of the Registrar General's licence under section 7 of the Marriage (Registrar General's Licence) Act 1970;
 - [^{F7}(ia) a correction to the marriage register or a marriage register book;]

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- (j) such other marriage services as may be prescribed.
- (2) Regulations under this section may—
 - (a) specify the amount of any fee payable under the regulations, or
 - (b) set out how such a fee is to be determined.
- (3) Subsection (4) applies where the regulations provide for a fee to be payable to a superintendent registrar or registrar.
- (4) The regulations may provide for such part of the fee as may be specified by or determined in accordance with the regulations to be payable by the superintendent registrar or registrar to the Registrar General in prescribed circumstances.
- (5) The regulations may provide for the reimbursement, reduction, waiver or refund of part or all of a fee whether by conferring a discretion or otherwise.
- (6) Regulations under this section must be made by statutory instrument.
- (7) Regulations under this section may—
 - (a) provide for exemptions from any of the provisions of the regulations;
 - (b) contain such consequential, incidental, supplemental and transitional provision as the Secretary of State considers appropriate.
- (8) A statutory instrument containing regulations under this section is subject to annulment in pursuance of a resolution of either House of Parliament.
- (9) In this section—
 - “marriage services” means services in connection with marriages which are provided by or on behalf of the Registrar General, a superintendent registrar or registrar;
 - “prescribed” means prescribed in regulations made under this section.]

Textual Amendments

- F1** S. 71A inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 1**; S.I. 2016/603, reg. 3(w)
- F2** S. 71A(1)(f) omitted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(2)** (with Sch. 2)
- F3** Words in s. 71A(1)(g)(ii) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(3)(a)** (with Sch. 2)
- F4** Word in s. 71A(1)(g)(ii) omitted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(3)(b)** (with Sch. 2)
- F5** S. 71A(1)(g)(iv) and word inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(4)** (with Sch. 2)
- F6** Words in s. 71A(1)(h) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(5)** (with Sch. 2)

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- F7** S. 71A(1)(ia) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(5)(c), **Sch. 1 para. 42(6)** (with Sch. 2)

72 Supplementary provisions as to marriages in usual places of worship.

- (1) For the purposes of the following provisions of this Act, that is to say, subsection (4) of section six, paragraph (b) of subsection (1) of section fifteen and subsection (3) of section thirty-five, no parish church or authorised chapel shall be deemed to be the usual place of worship of any person unless he is enrolled on the church electoral roll of the area in which that church or chapel is situated, and where any person is enrolled on the church electoral roll of an area in which he does not reside that enrolment shall be sufficient evidence that his usual place of worship is a parish church or authorised chapel in that area.
- (2) Persons intending to be married shall have the like but no greater right of having their banns published and marriage solemnized by virtue of the said provisions in a parish church or authorised chapel which is the usual place of worship of one or both of them as they have of having their banns published and marriage solemnized in the parish church or public chapel of the parish or chapelry in which they or one of them resides.
- (3) Where any marriage has been solemnized by virtue of the said provisions it shall not be necessary in support of the marriage to give any proof of the actual enrolment of the parties or of one of them on the church electoral roll of the area in which the parish church or authorised chapel in which the marriage was solemnized was situated, nor shall any evidence be given to prove the contrary in any proceedings touching the validity of the marriage.
- (4) In this section the expression “church electoral roll” means a church electoral roll provision for which is made in [^{F8}the Church Representation Rules].

Textual Amendments

- F8** Words in s. 72(4) substituted (E.) (1.1.2020) by [Church Representation and Ministers Measure 2019 \(No. 1\)](#), s. 1(3), **Sch. 2 para. 7**; S.I. 2019/1460, art. 2

Modifications etc. (not altering text)

- C1** S. 72(4) amended by [Marriage \(Wales and Monmouthshire\) Act 1962 \(c. 32\)](#), s. 1(2)

73 Lists of licensed chapels and registered buildings.

- (1) The registrar of every diocese shall, within fifteen days after the first day of January in every year, make out and send by post^[F9], or in an approved electronic form,] to the Registrar General at his office a list of all chapels within that diocese in which marriages may be solemnized according to the rites of the Church of England (being chapels which belong to the Church of England or have been licensed under Part V of this Act), and shall distinguish in that list which chapels have a parish, chapelry or other recognised ecclesiastical division annexed to them, which are chapels licensed under section twenty of this Act and which are chapels licensed under the said Part V, and, in the case of chapels licensed under the said section twenty, shall state in the list the district for which each chapel is licensed according to the description thereof in the licence.

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- (2) The Registrar General shall in every year make out and cause to be printed a list of all chapels included in any list sent to him under the last foregoing subsection and of all registered buildings and shall state in that list the county and registration district within which each chapel or registered building is situated and the names and places of residence of the superintendent registrars, registrars and deputy registrars of each district^{F10}; and the duty imposed by this subsection to make out a list may be discharged by making out a list in an approved electronic form.]
- (3) A copy of every list made by the Registrar General under the last foregoing subsection shall be sent to every registrar and superintendent registrar^{F11}; and the duty imposed by this subsection may be discharged by sending a copy in an approved electronic form].

Textual Amendments

- F9** Words in s. 73(1) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(1)**
- F10** Words in s. 73(2) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(2)**
- F11** Words in s. 73(3) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **11(3)**

74 ^{F12}Regulations and approval of electronic forms etc.]

- ^{F13}(1) The Registrar General, with the approval of ^{F14}the Secretary of State], may by statutory instrument make regulations—
- (a) prescribing the duties of . . . ^{F15} authorised persons under this Act;
 - (b) prescribing any thing which by this Act ^{F16}(other than section 71A)] is required to be prescribed ^{F17};
 - (c) making provision in relation to—
 - (i) corrections to or the re-issue of a marriage schedule or marriage document before the marriage is solemnized;
 - (ii) the keeping of a signed marriage schedule or signed marriage document after the particulars set out in it have been entered in the marriage register;
 - (iii) corrections to entries entered under this Act in the marriage register or a marriage register book;
 - (iv) the keeping of marriage register books in which the particulars of a marriage have been entered under this Act;
 - (v) the keeping in a church or chapel of records of marriages solemnized according to the rites of the Church of England in the church or chapel]
- ^{F18}(1A) For the purposes of subsection (1)(c) “provision in relation to” the keeping of a book, document or other record includes, in particular, provision about—
- (a) who is to be responsible for keeping the book, document or other record and how it is to be stored;
 - (b) the circumstances in which the book, document or other record must or may be annotated;

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- (c) the circumstances in which the book, document or other record must or may be sent to the Registrar General or a superintendent registrar.]

[^{F19}(2) The Registrar General may approve forms of electronic communications or electronic storage for the purposes of a provision of this Act; and a reference in this Act to an approved electronic form is to a form approved under this subsection for the purposes of that provision.]

[^{F20}(3) Any order or regulations made under this Act may make different provision for different cases.]

Textual Amendments

- F12** S. 74 title substituted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**
- F13** S. 74 renumbered as s. 74(1) (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**
- F14** Words in s. 74 substituted (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 2 para. 5(1)(d)** (with art. 4)
- F15** Words repealed by [Registration Service Act 1953 \(c. 37\)](#), **Sch. 2**
- F16** Words in s. 74(1)(b) inserted (12.7.2016) by [Immigration Act 2016 \(c. 19\)](#), s. 94(1), **Sch. 15 para. 19**; [S.I. 2016/603](#), reg. 3(w)
- F17** S. 74(1)(c) and semi-colon inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(4)(e), **Sch. 1 para. 43(2)** (with Sch. 2)
- F18** S. 74(1A) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2)(4)(e), **Sch. 1 para. 43(3)** (with Sch. 2)
- F19** S. 74(2) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009 \(S.I. 2009/2821\)](#), arts. 1(1), **12**
- F20** S. 74(3) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014 \(c. 22\)](#), s. 75(3), **Sch. 4 para. 15** (with Sch. 9 para. 66); [S.I. 2014/2771](#), art. 3(e); [S.I. 2015/371](#), art. 2(1)(f)

Modifications etc. (not altering text)

- C2** Functions of Minister of Health now exercisable by Secretary of State: [S.I. 1968/1699](#)
- C3** S. 74: transfer of functions (1.4.1996) by [S.I. 1996/273](#), art. 3(1), **Sch. 1 para. 7**
- C4** S. 74: transfer of functions (3.4.2008) by [The Transfer of Functions \(Registration\) Order 2008 \(S.I. 2008/678\)](#), art. 1(2), **Sch. 1 para. 5(e)** (with art. 4)

75 Offences relating to solemnization of marriages.

(1) Any person who knowingly and wilfully—

- ^{F21}(a)
- (b) solemnizes a marriage according to the rites of the Church of England without banns of matrimony having been duly published (not being a marriage solemnized on the authority of a special licence, a common licence or [^{F22}a marriage schedule]);
- (c) solemnizes a marriage according to the said rites (not being a marriage by special licence [^{F23}or a marriage in pursuance of section 26(1)(dd) of this Act]) in any place other than a church or other building in which banns may be published;

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(d) solemnizes a marriage according to the said rites falsely pretending to be in Holy Orders;

shall be guilty of felony and shall be liable to imprisonment for a term not exceeding fourteen years.

(2) Any person who knowingly and wilfully—

(a) solemnizes a marriage (not being a marriage by special licence, a marriage according to the usages of the Society of Friends or a marriage between two persons professing the Jewish religion according to the usages of the Jews) in any place other than—

(i) a church or other building in which marriages may be solemnized according to the rites of the Church of England, or

(ii) the registered building [^{F24}office [^{F25}, approved premises] or person's residence specified as the place where the marriage was to be solemnized] in the [^{F26}notices of marriage and [^{F27}(if so specified) in the marriage schedule]] required under Part III of this Act;

[^{F28}(aa) solemnizes a marriage purporting to be in pursuance of section 26(1)(bb) of this Act on premises that are not approved premises;]

(b) solemnizes a marriage in any such registered building as aforesaid (not being a marriage in the presence of an authorised person) in the absence of a registrar of the district in which the registered building is situated;

[^{F29}(bb) solemnizes a marriage in pursuance of section 26(1)(dd) [^{F30}or 26B(6)] of this Act, otherwise than according to the rites of the Church of England, in the absence of a registrar of the registration district in which the place where the marriage is solemnized is situated;]

(c) solemnizes a marriage in the office of a superintendent registrar in the absence of a registrar of the district in which the office is situated;

[^{F31}(cc) solemnizes a marriage on approved premises in pursuance of section 26(1)(bb) of this Act in the absence of a registrar of the district in which the premises are situated;]

(d) solemnizes a marriage on the authority of [^{F32}a marriage schedule when none of the conditions in section 31(3) is met]; or

(e) solemnizes a marriage on the authority of [^{F33}a marriage schedule] after the expiration of [^{F34}the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act];

shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.

^{F35}(2A)

(3) A superintendent registrar who knowingly and wilfully—

[^{F36}(a) issues a marriage schedule when none of the conditions in section 31(3) is met;]

(b) issues [^{F37}a marriage schedule] after the expiration of [^{F38}the period which is, in relation to that marriage, the applicable period for the purposes of section 33 of this Act]; [^{F39}or]

^{F40}(c)

(d) solemnizes or permits to be solemnized in his office [^{F41}or, in the case of a marriage in pursuance of [^{F42}section 26(1)(bb) or (dd)][^{F43}or 26B(6)] of this Act, in any other place] any marriage which is void by virtue of any of the provisions of Part III of this Act;

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shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.

- (4) No prosecution under this section shall be commenced after the expiration of three years from the commission of the offence.
- (5) Any reference in subsection (2) of this section to a registered building shall be construed as including a reference to any chapel registered under section seventy [F44 or 70A] of this Act.

Textual Amendments

- F21** S. 75(1)(a) repealed (1.10.2012) by Protection of Freedoms Act 2012 (c. 9), ss. 114(1)(b), 120, **Sch. 10 Pt. 11** (with s. 97); S.I. 2012/2234, art. 3(m)
- F22** Words in s. 75(1)(b) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(2)** (with Sch. 2)
- F23** Words inserted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(a)**
- F24** Words substituted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(b)**
- F25** Words in s. 75(2)(a)(ii) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(a)**; S.I. 1995/424, **art. 2(2)(c)**
- F26** Words in s. 75(2)(a)(ii) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **30(1)(3)(a)**; S.I. 2000/2698, **art. 2**
- F27** Words in s. 75(2)(a)(ii) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(3)(a)** (with Sch. 2)
- F28** S. 75(2)(aa) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(b)**; S.I. 1995/424, **art. 2(2)(c)**
- F29** S. 75(2)(bb) inserted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(c)**.
- F30** Words in s. 75(2)(bb) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 19(2)**; S.I. 2014/93, art. 3(k)(i)
- F31** S. 75(2)(cc) inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(c)**; S.I. 1995/424, **art. 2(2)(c)**
- F32** Words in s. 75(2)(d) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(3)(b)** (with Sch. 2)
- F33** Words in s. 75(2)(e) substituted (4.5.2021) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(3)(c)** (with Sch. 2)
- F34** Words in s. 75(2)(e) substituted (1.10.1997) by S.I. 1997/986, **art. 2(4)**
- F35** S. 75(2A) omitted (4.5.2021) by virtue of The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 44(4)** (with Sch. 2)
- F36** S. 75(3)(a) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2)(8)(d), **Sch. 1 para. 44(5)(a)** (with Sch. 2)
- F37** Words in s. 75(3)(b) substituted (19.4.2021 for specified purposes, 4.5.2021 in so far as not already in force) by The Registration of Marriages Regulations 2021 (S.I. 2021/411), reg. 1(2)(8)(d), **Sch. 1 para. 44(5)(b)** (with Sch. 2)
- F38** Words in s. 75(3)(b) substituted (1.10.1997) by S.I. 1997/986, **art. 2(4)**
- F39** Word in s. 75(3)(b) inserted (27.2.2023) by Marriage and Civil Partnership (Minimum Age) Act 2022 (c. 28), s. 7(1), **Sch. para. 1(8)(a)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F40** S. 75(3)(c) omitted (27.2.2023) by virtue of Marriage and Civil Partnership (Minimum Age) Act 2022 (c. 28), s. 7(1), **Sch. para. 1(8)(b)** (with s. 8); S.I. 2023/88, reg. 2 (with regs. 3-17)
- F41** Words inserted by Marriage Act 1983 (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 20(d)**
- F42** Words in s. 75(3)(d) substituted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 7(d)**; S.I. 1995/424, **art. 2(2)(c)**
- F43** Words in s. 75(3)(d) inserted (13.3.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 7 para. 19(3)**; S.I. 2014/93, art. 3(k)(i)

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F44 Words in s. 75(5) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 7 para. 19\(4\)](#); S.I. 2014/93, art. 3(k)(i)

Modifications etc. (not altering text)

C5 S. 75(2)(a) excluded by [Marriage \(Registrar General's Licence\) Act 1970 \(c. 34\), s. 16\(4\)](#)

76 Offences relating to registration of marriages.

(1) Any person who refuses or without reasonable cause omits to register any marriage which he is required by this Act to register, and any person having the custody of a marriage register book or a certified copy of a marriage register book or part thereof who carelessly loses or injures the said book or copy or carelessly allows the said book or copy to be injured while in his keeping, shall be liable on summary conviction to a fine not exceeding [^{F45}level 3 on the standard scale].

^{F46}(2)

(3) Any registrar who knowingly and wilfully registers any marriage which is void by virtue of any of the provisions of Part III of this Act shall be guilty of felony and shall be liable to imprisonment for a term not exceeding five years.

(4) The balance of any sum paid or recovered on account of a fine imposed under subsection (1) ^{F47}... of this section after making any such payments in respect of court or police fees as are mentioned in paragraphs (a), (b) and (c) of subsection (1) of section five of the ^{M1}Criminal Justice Administration Act, 1914, shall be paid—

(a) ^{F48}... into the Exchequer; ^{F49}...

^{F49}(b)

(5) Subject as may be prescribed, a superintendent registrar may prosecute any person guilty of an offence under [^{F50}subsection (1)] committed within his district, and any costs incurred by the superintendent registrar in prosecuting such a person, being costs which are not otherwise provided for, shall be defrayed out of moneys provided by Parliament.

(6) No prosecution under subsection (3) of this section shall be commenced after the expiration of three years from the commission of the offence.

Textual Amendments

F45 Words substituted by virtue of [Criminal Justice Act 1982 \(c. 48, SIF 39:1\), ss. 38, 46](#)

F46 [S. 76\(2\)](#) omitted (1.8.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(10\)\(b\), Sch. 1 para. 45\(2\)](#) (with Sch. 2)

F47 Words in [s. 76\(4\)](#) omitted (1.8.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(10\)\(b\), Sch. 1 para. 45\(3\)\(a\)](#) (with Sch. 2)

F48 Words in [s. 76\(4\)\(a\)](#) omitted (1.8.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(10\)\(b\), Sch. 1 para. 45\(3\)\(b\)](#) (with Sch. 2)

F49 [S. 76\(4\)\(b\)](#) and word omitted (1.8.2021) by virtue of [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(10\)\(b\), Sch. 1 para. 45\(3\)\(c\)](#) (with Sch. 2)

F50 Words in [s. 76\(5\)](#) substituted (1.8.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\), reg. 1\(10\)\(b\), Sch. 1 para. 45\(4\)](#) (with Sch. 2)

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Marginal Citations

M1 1914 c. 58.

[^{F51}76A Offence of failing to attend premises in compliance with a section 53D(8) or section 53E(10) notice

- (1) A person who, without reasonable cause, fails to attend premises in compliance with a notice issued under section 53D(8) or section 53E(10) commits an offence.
- (2) A person who commits an offence under subsection (1) is liable, on summary conviction, to a fine not exceeding level 3 on the standard scale.]

Textual Amendments

F51 S. 76A inserted (4.5.2021) by [The Registration of Marriages Regulations 2021 \(S.I. 2021/411\)](#), reg. 1(2), [Sch. 1 para. 46](#) (with Sch. 2)

77 Offences by authorised persons.

Any authorised person who refuses or fails to comply with the provisions of this Act or of any regulations made under section seventy-four thereof shall be guilty of an offence against this Act, and, unless the offence is one for which a specific penalty is provided under the foregoing provisions of this Part of this Act, shall be liable, on summary conviction, to a fine not exceeding ten pounds or, on conviction on indictment, to imprisonment for a term not exceeding two years or to a fine not exceeding fifty pounds, and shall upon conviction cease to be an authorised person.

78 Interpretation.

- (1) In this Act, except where the context otherwise requires, the following expressions have the meanings hereby respectively assigned to them, that is to say—
 - [^{F52}“approved electronic form” has the meaning given by section 74(2);]
 - [^{F53} “approved premises” means premises approved in accordance with regulations under section 46A of this Act as premises on which marriages may be solemnized in pursuance of section 26(1)(bb) of this Act;]
 - “authorised chapel” means—
 - (a) in relation to a chapelry, a chapel of the chapelry in which banns of matrimony could lawfully be published immediately before the passing of the ^{M2}Marriage Act, 1823, or in which banns may be published and marriages may be solemnized by virtue of section two of the ^{M3}Marriages Confirmation Act, 1825, or of an authorisation given under section three of the Marriage Act, 1823;
 - (b) in relation to an extra-parochial place, a church or chapel of that place in which banns may be published and marriages may be solemnized by virtue of section two of the Marriages Confirmation Act, 1825, or of an authorisation given under section three of the Marriage Act, 1823, or section twenty-one of this Act;
 - (c) in relation to a district specified in a licence granted under section twenty of this Act, the chapel in which banns may be published and marriages may be solemnized by virtue of that licence;

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[^{F54}“authorised person” means—

- (a) in relation to a building registered under section 41, a person whose name and address have been certified in accordance with section 43;
- (b) in relation to a building registered under section 43A, a person whose name and address have been certified in accordance with section 43B;]

“brother” includes a brother of the half blood;

[^{F55} “child of the family”, in relation to any person, means a child who has lived in the same household as that person and been treated by that person as a child of his family]

“clergyman” means a clerk in Holy Orders of the Church of England;

“common licence” has the meaning assigned to it by section five of this Act;

“ecclesiastical district,” in relation to a district other than a parish, means a district specified in a licence granted under section twenty of this Act, a chapelry or an extra-parochial place;

[^{F56}“England and Wales legislation” has the same meaning as in the Marriage (Same Sex Couples) Act 2013;]

[^{F57} “ marriage document ” has the meaning assigned to it by section 21A(3);]

[^{F58} “child” [^{F59}, except where used to express a relationship,] means a person under the age of eighteen;]

[^{F60}“marriage notice book” means a book furnished to a superintendent registrar by the Registrar General before 4th May 2021 for the purposes of entering, before that date, the particulars given in every notice of marriage;]

[^{F61}“marriage schedule” has the meaning assigned to it by section 31(2);

“marriage register” has the meaning assigned to it by section 53A(1);

“marriage register book” means a marriage register book used for the purposes of registering marriages that were solemnized before 4th May 2021 in England or Wales;

“officer of the Society of Friends” means a person whom the recording clerk of the Society of Friends in London certifies in writing under their hand to the Registrar General to be an officer in England and Wales of that Society;]

“parish” means an ecclesiastical parish and includes a district constituted under the Church Building Acts, 1818 to 1884, notwithstanding that the district has not become a new parish by virtue of section fourteen of the ^{M4}New Parishes Act, 1856, or section five of the ^{M5}New Parishes Measure, 1943, being a district to which Acts of Parliament relating to the publication of banns of matrimony and the solemnization of marriages were applied by the said Church Building Acts as if the district had been an ancient parish, and the expression “parish church” shall be construed accordingly;

“prescribed” [^{F62}(other than in section 71A)] means prescribed by regulations made under section seventy-four of this Act ;

“registered building” means a building registered under [^{F63}section 41 or section 43A] of this Act;

“registrar” means a registrar of marriages;

“Registrar General” means the Registrar General of Births, Deaths and Marriages in England;

“registration district” means the district of a superintendent registrar;

[^{F64}“relevant national” means—

- (a) a British citizen,

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- (aa) [^{F65}an Irish citizen, or
- (ab) a person who is not an Irish citizen and who—
 - (i) has leave to enter or remain in the United Kingdom which was granted by virtue of residence scheme immigration rules within the meaning given by section 17 of the European Union (Withdrawal Agreement) Act 2020 , or
 - (ii) is an applicant for the purposes of regulation 4 of the Citizens' Rights (Application Deadline and Temporary Protection) (EU Exit) Regulations 2020 (applications which have not been finally determined by the deadline) where the relevant period within the meaning of that regulation has not expired;]
- (b) ^{F66} ...
- (c) ^{F66} ...]
 - “sister” includes a sister of the half blood;
 - “special licence” has the meaning assigned to it by section five of this Act;
 - “superintendent registrar” means a superintendent registrar of births, deaths and marriages;
 - “trustees or governing body,” in relation to Roman Catholic registered buildings, includes a bishop or vicar general of the diocese.

^{F67}(1A)

(2) Any reference in this Act to the Church of England shall, unless the context otherwise requires, be construed as including a reference to the Church in Wales.

[^{F68}(3) For the purposes of this Act a person is house-bound if—

- (a) [^{F69}each notice] of his or her marriage given in accordance with section 27 of this Act is accompanied by a medical statement (within the meaning of section 27A(7) of this Act) made, not more than fourteen days before the date on which that notice was given, in relation to that person; and
- (b) he or she is not a detained person.

(4) For the purposes of this Act a person is a detained person if he or she is for the time being detained—

- (a) otherwise than by virtue of section 2, 4, 5, 35, 36 or 136 of the Mental Health Act ^{M6}1983 (short term detentions), as a patient in a hospital; or
- (b) in a prison or other place to which the Prison Act ^{M7}1952 applies, and in paragraph (a) above “patient” and “hospital” have the same meanings as in Part II of the Mental Health Act 1983.

(5) For the purposes of this Act a person who is house-bound or is a detained person shall be taken, if he or she would not otherwise be, to be resident and usually resident at the place where he or she is for the time being.]

[^{F70}(6) If, for the purpose of any provision of this Act, a relevant governing authority has given written consent to marriages of same sex couples, the validity of that consent is not affected only because there is a change in the person or persons constituting that relevant governing authority.]

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Textual Amendments

- F52** Words in s. 78(1) inserted (16.11.2009) by [The Registration of Marriages etc. \(Electronic Communications and Electronic Storage\) Order 2009](#) (S.I. 2009/2821), arts. 1(1), **14**
- F53** S. 78(1): definition of “approved premises” inserted (1.4.1995) by 1994 c. 34, s. 1(3), **Sch. para. 8**; S.I. 1995/424, **art. 2(2)(c)**
- F54** Words in s. 78(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013](#) (c. 30), s. 21(3), **Sch. 7 para. 20(2)(a)**; S.I. 2014/93, art. 3(k)(i)
- F55** Definition inserted by [Marriage \(Prohibited Degrees of Relationship\) Act 1986](#) (c. 16, SIF 49:1), s. 1(4)(6), **Sch. 1 para. 7**
- F56** Words in s. 78(1) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013](#) (c. 30), s. 21(3), **Sch. 7 para. 20(2)(b)**; S.I. 2014/93, art. 3(k)(i)
- F57** Words in s. 78(1) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), reg. 1(2)(4)(f), **Sch. 1 para. 47(2)** (with Sch. 2)
- F58** Definition substituted by [Family Law Reform Act 1987](#) (c. 42, SIF 49:7), ss. 33(1), 34(2)(5), **Sch. 2 para. 10(a)**
- F59** Words in s. 78(1) inserted (5.12.2005) by [Civil Partnership Act 2004](#) (c. 33), s. 263(10)(b), **Sch. 27 para. 16**; S.I. 2005/3175, art. 2(2)
- F60** Words in s. 78(1) substituted (4.5.2021) by [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), reg. 1(2), **Sch. 1 para. 47(3)** (with Sch. 2)
- F61** Words in s. 78(1) inserted (27.3.2021 for specified purposes, 4.5.2021 in so far as not already in force) by [The Registration of Marriages Regulations 2021](#) (S.I. 2021/411), reg. 1(2)(4)(f)(5)(d)(6)(b), **Sch. 1 para. 47(4)** (with Sch. 2)
- F62** Words in s. 78(1) inserted (12.7.2016) by [Immigration Act 2016](#) (c. 19), s. 94(1), **Sch. 15 para. 20**; S.I. 2016/603, reg. 3(w)
- F63** Words in s. 78(1) substituted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013](#) (c. 30), s. 21(3), **Sch. 7 para. 20(2)(c)**; S.I. 2014/93, art. 3(k)(i)
- F64** Words in s. 78(1) inserted (20.10.2014 for specified purposes, 1.3.2015 in so far as not already in force) by [Immigration Act 2014](#) (c. 22), s. 75(3), **Sch. 4 para. 17** (with Sch. 9 para. 66); S.I. 2014/2771, art. 3(e); S.I. 2015/371, art. 2(1)(f)
- F65** Words in s. 78(1) inserted (1.7.2021) by [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020](#) (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2)(c), **3(2)(a)** (with Sch. 5 para. 5)
- F66** Words in s. 78(1) omitted (1.7.2021) by virtue of [The Immigration and Social Security Co-ordination \(EU Withdrawal\) Act 2020](#) (Consequential, Saving, Transitional and Transitory Provisions) (EU Exit) Regulations 2020 (S.I. 2020/1309), regs. 1(2)(c), **3(2)(b)** (with Sch. 5 para. 5)
- F67** S. 78(1A) (inserted by [Family Law Reform Act 1987](#) (c. 42, SIF 49:7), ss. 33(1), 34(2)(5), **Sch. 2 para. 10(b)**) repealed (14.10.1991) by [Children Act 1989](#) (c. 41, SIF 20), s. 108, Sch. 15 (with **Sch. 14 para. 1(1)**); S.I. 1991/828, **art. 3(2)**
- F68** S. 78(3)–(5) inserted by [Marriage Act 1983](#) (c. 32, SIF 49:1), s. 1(7), **Sch. 1 para. 21**
- F69** Words in s. 78(3)(a) substituted (1.1.2001) by 1999 c. 33, s. 169(1), Sch. 14 paras. 3, **31**; S.I. 2000/2698, **art. 2**
- F70** S. 78(6) inserted (13.3.2014) by [Marriage \(Same Sex Couples\) Act 2013](#) (c. 30), s. 21(3), **Sch. 7 para. 20(3)**; S.I. 2014/93, art. 3(k)(i)

Marginal Citations

- M2** 1823 c. 76.
M3 1825 c. 92.
M4 1856 c. 104.
M5 1943 No. 1.
M6 1983 c. 20 (85).

*Changes to legislation: There are currently no known outstanding effects
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M7 1952 c. 52 (39:1).

79 Repeals and savings.

- (1) The Acts specified in Part I of the Fifth Schedule to this Act, and the Measures of the Church Assembly specified in Part II of that Schedule, are hereby repealed to the extent specified in relation thereto in the third column of that Schedule.
- (2) Any banns published, licence or certificate issued, notice, consent, authorisation or direction given, Order in Council, rules, order, declaration, return, appointment or entry made, registration effected, caveat entered or other thing done under any enactment repealed by this Act shall, if in force at the commencement of this Act, continue in force, and have effect as if published, issued, given, made, effected, entered or done under the corresponding provision of this Act.
- (3) Where a period of time specified in any enactment repealed by this Act is current at the commencement of this Act, this Act shall have effect as if the corresponding provision thereof had been in force when that period began to run.
- (4) Any document referring to an enactment repealed by this Act shall be construed as referring to the corresponding provision of this Act.
- (5) Nothing in this Act shall affect any law or custom relating to the marriage of members of the Royal Family.
- (6) Nothing in this Act shall affect the right of the Archbishop of Canterbury or any other person by virtue of the ^{M8}Ecclesiastical Licences Act, 1533, to grant special licences to marry at any convenient time or place, or affect the validity of any marriage solemnized on the authority of such a licence.
- (7) Nothing in this Act shall affect the validity of any marriage solemnized before the commencement of this Act.
- (8) Nothing in this Act shall affect any authority given under section three of the ^{M9}Marriage Act, 1823, before the repeal thereof for the publication of banns and the solemnization of marriages in any chapel, or affect the operation of section four of that Act in relation to that chapel.
- (9) Nothing in this Act shall affect any right, title, estate, interest, will, claim, payment, commutation, composition, discharge, settlement or other thing, or the devolution or distribution of any property which, by virtue of section two of the ^{M10}Deceased Wife's Sister's Marriage Act, 1907, was not affected by the Marriage (Prohibited Degrees of Relationship) Acts, 1907 to 1931.
- (10) Nothing in this Act shall enable any proceedings to be taken in an ecclesiastical court which could not have been taken if this Act had not been passed.
- (11) Nothing in this Act shall require any caution or security to be given which would not have required to be given if this Act had not been passed.
- (12) Nothing in this Act shall affect any power to extend a Measure of the Church Assembly to the Channel Islands or affect any such Measure which has been so extended.
- (13) Nothing in the foregoing provisions of this section shall be taken as prejudicing the operation of section thirty-eight of the ^{M11}Interpretation Act, 1889 (which relates to the effect of repeals).

*Changes to legislation: There are currently no known outstanding effects
for the Marriage Act 1949, Part VI. (See end of Document for details)*

Marginal Citations

M8 1533 c. 21.

M9 1823 c. 76.

M10 1907 c. 47.

M11 1889 c. 63.

80 Short title, extent and commencement.

- (1) This Act may be cited as the Marriage Act, 1949.
- (2) Save as is otherwise expressly provided, this Act shall not extend to Scotland or to Northern Ireland.
- (3) The provisions of this Act specified in the Sixth Schedule to this Act shall not extend to Wales or Monmouthshire.
- (4) This Act shall come into force on the first day of January, nineteen hundred and fifty.

Changes to legislation:

There are currently no known outstanding effects for the Marriage Act 1949, Part VI.