

**2009 No. 2821**

**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES,  
ETC., ENGLAND AND WALES**

**The Registration of Marriages etc. (Electronic Communications  
and Electronic Storage) Order 2009**

|                               |                           |
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| <i>Made</i> - - - -           | <i>21st October 2009</i>  |
| <i>Laid before Parliament</i> | <i>23rd October 2009</i>  |
| <i>Coming into force</i> - -  | <i>16th November 2009</i> |

The Secretary of State makes the following Order in exercise of the powers conferred by section 8 of the Electronic Communications Act 2000(a).

The Secretary of State considers that the authorisation of the use of electronic communications by this Order for any purpose is such that the extent (if any) to which records of things done for that purpose will be available will be no less satisfactory in cases where use is made of electronic communications than in other cases.

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Registration of Marriages etc. (Electronic Communications and Electronic Storage) Order 2009 and shall come into force on the 16<sup>th</sup> November 2009.

(2) In this Order “the 1949 Act” means the Marriage Act 1949(b).

**Modification of section 27 of the 1949 Act**

2.—(1) In section 27(c) of the 1949 Act (notice of marriage) after subsection (4) insert—

“(4A) The duty imposed by subsection (4) to enter information in the marriage notice book may be discharged by entering the information in an approved electronic form; and information so entered must be made available for inspection free of charge at all reasonable hours.”.

(2) In subsection (6) of that section after “marriage notice book” enter “, or an approved electronic form,”.

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(a) 2000 c.7.

(b) 1949 c.76.

(c) Section 27(4) was amended by the Marriage Act 1983 (c.32) section 1(7) and Schedule 1, paragraph 5.

### **Modification of section 27A of the 1949 Act**

3.—(1) In section 27A(a) of the 1949 Act (additional information required in certain cases), in subsection (5), after “marriage notice book” insert “, or in an approved electronic form by virtue of section 27(4A),”.

(2) After subsection (6) of that section insert—

“(6A) Where the particulars given in the notice of marriage are to be entered in an approved electronic form by virtue of section 27(4A), the duty imposed by subsection (6) to enter the statement in the marriage notice book is to be discharged by entering the statement in an approved electronic form.”

### **Modification of section 27B of the 1949 Act**

4.—(1) In section 27B(b) of the 1949 Act (provisions relating to section 1(3) marriages) in subsection (2) after “marriage notice book” insert “, or in an approved electronic form by virtue of section 27(4A),”.

(2) After subsection (3) of that section insert—

“(3A) Where the particulars given in the notice of the marriage are to be entered in an approved electronic form by virtue of section 27(4A), the duty imposed by subsection (3) to enter in the marriage notice book the fact concerned is to be discharged by entering the fact in an approved electronic form.”

(3) In subsection (5) after “marriage notice book” insert “, or in an approved electronic form by virtue of section (274A),”.

### **Modification of section 30 of the 1949 Act**

5. In section 30(c) of the 1949 Act (forbidding of issue of certificate) (which becomes subsection (1) of that section), at the end insert—

“(2) Where the particulars given in the notice of marriage have been entered in an approved electronic form by virtue of section 27(4A), a person (P) wishing to exercise the power conferred by subsection (1) to forbid the issue of the certificate may do so only by —

- (a) attending upon the superintendent registrar at his office, and
- (b) requesting him to record that P forbids the issue of the certificate.

(3) The superintendent registrar must, on a request made by virtue of subsection (2), enter in an approved electronic form that P forbids the issue of the certificate, P’s name and place of residence and the capacity, in relation to either of the persons to be married, in which P forbids the issue of the certificate.”

### **Modification of section 31 of the 1949 Act**

6.—(1) In section 31 of the 1949 Act (marriage under certificate without licence) after subsection (1) insert—

“(1A) Where the notice was entered in an approved electronic form by virtue of section 27(4A) (“the approved form”), the duty imposed by subsection (1) is to be discharged by the superintendent registrar —

- (a) arranging for the notice to be displayed for 15 successive days beginning with the day after the day on which the notice was entered in the approved form, in an approved electronic form, or

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(a) Section 27A was inserted by c.32 1983, section 1(7), Schedule 1, paragraph 6.

(b) Section 27B of the 1949 Act was amended by the Marriages (Prohibited Degrees of Relationship) Act 1986, section 1(4), (8), Schedule 1, paragraph 5.

(c) Section 30 was amended by the Immigration and Asylum Act 1999 (c.33) section 169(1) and Schedule 14, paragraphs 3 and 13.

- (b) suspending or affixing as described in subsection (1), for 15 days beginning with the day after the day on which the notice was entered in the approved form —
  - (i) the notice of the marriage, or
  - (ii) an exact copy, signed by the superintendent registrar, of the particulars of that notice as entered in the approved form.”

(2) In subsection (3) of that section after “marriage notice book” insert “, or in an approved electronic form by virtue of section 27(4A),”.

(3) In subsection (4A) of that section after “marriage notice book” insert “, or in an approved electronic form by virtue of section 27(4A)”.

(4) In subsection (5B) of that section for “and” substitute “to”.

#### **Modification of section 33 of the 1949 Act**

7. In section 33 of the 1949 Act (period of validity of certificate) in subsection (3) after “marriage notice book” insert “, or in an approved electronic form by virtue of section 27(4A),”.

#### **Modification of section 41 of the 1949 Act**

8. In section 41 of the 1949 Act (registration of buildings) after subsection (3) insert—

“(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.”

#### **Modification of section 57 of the 1949 Act**

9.—(1) In section 57 of the 1949 Act (quarterly returns to be made to superintendent registrar), after subsection (2) insert—

“(2A) The duty imposed by subsection (1)(a) on a registrar may be discharged by making a copy in an approved electronic form of each entry in the marriage register book and delivering that copy to the superintendent registrar within the period of seven days beginning with the day on which the entry is made.

(2B) A copy delivered by virtue of subsection (2A) is a certified copy for the purposes of this section if the registrar incorporates an electronic signature into it or associates an electronic signature with it.

(2C) The duty imposed by subsection (1)(b) may be discharged by delivering the certificate in an approved electronic form.”

(2) After subsection (5) of that section insert —

“(5A) Where the certified copy is delivered in an approved electronic form by virtue of subsection (2A), the duty under subsection (5) to certify it as a true copy may be discharged by incorporating an electronic signature into it or associating an electronic signature with it.

(5B) In this section, “electronic signature” has the meaning given in section 7(2) of the Electronic Communications Act 2000.”

#### **Modification of section 58 of the 1949 Act**

10. In section 58 of the 1949 Act (quarterly returns to be made by superintendent registrar to Registrar General) after subsection (2) insert—

“(2A) Where a superintendent registrar has received a certified copy of an entry in an approved electronic form by virtue of section 57(2A) and (2B), the duty imposed by subsection (1) to send the copy to the Registrar General is to be discharged by sending the copy to the Registrar General in an approved electronic form (but in any other case, that duty may not be discharged by sending the copy in an electronic form).

(2B) The duty imposed by subsection (2) may be discharged by storing the copies in an approved electronic form.”

### **Modification of section 73 of the 1949 Act**

**11.**—(1) In section 73 of the 1949 Act (lists of licensed chapels and registered buildings) in subsection (1) after “send by post” insert “, or in an approved electronic form,”.

(2) In subsection (2) of that section at the end insert “; 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) In subsection (3) of that section at the end insert “; and the duty imposed by this subsection may be discharged by sending a copy in an approved electronic form”.

### **Modification of section 74 of the 1949 Act**

**12.** In section 74 of the 1949 Act (the title to which becomes “Regulations and approval of electronic forms etc.” and which becomes subsection (1) of that section), at the end insert—

“(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.”

### **Modification of section 75 of the 1949 Act**

**13.** In section 75 of the 1949 Act (offences relating to solemnisation of marriages) in subsection (3)(a) after “marriage notice book” insert “, or in an approved electronic form by virtue of section 27(4A)”.

### **Modification of section 78 of the 1949 Act**

**14.**—(1) In section 78(1) of the 1949 Act (interpretation) insert at the appropriate place —

““approved electronic form” has the meaning given by section 74(2);”.

### **Modification of the Births and Deaths Registration Act 1953**

**15.** In section 26 of the Births and Deaths Registration Act 1953(a) (quarterly returns to be made by registrar to superintendent registrar), in the first subsection (2) (which is to be renumbered as subsection (1B)) for “these purposes” substitute “the purposes of subsection (1A)”.

Home Office  
21st October 2009

*Meg Hillier*  
Parliamentary Under Secretary of State

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(a) 1953 c.20.

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order amends the Marriage Act 1949 to allow for electronic communications and electronic data storage in a form approved by the Registrar General for Births, Deaths and Marriages in England and Wales.

This Order also makes a small correction to the Registration of Births and Deaths Act 1953 to remove a drafting error that resulted in incorrect numbering.

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STATUTORY INSTRUMENTS

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£4.00