

## SCHEDULE 1

### Consequential Amendments to Primary Legislation

#### Marriage Act 1949

5.—(1) The Marriage Act 1949<sup>(1)</sup> is amended as follows.

(2) In section 28<sup>(2)</sup> (declaration to accompany notice of marriage), in subsection (1)(c), for “or widow” substitute “, widow or surviving civil partner”.

(3) After section 42(3)<sup>(3)</sup> (cancellation of registration of building) insert—

“(3A) In a case where—

(a) the registration of a building is cancelled under this section, and

(b) the building is also registered under section 43A,

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

(4) In section 49A<sup>(4)</sup> (which provides marriages of same sex couples may be void in the absence of the required consent), in subsection (2), after paragraph (b) insert—

“(ba) section 26A(3) and under any regulations made under section 44C that require the consent to use of a building for the solemnization of marriages of same sex couples, in a case where section 26A and section 44C apply to the marriage;”.

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(1) 1949 c. 76.

(2) Subsection (1)(c) was amended by the Family Law Reform Act 1987 (c. 42), Schedule 2, paragraph 9. There are other amendments to section 28 not relevant to this Order.

(3) Section 42 was amended by the Marriage Acts Amendment Act 1958 (c. 29), section 1(1) and by the Act, Schedule 7, paragraphs 2 and 9.

(4) Section 49A was inserted by the Act, Schedule 7, paragraphs 2 and 15.