
STATUTORY INSTRUMENTS

2021 No. 411

The Registration of Marriages Regulations 2021

PART 1

Introduction

Citation and commencement

- 1.—(1) These Regulations may be cited as the Registration of Marriages Regulations 2021.
- (2) Subject to paragraphs (3) to (10), these Regulations come into force on 4th May 2021.
- (3) The following provisions come into force on the day after the day on which these Regulations are made—
- (a) this regulation;
 - (b) regulation 2 (extent);
 - (c) regulation 3 (interpretation);
 - (d) paragraph 19 of Schedule 2 (transitional provision relating to the Marriage (Scotland) Act 1956⁽¹⁾);
 - (e) paragraph 20 of Schedule 2 (operation of sections 16 and 17 of the Interpretation Act 1978⁽²⁾).
- (4) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of the Registrar General making regulations under the 1949 Act—
- (a) regulation 5(3) and (5) (amendment of section 31 of the 1949 Act (marriage under certificate without licence)⁽³⁾);
 - (b) regulation 7 (insertion of sections 53A to 53E into the 1949 Act (registration of marriages));
 - (c) paragraph 7 of Schedule 1 (insertion of section 21A into the 1949 Act (issue of marriage document));
 - (d) paragraph 12(2) of Schedule 1 (amendment of section 27 of the 1949 Act (notice of marriage)⁽⁴⁾);

(1) 1956 c. 70.

(2) 1978 c. 30.

(3) Section 31 was amended by sections 160(4)(c), (5) and (6) and 163(1) of, and paragraph 10(4) of Schedule 4 and paragraph 14 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999 (c. 33), paragraph 10(2) and (3) of Schedule 4 to the Immigration Act 2014 (c. 22), paragraph 10 to Schedule 15 of the Immigration Act 2016 (c. 19) and S.I. 1968/1242, S.I. 2009/2821 and S.I. 2008/678.

(4) Section 27 was amended by section 161(1) of, and paragraph 8 of Schedule 14 and Schedule 16 to, the Immigration and Asylum Act 1999, paragraph 5 of Schedule 1 to the Marriage Act 1983 (c. 32), paragraph 2 of the Schedule to the Marriage Act 1994 (c. 34), paragraph 14 of Schedule 27 to the Civil Partnership Act 2004 (c. 33) and paragraph 2 of Schedule 4 to the Immigration Act 2014, paragraph 9 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

- (e) paragraph 43 of Schedule 1 (amendment of regulation making power in section 74 of the 1949 Act (regulations and approval of electronic forms etc)(**5**));
 - (f) paragraph 47(2) and (4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)(**6**));
 - (g) paragraph 53(3) of Schedule 1 (amendment of Marriage (Scotland) Act 1956).
- (5) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of the Secretary of State making regulations under the 1949 Act—
- (a) regulation 7 (insertion of sections 53A to 53E into the 1949 Act (registration of marriages));
 - (b) paragraph 12(3) of Schedule 1 (amendment of section 27 of the 1949 Act (notice of marriage));
 - (c) paragraph 42 of Schedule 1 (amendment of regulation making power in section 71A of the 1949 Act (fees)(**7**));
 - (d) paragraph 47(4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)).
- (6) The following provisions come into force on the day after the day on which these Regulations are made for the purposes of an Order in Council being made under section 39 of the 1949 Act—
- (a) paragraph 27 of Schedule 1 (amendment of section 39 of the 1949 Act (issue of certificates on board Her Majesty’s ships)(**8**));
 - (b) paragraph 47(4) of Schedule 1 (amendment of section 78 of the 1949 Act (interpretation)).
- (7) The following provisions come into force on 19th April 2021—
- (a) paragraph 7 of Schedule 1 (insertion of section 21A into the 1949 Act (issue of marriage document)) for all remaining purposes;
 - (b) paragraph 3 of Schedule 2 (issue of marriage document before 4th May 2021 for marriage on or after that date);
 - (c) paragraph 8 of Schedule 2 (issue of marriage schedule before 4th May 2021 for marriage on or after that date).
- (8) The following provisions come into force on 19th April 2021 for the purposes of paragraph 8 of Schedule 2 (issue of marriage schedule before 4th May 2021 for marriage on or after that date)—
- (a) regulation 5(3), (5) and (9) (amendment of section 31 of the 1949 Act (marriage under certificate without licence));
 - (b) paragraph 21(2) of Schedule 1 (amendment of section 31ZA(2) of the 1949 Act (notice of marriage: false information or evidence)(**9**));
 - (c) paragraph 22 of Schedule 1 (amendment of section 31A of the 1949 Act (appeal on refusal under section 31(2)(a) or 31ZA of that Act)(**10**));

-
- (5) Section 74 was amended by Schedule 2 to the Registration Services Act 1953 (c. 37), paragraph 15 of Schedule 4 to the Immigration Act 2014 (c. 22), paragraph 19 of Schedule 15 to the Immigration Act 2016, S.I. 2008/678 and S.I. 2009/2821.
 - (6) Section 78 was amended by paragraph 20(2)(b) of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 (c. 30). There are further amendments to section 78 which are not relevant.
 - (7) Section 71A(1)(f) was inserted by paragraph 1 of Schedule 15 to the Immigration Act 2016.
 - (8) Section 39 was amended by paragraph 10 of Schedule 1 to the Marriage Act 1983, paragraph 6 of Schedule 1 to the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16) and paragraphs 3 and 21 of Schedule 14 and paragraph 1 of Schedule 16 to the Immigration and Asylum Act 1999.
 - (9) Section 31ZA was inserted by paragraph 11(2) of Schedule 4 to the Immigration Act 2014.
 - (10) Section 31A was inserted by section 163(2) of the Immigration and Asylum Act 1999. Section 31A(1) was amended by paragraph 11(3)(b) of Schedule 4 to the Immigration Act 2014. Sections 31A(2A) and (3A) were inserted by paragraph 11(3)(c) and (d) of Schedule 4 to the Immigration Act 2014 respectively. Section 31A(4) was amended by paragraph 11(3)(e) of Schedule 4 to the Immigration Act 2014.

- (d) paragraph 44(5) of Schedule 1 (amendment of section 75 of the 1949 Act (offences relating to issuing marriage schedules)(**11**)).
- (9) The following provisions come into force on 1st July 2021—
 - (a) regulation 4 (amendment of section 28B of the 1949 Act (provision of evidence)(**12**));
 - (b) paragraph 13(4) of Schedule 1 (amendment of paragraph (a) of section 27ZA of the 1949 Act (entry of particulars in notice book: compliance with requirements)(**13**)).
- (10) The following provisions come into force on 1st August 2021—
 - (a) regulation 6 (repeal of sections 53 to 62 of the 1949 Act) insofar as it omits—
 - (i) section 57 of the 1949 Act (quarterly returns to be made to the superintendent registrar)(**14**);
 - (ii) section 58 of the 1949 Act (quarterly returns to be made by superintendent registrar to Registrar General)(**15**);
 - (iii) section 62(2)(a) of the 1949 Act (delivery of certified copies on church ceasing to be used for solemnization of marriages);
 - (b) paragraph 45 of Schedule 1 (amendment of section 76 of the 1949 Act (offences relating to registration of marriages)(**16**));
 - (c) paragraph 64 of Schedule 1 (amendment of the Marriage (Authorised Persons) Regulations 1952(**17**)) insofar as it omits—
 - (i) the definition of “superintendent registrar” in regulation 2 of the Marriage (Authorised Persons) Regulations 1952;
 - (ii) regulations 7 and 9(2) of the Marriage (Authorised Persons) Regulations 1952(**18**);
 - (d) paragraphs 70(4) and (5) of Schedule 1 (amendment of the Registration of Marriages Regulations 2015(**19**) in relation to quarterly returns);
 - (e) paragraph 70(6)(a) of Schedule 1 (amendment of Schedule 1 to the Registration of Marriages Regulations 2015) insofar as it omits the rows beginning “16” and “17”;
 - (f) paragraph 70(6)(b) of Schedule 1 (amendment of Schedule 1 to the Registration of Marriages Regulations 2015) insofar as it omits prescribed forms 16 and 17.

Extent

- 2.—(1) Subject to paragraphs (2) and (3), these Regulations extend to England and Wales only.
- (2) Any amendment, repeal or revocation made by these Regulations of a provision has the same extent as the provision amended, repealed or revoked.
- (3) This regulation and the following provisions extend to England and Wales, Scotland and Northern Ireland—

(11) Section 75 was amended by paragraph 20 of Schedule 1 to the Marriage Act 1983, paragraph 7 of the Schedule to the Marriage Act 1994 (c. 34), paragraph 30 of Schedule 14 and Schedule 16 to the Immigration and Asylum Act 1999, part 11 of Schedule 10 of the Protection of Freedoms Act 2012 (c. 9), paragraph 19 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013, paragraph 16 of Schedule 4 to the Immigration Act 2014, S.I. 1997/986 and S.I. 2009/2821.

(12) Section 28B was inserted by paragraph 7 of Schedule 4 to the Immigration Act 2014.

(13) Section 27ZA was inserted by paragraph 3(1) of Schedule 4 to the Immigration Act 2014.

(14) Section 57 was amended by Schedule 2 to the Registration Service Act 1953 (c.37), paragraph 14 of Schedule 15 to the Immigration Act 2016 and S.I. 2009/2821.

(15) Section 58 was amended by paragraph 12 of Schedule 1 and Schedule 2 to the Registration Service Act 1953, S.I. 2008/678 and S.I. 2009/2821.

(16) Section 76 was amended by the sections 37, 38 and 46 of the Criminal Justice Act 1982 c.42.

(17) S.I. 1952/1869, relevant amending instruments are S.I. 1965/528, 1971/1216, 1974/573, 1986/1444, 2000/3164, 2005/3177, 2014/107, 2014/3061, 2015/177.

(18) Regulation 9(2) was amended by S.I. 2000/3164.

(19) S.I. 2015/207.

- (a) regulation 1 (citation and commencement);
- (b) regulation 3 (interpretation);
- (c) in Schedule 2 (transitional provision)—
 - (i) paragraph 1 (interpretation);
 - (ii) paragraph 2 (transitional provision relating to consent given to marriage of persons under eighteen);
 - (iii) paragraph 4 (transitional provision relating to effect of notice of marriage given before 4th May 2021);
 - (iv) paragraph 5 (transitional provision relating to effect of caveats);
 - (v) paragraph 6 (transitional provision relating to forbidding);
 - (vi) paragraph 9 (transitional provision relating to appeals on refusal to issue a certificate for marriage);
 - (vii) paragraphs 16 to 18 (transitional provision relating to the Marriage of British Subjects (Facilities) Act 1915⁽²⁰⁾ and the Marriage of British Subjects (Facilities) Amendment Act 1916⁽²¹⁾);
 - (viii) paragraph 19 (transitional provision relating to the Marriage (Scotland) Act 1956);
 - (ix) paragraph 20 (operation of sections 16 and 17 of the Interpretation Act 1978).

Interpretation

3. In these Regulations “the 1949 Act” means the Marriage Act 1949⁽²²⁾.

⁽²⁰⁾ 1915 c. 40. The Marriage of British Subjects (Facilities) Act 1915 was repealed in Scotland by Schedule 3 to the Marriage (Scotland) Act 1977 (c. 15), save that by section 27(3) nothing in that Act affected the validity of any marriage solemnised or contracted before 1st January 1978.

⁽²¹⁾ 1916 c. 21. The Marriage of British Subjects (Facilities) Amendment Act 1916 was repealed in Scotland by Schedule 3 of the Marriage (Scotland) Act 1977, save that by section 27(3) nothing in that Act affect the validity of any marriage solemnised or contracted before 1st January 1978.

⁽²²⁾ 1949 c. 76.