

2023 No. 88 (C. 6)

MARRIAGE, ENGLAND AND WALES

CIVIL PARTNERSHIP, ENGLAND AND WALES

**The Marriage and Civil Partnership (Minimum Age) Act 2022
(Commencement and Transitional Provisions) Regulations 2023**

Made - - - -

26th January 2023

The Secretary of State, in exercise of the powers conferred by section 7(1) and (3) of the Marriage and Civil Partnership (Minimum Age) Act 2022(a), makes the following Regulations:

PART 1

Citation and Commencement

Citation

1. These Regulations may be cited as the Marriage and Civil Partnership (Minimum Age) Act 2022 (Commencement and Transitional Provisions) Regulations 2023.

Commencement

2. The Marriage and Civil Partnership (Minimum Age) Act 2022 comes into force on 27th February 2023.

PART 2

Transitional Provisions

Interpretation

3. In this Part—

“the 1949 Act” means the Marriage Act 1949(b);

“the 1970 Act” means the Marriage (Registrar General’s Licence) Act 1970(c);

“the 2004 Act” means the Civil Partnership Act 2004(d);

(a) 2022 c. 28.
(b) 1949 c. 76.
(c) 1970 c. 34.
(d) 2004 c. 33.

“the 2014 Order” means the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014(a);

“the Armed Forces Order 2005” means the Civil Partnership (Armed Forces) Order 2005(b);

“marriage schedule” has the meaning assigned to it by section 31(2) of the 1949 Act;

“the Registration Abroad Order 2005” means the Civil Partnership (Registration Abroad and Certificates) Order 2005(c); and

“relevant date” means 27th February 2023.

Marriage Schedules

4. Where—

- (a) a marriage schedule has been issued before the relevant date;
- (b) the marriage has not been solemnized before the relevant date; and
- (c) either or both parties to the proposed marriage are under the age of 18 years on the relevant date and will remain under the age of 18 for the entirety of the applicable period as determined by section 33(3)(d) of the 1949 Act,

the notices of marriage and the marriage schedule are void and no person may solemnize the marriage on the authority of that marriage schedule.

5. Where—

- (a) a marriage schedule has been issued before the relevant date;
- (b) the marriage has not been solemnized before the relevant date; and
- (c) either or both parties to the proposed marriage are under the age of 18 immediately before the relevant date but both will be aged 18 or over during the applicable period as determined by section 33(3) of the 1949 Act,

the notices of marriage and the marriage schedule are valid but no person may solemnize the marriage on the authority of that marriage schedule until both parties to the proposed marriage have reached the age of 18 years.

Marriage: Registrar General’s licence

6. Where—

- (a) a Registrar General’s licence has been issued under section 7 of the 1970 Act before the relevant date;
- (b) the marriage has not been solemnized before the relevant date; and
- (c) either or both parties to the proposed marriage are under the age of 18 years on the relevant date and will remain under the age of 18 for the entirety of the period of validity of the licence as determined by section 8(e) of the 1970 Act,

the notices of marriage and the licence are void and no person may solemnize the marriage on the authority of that licence.

7. Where—

- (a) a Registrar General’s licence has been issued under section 7 of the 1970 Act before the relevant date;
- (b) the marriage has not been solemnized before the relevant date; and

(a) S.I. 2014/3265; relevant amending instrument is S.I. 2019/1514.
(b) S.I. 2005/3188, to which there are amendments not relevant to these Regulations.
(c) S.I. 2005/2761; relevant amending instruments are S.I. 2012/3063 and 2014/1107.
(d) Section 33(3) was amended by S.I. 2021/411.
(e) Section 8 was amended by S.I. 2021/411.

- (c) either or both parties to the proposed marriage are under the age of 18 years immediately before the relevant date but both will be aged 18 or over during the period of validity of the licence as determined by section 8 of the 1970 Act,

the notices of marriage and the licence are valid but no person may solemnize the marriage on the authority of that licence until both parties to the proposed marriage have reached the age of 18 years.

Marriage: Consular Marriage

8. Where—

- (a) notice of intended marriage has been given under article 4 of the 2014 Order before the relevant date;
- (b) the relevant part of the United Kingdom for the purposes of the marriage is England and Wales;
- (c) the marriage has not been solemnized before the relevant date; and
- (d) either or both parties to the proposed marriage are under the age of 18 years on the relevant date and will remain under the age of 18 for the entirety of the valid notice period determined by article 7 of the 2014 Order,

the notices of marriage are void and no registration officer may solemnize the marriage.

9. Where—

- (a) notice of intended marriage has been given under article 4 of the 2014 Order before the relevant date;
- (b) the relevant part of the United Kingdom for the purposes of the marriage is England and Wales;
- (c) the marriage has not been solemnized before the relevant date; and
- (d) either or both parties to the proposed marriage are under the age of 18 years immediately before the relevant date but both will be aged 18 or over during the period of validity of the notice determined by article 7 of the 2014 Order,

the notices of marriage are valid but no registration officer may solemnize the marriage until both parties to the proposed marriage have reached the age of 18.

Civil Partnership Schedule: England and Wales

10. Where—

- (a) a civil partnership schedule has been issued under section 14(a) of the 2004 Act before the relevant date;
- (b) the proposed civil partners have not registered as civil partners by signing the civil partnership schedule before the relevant date; and
- (c) either or both proposed civil partners are under the age of 18 years on the relevant date and will remain under the age of 18 for the entirety of the applicable period as determined by section 17(4) of the 2004 Act,

the notices of the proposed civil partnership and the civil partnership schedule are void and no civil partnership registrar may officiate at the signing of the civil partnership schedule by them.

11. Where—

(a) Section 14 was amended by paragraph 26(1) of Part 2 of Schedule 4 to the Immigration Act 2014 (c. 22).

- (a) a civil partnership schedule has been issued under section 14 of the 2004 before the relevant date;
- (b) the proposed civil partners have not registered as civil partners by signing the civil partnership schedule before the relevant date; and
- (c) either or both proposed civil partners are under the age of 18 years immediately before the relevant date but both will be aged 18 or over during the applicable period as determined by section 17(4) of the 2004 Act,

the notices of the proposed civil partnership are valid but no civil partnership registrar may officiate at the signing of the civil partnership schedule by them until both proposed civil partners have reached the age of 18 years.

Civil Partnership: Registrar General's licence

12. Where—

- (a) a Registrar General's licence has been issued under section 25 of the 2004 Act before the relevant date;
- (b) the proposed civil partners do not register as civil partners by signing the licence before the relevant date; and
- (c) either or both proposed civil partners are under the age of 18 years on the relevant date and will remain under the age of 18 for the entirety of the period during which registration may take place under section 27 of the 2004 Act,

the notice of proposed civil partnership and the licence are void and no civil partnership registrar may officiate at the signing of the licence by them.

13. Where—

- (a) a Registrar General's licence has been issued under section 25 of 2004 Act before the relevant date;
- (b) the proposed civil partners do not register as civil partners by signing the licence before the relevant date; and
- (c) either or both proposed civil partners are under the age of 18 years immediately before the relevant date but both will be aged 18 or over during the period during which registration may take place under section 27 of the 2004 Act,

the notice of proposed civil partnership and the licence are valid but no civil partnership registrar may officiate at the signing of the licence by them until both proposed civil partners have reached the age of 18 years.

Civil Partnership: Registration Abroad

14. Where—

- (a) two people have given notice to register as civil partners of each other under article 5 of the Registration Abroad Order 2005 before the relevant date;
- (b) the relevant part of the United Kingdom for the civil partnership registration is England and Wales;
- (c) the proposed civil partners have not registered as civil partners by signing the civil partnership document before the relevant date; and
- (d) either or both proposed civil partners are under the age of 18 years on the relevant date and will remain under the age of 18 for the entirety of the valid notice period determined by article 9 of the Registration Abroad Order 2005,

the notices of the proposed civil partnership are void and no registration officer may officiate at the signing of the civil partnership document by them.

15. Where—

- (a) two people have given notice to register as civil partners of each other under article 5 of the Registration Abroad Order 2005 before the relevant date;
- (b) the relevant part of the United Kingdom for the civil partnership registration is England and Wales;
- (c) the proposed civil partners have not registered as civil partners by signing the civil partnership document before the relevant date; and
- (d) either or both proposed civil partners are under the age of 18 years immediately before the relevant date but both will be aged 18 or over during the period of validity of the notice determined by article 9 of the Registration Abroad Order 2005,

the notices of the proposed civil partnership are valid but no registration officer may officiate at the signing of the civil partnership document by them until both proposed civil partners have reached the age of 18 years.

Civil Partnership: Armed Forces

16. Where—

- (a) two people have given notice to register as civil partners of each other under article 6 of the Armed Forces Order 2005 before the relevant date;
- (b) the relevant part of the United Kingdom for the civil partnership registration is England and Wales;
- (c) the proposed civil partners have not registered as civil partners by signing the civil partnership register before the relevant date; and
- (d) either or both proposed civil partners are under the age of 18 years on the relevant date and will remain under the age of 18 for the entirety of the applicable period as determined by article 11(4) of the Armed Forces Order 2005,

the notices of the proposed civil partnership are void and no registering officer may officiate at the signing of the civil partnership register by them.

17. Where—

- (a) two people have given notice to register as civil partners of each other under article 6 of the Armed Forces Order 2005 before the relevant date;
- (b) the relevant part of the United Kingdom for the civil partnership registration is England and Wales;
- (c) the proposed civil partners have not registered as civil partners by signing the civil partnership register before the relevant date; and
- (d) either or both proposed civil partners are under the age of 18 years immediately before the relevant date but both will be aged 18 or over during the applicable period as determined by article 11(4) of the Armed Forces Order 2005,

the notices of the proposed civil partnership are valid but no registering officer may officiate at the signing of the civil partnership register by them until both proposed civil partners have reached the age of 18 years.

26th January 2023

Bellamy
Parliamentary Under Secretary of State
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force on the 27th February 2023 the Marriage and Civil Partnership (Minimum Age) Act 2022 (c. 28).

Part 2 of these Regulations makes transitional provision to void marriage and civil partnership schedules, which have been issued before these Regulations come into force, where either party will remain under the age of the 18 throughout the validity period of these schedules. Provision is also made to clarify that where marriage and civil partnership schedules have been issued before these Regulations come into force, and both parties will be aged 18 during the period of validity of the schedules, the schedules may not be used until both parties have turned 18. Equivalent provision is made for marriages solemnized, and civil partnerships registered, on the authority of a Registrar General's licence. Replicating provision is made for notices to register as civil partners under the Civil Partnership (Armed Forces) Order 2005 (S.I. 2005/3188), the Civil Partnership (Registration Abroad and Certificates) Order 2005 (S.I. 2005/2761) and the Consular Marriages and Marriages under Foreign Law (No. 2) Order 2014 (S.I. 2016/3265).

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

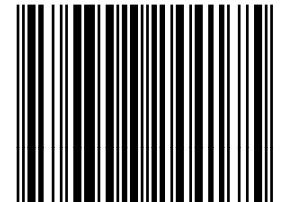
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£6.90

<http://www.legislation.gov.uk/id/uksi/2023/88>

ISBN 978-0-34-824417-5



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