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STATUTORY INSTRUMENTS

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**2007 No. 438**

**MARRIAGE, ENGLAND AND WALES**

**The Marriage Act 1949 (Remedial) Order 2007**

*Made* - - - - - *15th February 2007*

*Coming into force* - - - - - *1st March 2007*

It appears to the Lord Chancellor, following a finding of the European Court of Human Rights<sup>(1)</sup> after the coming into force of section 10 of the Human Rights Act 1998<sup>(2)</sup> in proceedings against the United Kingdom, that certain provisions of the Marriage Act 1949<sup>(3)</sup> are incompatible with an obligation of the United Kingdom arising from the Convention<sup>(4)</sup>.

The Lord Chancellor considers that there are compelling reasons for proceeding by way of a remedial Order to make such amendments to the Marriage Act 1949 as he considers necessary to remove the incompatibility.

In accordance with paragraph 2(a) of Schedule 2 to the Human Rights Act 1998, a draft of this instrument was laid before Parliament and was approved by a resolution of each House of Parliament, a document containing a draft of this instrument having previously been laid before Parliament in accordance with paragraph 3(1) of Schedule 2 to that Act.

Accordingly the Lord Chancellor makes the following Order in exercise of the powers conferred by section 10(2) of, and paragraph 1(1)(a) of Schedule 2 to, the Human Rights Act 1998:

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(1) In the case of *B and L v UK* (Application No. 36536/02), judgment of 13th September 2005.  
(2) [1998 c.42](#).  
(3) [1949 c.76](#).  
(4) See section 21(1) of the Human Rights Act 1998 for the meaning of “the Convention”.